

DEVELOPMENT COMMITTEE

Wednesday, 25 November 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, Councillor Shah
Alam, Councillor Julia Dockerill, Councillor Peter Golds and Councillor Andrew Wood

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 23 November 2015**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 24
November 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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Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

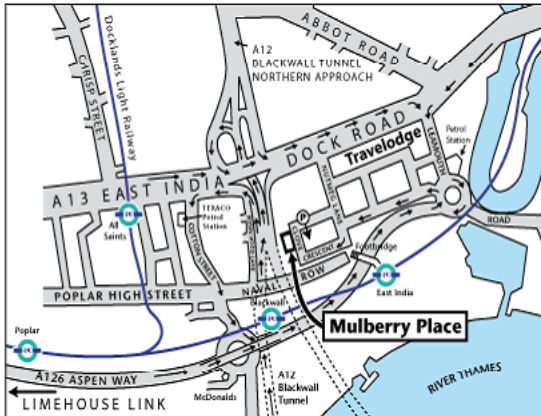
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Mobile telephones

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Access information for the Town Hall, Mulberry Place.



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Meeting access/special requirements.

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Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

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QR code for smart phone users

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 - 10)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 28th October 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 11 - 12)

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

PAGE NUMBER	WARD(S) AFFECTED
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5. DEFERRED ITEMS

None.

6.	PLANNING APPLICATIONS FOR DECISION	13 - 14	
6 .1	Vic Johnson House Centre, 74 Armagh Road, London, E3 2HT (PA/15/01601)	15 - 52	Bow East
	Proposal:		
	Part demolition, part refurbishment, part new build (extension) to total 60 age restricted apartments (over 55s) sheltered housing scheme, including new communal areas (lounge, function room, hair salon and managers office), and associated landscape gardens. The proposed use remains as existing. The scheme is on part 2, part 3 and part 4 storeys.		
	Recommendation:		
	That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement, conditions and informatives.		
6 .2	Site south west of the junction of Glenworth Avenue and Saunders Ness Road, E14 3EB (PA/15/00360)	53 - 86	Island Gardens
	Proposal:		
	Construction of a 1,705 GIA sq. m. 3-storey primary school to accommodate 280 pupils and approximately 30 staff.		
	Recommendation:		
	That the Committee resolve to GRANT planning permission subject to conditions and informatives.		

6 .3 Wickham House, 69-89 Mile End Road and 10 Cleveland Way, London, E1 (PA/14/03547)

87 - 140

Bethnal Green

Proposal:

Refurbishment of former Wickham's department store comprising: retention of facade of former Spiegelhalter's shop at 81 Mile End Road to provide new entrance, change of use of second floor to office (Use Class B1), change of use of ground and basement floors to a flexible retail/leisure use (Use Class A1/A2/A3/A4/B1/D1/D2) and erection of roof extensions at third and fourth storey levels to provide 1,481sqm (GIA) of additional office space (Use Class B1); as well as reconfiguration of internal layout, restoration of external features and other associated works.

Recommendation:

That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement, conditions and informatives.

6 .4 Balfron Tower, 7 St Leonards Road, London, E14 0QR (PA/15/02554 & PA/15/02555)

141 - 166

Lansbury

Proposal:

Full Planning Permission and Listed Building Consent for:

External and internal physical alterations and refurbishment works to Balfron Tower, including:

- New fenestration
- Alterations to flat layouts
- Re-instatement of cornice at the top of the building
- Replacement of boiler house flues
- Alterations to car parking
- Cycle parking and refuse storage arrangements
- Lighting
- Hard and soft landscaping and associated works.

Recommendation:

That the Committee resolve to grant planning permission and listed building consent subject to conditions and informatives.

6 .5 Attlee House, Sunley House, Profumo House and College East, 10 Gunthorpe Street, London (PA/15/02156)

167 - 224

**Spitalfields
&
Banglatown**

Proposal:

Demolition of Attlee House, Sunley House and College East (Excluding part facade retention of College East) and construction of ground, basement plus part 3, part 4 and part 5 storey buildings providing 63 Class C3 residential units and 264 sq m (GIA) Class B1 office floorspace. Demolition of Profumo House and construction of a new building comprising basement, ground and 4 storey building comprising 990 sq m (GIA) Class B1 office floorspace 418 sq m (GIA) Tonybee advice services. Provision of car and cycle parking, amenity and play space, with associated plant and works.

Recommendation:

That the Committee resolve to GRANT listed building consent subject to the completion of a legal agreement, conditions and informatives.

7. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Wednesday, 16 December 2015 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Melanie Clay Director of Law Probitiy and Governance and 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 7.05 P.M. ON WEDNESDAY, 28 OCTOBER 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
Councillor Chris Chapman

Other Councillors Present:

None.

Apologies:

Councillor Suluk Ahmed

Officers Present:

Tim Ross	– (Deputy Team Leader - Pre-application Team, Development and Renewal)
Christopher Hunt	– (Senior Planning Lawyer, Directorate Law, Probity and Governance)
Beth Eite	– (Deputy Team Leader, Development and Renewal)
Brett McAllister	– (Planning Officer, Development and Renewal)
Jane Jin	– (Deputy Team Leader, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillors Rajib Ahmed and Shiria Khatun declared a personal interest in agenda item 6.3 Lansbury Lawrence Junior Mixed School, Cordelia Street, London, E14 6DZ (PA/15/02216) as the application site was in their ward.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 3th September 2015 be agreed as a correct record and signed by the Chair.

In respect of the items 6.1 and 6.2 (47 and 55 Brierly Gardens, London E2 0TF (PA/15/01337), the Chair reported that a complaint had been made by objectors regarding the appropriateness of himself and Councillor Sabina Akhtar participating and voting on these item since they were Directors of Tower Hamlets Homes, and Tower Hamlets Homes were the applicants for both applications. The Chair stated that he had sought advice from the relevant Council Officers prior to the meeting and was informed that his interest in the application was not a Disclosable Personal Interest. Therefore he may chair the item and participate and vote on this item.

He advised that the Council's advice on this matter will be communicated to Members.

3. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections and meeting guidance.

5. DEFERRED ITEMS

None.

6. PLANNING APPLICATIONS FOR DECISION

6.1 42-44 Aberfeldy Street, E14 0NU (PA/15/01444 and PA/15/01445)

Application withdrawn by officers from the agenda due to discrepancies in the application.

6.2 The Royal London Hospital, Whitechapel Road, London, E1 1BB (PA/15/000108)

Tim Ross (Deputy Team Leader, Development and Renewal) introduced the item for the removal and re-siting of Royal London Hospital war memorial plaque commemorating staff and students of the hospital.

Beth Eite (Deputy Team Leader, Development and Renewal) gave a presentation on the application explaining the purpose and appearance of the war memorial plaque located within the old hospital front building.

It was proposed that the statue be moved to one of the main entrances at the rear of the new hospital building where it could be seen by staff and public as originally intended.

Whilst there would be some minor harm to the setting of the grade 11 listed building, it was considered that this would be outweighed by the public benefits associated with siting the statue in a public area. The Council's Conservation Officer agreed with this.

Listed building consent was required for the changes. However, due to recent changes in the planning regulations, the Council could now determine applications for listed building consent where no objections have been received and the application was to approve. This was the case in this instance.

Subject to conditions, Officers were recommending that listed building consent should be approved.

In response to Members, Officers clarified the conditions to ensure the safe and careful transportation of the statue and the merits of moving the statue to this more prominent position from a disused area. They also clarified the distance between the ambulance bay and the proposed site for the statue and that it was required by condition that the war memorial be retained in a public location in the new building in perpetuity.

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

1. That listed building consent at London Hospital, Whitechapel Road, London, E1 1BB be **GRANTED** for the removal and re-siting of Royal London Hospital war memorial plaque from within the former ground floor foyer of the old Royal London Hospital Front Block Building to the wall of the Stepney Way public atrium in the new hospital building (PA/15/000108) subject to:

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

6.3 Lansbury Lawrence Junior Mixed School, Cordelia Street, London, E14 6DZ (PA/15/02216)

Tim Ross (Deputy Team Leader, Development and Renewal) introduced the item for listed building consent for minor alterations to the Lansbury Lawrence Junior Mixed School.

Brett McAllister, (Planning Officer, Development and Renewal) gave a presentation on the application describing the nature of the school, the site location, the layout of the building including the access arrangements.

He advised of the need for the new fire escape required by building regulations to enable the school hall to operate at full capacity (increasing it from 80 to 400).

He described the appearance of the new glass windows. He also explained that the new stairwell had been carefully designed to correspond well with the building and that there would be limited views of the proposal at street level. The Council's Conservation Officer agreed that the plans would preserve the character of the building.

Listed building consent was required for the changes. However, due to recent changes in regulations, the Council could now determine applications for such consent where no objections have been received and the application was to approve. This was the case in this instance.

In view of the merits of the scheme, Officers were recommending that it be granted permission.

In response to questions, Officers clarified that the plans would enable the hall to operate at full capacity by providing the number of means of escape required under building regulation for such an increase. The size of the hall would remain as existing. They also clarified the proposed new fire escape route.

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

That Listed Building Consent be **GRANTED** at Lansbury Lawrence Junior Mixed School, Cordelia Street, London, E14 6DZ (PA/15/02216) for

1. Installation of external fire escape stair to south elevation of hall.
2. Replacement of windows on west elevation of hall.
3. Demolition of existing timber storage shed.
4. Minor resurfacing works around new stair.

Subject to conditions and any other conditions(s) considered necessary by the Corporate Director Development & Renewal

7. OTHER PLANNING MATTERS

None.

The meeting ended at 7.30 p.m.

Chair, Councillor Marc Francis
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • 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>	 Scan this code to view the Committee webpages.
<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). 	 Council’s Constitution

Agenda Item 6

Committee: Development	Date: 25 th November 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	Date: 25 th November 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Kirsty Flevill	Ref No: PA/15/01601
	Ward: Bow East

1. APPLICATION DETAILS

Location: Vic Johnson House Centre, 74 Armagh Road, London, E3 2HT

Existing Use: Sheltered housing accommodation

Proposal: Part demolition, part refurbishment, part new build (extension) to total 60 age restricted apartments (over 55s) sheltered housing scheme, including new communal areas (lounge, function room, hair salon and managers office), and associated landscape gardens. The proposed use remains as existing. The scheme is on part 2, part 3 and part 4 storeys.

Drawings and documents: List of Plans:

- APL 001 Site location plan
- APL 002 Rev B Topographical survey
- APL 003 Existing ground floor plan
- APL 004 Existing first floor plan
- APL 005 Existing second floor plan
- APL 006 Existing roof plan
- APL 007 Existing elevations
- APL 008 Existing elevations
- APL 009 Rev D Proposed site plan
- APL 010 Rev D Proposed landscape strategy plan
- APL 011 Rev G Proposed ground floor plan
- APL 012 Rev H Proposed first floor plan
- APL 013 Rev H Proposed second floor plan
- APL 014 Rev D Proposed third floor plan
- APL 015 Rev C Proposed roof plan
- APL 016 Rev F Proposed elevations
- APL 017 Rev H Proposed elevations
- APL 018 Rev H Proposed Site sections
- APL 019 Rev F Proposed site elevations
- APL 020 Rev F CGI from Armagh Road
- APL 021 Rev F CGI from Armagh Road to Roman Road V2
- APL 023 Wheelchair flat type 01
- APL 024 Wheelchair flat type 02

Documents:

- Tree Survey Report dated July 2014 prepared by CBA Trees
- Transport Statement and Travel Plan dated May 2015 prepared by PFA Consulting
- Preliminary Ecology Assessment prepared by Middlemarch Environmental dated August 2014
- Daytime Bat Survey prepared by Middlemarch Environmental dated September 2014
- Nocturnal Emergence Surveys prepared by Middlemarch Environmental dated August 2015
- Energy Statement and CfSH dated August 2014 prepared by BES Consulting Engineers
- Archaeology Report dated May 2015 prepared by CgMs
- Consultation document
- Drainage Strategy Report dated May 2015 prepared by Infrastruct CS Ltd.
- Daylight and Sunlight report dated May 2015 prepared by BLDA Consultancy
- Daylight and Sunlight Addendum Report dated 25/09/2015 prepared by BLDA Consultancy

Applicant: Gateway Housing Association

Ownership: Gateway Housing Association

Conservation Area: n/a

2. EXECUTIVE SUMMARY

- 2.1 This report considers the particular circumstances of this application against the development plan policies in the London Plan 2015, Tower Hamlets Core Strategy 2010, the Council's Managing Development Document 2013, the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 2.2 The application is for full planning permission for the part demolition, part refurbishment, part new build extension to total 60 x 1 bed units for the over 55s (sheltered housing). This consists of refurbishment of 32 existing units and creation of 28 new units. The proposal includes new communal areas (lounge, function room, hair salon and managers office) and the scheme is on part 2, part 3 and part 4 storeys.
- 2.3 The proposal involves the redevelopment of the existing sheltered housing site at Vic Johnson House to provide additional much needed accommodation for the over 55's. This is considered acceptable in policy terms, given there has been a clear demonstration of need and the re-provision of the community facilities on site.
- 2.4 In addition, the density of the proposal is acceptable and will not result in overdevelopment, with no undue detrimental impacts upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, privacy or increased sense of enclosure.

- 2.5 The development would be focussed around spacious landscaped gardens predominantly located to the south of the site. All residents will have access to this space which will include gardens, pathways and sitting out areas in addition to a range of biodiversity enhancements.
- 2.6 All units are larger than the London Plan standards and are designed to be wheelchair accessible. There are four designated wheelchair units. This approach takes account of residents needs as required.
- 2.7 The quality of accommodation provided, with internal and external amenity spaces standards met, would provide an acceptable living environment for the future occupiers.
- 2.8 The proposed rent levels for the new units will be affordable rents and there will be no change to the rent paid by existing residents at Vic Johnson.
- 2.9 In terms of design, this report also explains that the amended design of the proposal is considered acceptable in terms of height, scale, bulk, design and appearance, and would deliver good quality sheltered accommodation in a sustainable location.
- 2.10 Transport matters including parking, access and servicing arrangements are acceptable with a new more visible entrance proposed from Armagh Road.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:

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

Financial Obligations:

- (a) A contribution of £10,572 towards providing employment & training skills for local residents.
- (b) A monitoring fee in line with the emerging Planning Obligations SPD £3,000 contribution towards monitoring and implementation (based on a charge of £500 per principle clause).

Total: £13,572

Non-Financial Obligations:

- (a) Secure rent levels at Council's affordable rents for new residents
- (b) Secure no changes in rent level for existing residents
- (c) Employment and Training Strategy including access to employment (20% Local Procurement and 20% Local Labour in Construction).
- (d) Minimum of 4 apprenticeships are expected to be delivered during the construction phase
- (e) On-street parking permit free.
- (f) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.

- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority.

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

B The following conditions and informatives:

3.4 Compliance conditions

- 1 Time limit 3 years.
- 2 Compliance with plans.
- 3 Proposal to be used as sheltered accommodation only (in land use terms)
- 4 All new units shall be wheelchair adaptable and 4 x no. new units shall be designated wheelchair units
- 5 Compliance with Energy and Sustainability Strategy Report.
- 6 Communal amenity space accessible to all future residents of the development.
- 7 30 Cycle parking spaces/storage to be provided and maintained
- 8 Refuse and recycling facilities to be implemented in accordance with approved plans.
- 9 Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
- 10 Impact piling limited to 10.00 am to 4.00 pm.
- 11 Communal amenity space accessible to all future residents of the development

3.5 Prior to commencement

- 12 Demolition/Construction Environmental Management & Construction Logistics Plan.
- 13 Precautionary bat surveys should building works not commence by April 2017
- 14 Archaeological Report

3.6 Prior to above ground works commencement

- 15 Surface water drainage details and maintenance of SUDS/attenuation features maintained for the lifetime of the development
- 16 Details and samples of all facing materials including windows, balustrades and screening.
- 17 Section 278 agreement with LBTH highways.
- 18 Landscaping to include boundary treatment, brown and green roofs, ecological enhancement/mitigation measures and external lighting.
- 19 Secured by Design accreditation.
- 20 Access strategy including security arrangements into motorised scooter store, refuse storage and entrances to building
- 21 Tree/landscaping management plan detailing management of site trees and shrubs/hedges to ensure that the sight lines can be maintained near entrances

3.7 Prior to Occupation

- 22 Delivery, Servicing Plan and Waste Management Plan including refuse storage and collection.
- 23 Code for Sustainable Homes Level 4 post completion testing
- 24 Lifetime Homes

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

3.9 Informatives

1. Associated section 106 agreement
2. Compliance with Building Regulations

3.10 That, if within 3 months of the date of this committee the legal agreement referred to in paragraph 3.1 has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4 SITE AND SURROUNDINGS

- 4.1 The application site is 0.302 hectares in size and is located within the Bow East ward. The application site lies to the east of Armagh Road directly to the north of Roman Road and to the south of Old Ford Road. To the north the site is bounded by a private road. To the east the site is bounded by an enclosed play area and residential properties to the south (and behind the enclosed play area).
- 4.2 The site is currently occupied by a part 1/part 3 storey building which is arranged in a 'T' shape and is oriented in an east –west direction. The site is known locally as Vic Johnson House. Vic Johnson House was built in 1981 and currently provides sheltered accommodation for the over 55's.
- 4.3 Currently, there are 32 flats on the site of which 31 are 1 bed flats and 1 is a 3 bed unit. Fronting Armagh Road there are six bungalow flats arranged in a terrace format which are single storey in height with mono-pitched roofs. Perpendicular to this sits the main building block which is three storeys in height. At the far eastern extent of the main building lies a warden's lodge which is separated from the existing building and provides a 3 bed general needs unit.
- 4.4 The main building block is three storeys high and features oblique windows on its northern and southern elevation. In its existing situation, many of the flats are single aspect and not all flats benefit from private amenity space.
- 4.5 The main entrance to the building is located on the northern side of Vic Johnson House and is accessed by the private road. Communal gardens are provided predominantly to the south but also to the east and west, wrapping around the existing building. There are also six trees within the red line boundary of the site (as identified in the Tree Survey Report) with a further tree located to the north west of the site (on Armagh Road) in close proximity to the private road and three trees located within the parking area to the north.
- 4.6 Existing car parking for Vic Johnson House is provided outside the red line boundary to the north of the site. There are six car parking spaces which are designated for visitors. Designated disabled parking is also provided along Armagh Road. It is understood that drop offs currently occur from the car parking area located outside the red line plan.
- 4.7 The buildings on site are a mix of red brick construction with wood effect white panelling. In addition, the boundary treatment includes 1.8 metre high blue coloured railings.
- 4.8 The character of the immediate area is residential and the residential properties are set away from the existing building. Directly to the south of the site lies Roman Road which in this particular location forms part of the Roman Road East District centre. The character of Roman Road is a mix of commercial premises at ground floor with

generally residential above. This also forms part of the Roman Road Market Conservation Area.

- 4.9 The site has a poor public transport accessibility level with a PTAL rating of 2. Bus stops are located on Old Ford Road, Parnell Road and Tredegar Road which are approximately a 5 minute walk from the site. Bus routes Nos. 8, N8, 276, 339 and 449 serve the area travelling towards Central London, Stratford, Leytonstone, Newham, Hackney and Stoke Newington. The bus routes offer the opportunity to interchange to underground/rail stations including Bethnal Green, Bow Church, Hackney Wick, Mile End and Stratford stations.
- 4.10 There are no statutory or locally listed buildings within the site; however, the site lies within an archaeological priority area.

5. PLANNING HISTORY

- 5.1 The planning history of relevance to the site is detailed below:
- 5.2 PA/09/01627 - Replacement of front entrance door and alteration to front elevation boundary fencing. Approved 23/12/2009.
- 5.3 Whilst not part of this application site, the adjoining site along the southern and part way along the eastern boundary has recently been built out and the impact of the proposal at the Vic Johnson site on the recently built out site is a consideration. Planning permission was granted on 24/10/2012 (with planning reference PA/12/02231) for *'the demolition of existing 3-storey temporary office building and erection of 8 new dwellings - 3 x 3 bedroom (5 person) 2-storey houses, 3 x 4 bedroom (6 person) 2-storey houses & 2 x 5 bedroom (7 person) 3 storey houses with access from Usher Road and Armagh Road. Associated refuse and cycle store and no. 1 wheelchair parking space'*.
- 5.4 The adjoining site is a slim site which has two properties fronting Armagh Road (which are directly accessed from Armagh Road) and the remaining six properties to the east are accessed from the end of Usher Road. In terms of the properties accessed from Usher Road, two properties which are a pair of semi-detached houses are located to the west and the remaining four to the east of Usher Road which are a set of terraced properties.

6 PROPOSAL

- 6.1 An application is made for full planning permission for the part demolition, part refurbishment, part new build (extension) to total 60 age restricted apartments (over 55s) sheltered housing scheme.
- 6.2 The proposal comprises 32 existing apartments and a further 28 new apartments are proposed. Of the 32 retained apartments, four of these will be remodelled.
- 6.3 The new units include private amenity space for the benefit of the occupier, open plan living/kitchen/dining room and separate space for laundry. All units demonstrate space for motorised scooter storage and have large bathrooms which can be adapted for resident's needs.
- 6.4 The application seeks to retain as much of the existing accommodation as possible and this includes retaining the central body of the existing building which is on a horizontal axis.

- 6.5 The proposal includes an extension to the existing central body of the building by three storeys in height further towards the east. This will incorporate the existing warden's house and extend up to the boundary with the enclosed play area. The front elevation facing Armagh Road will be increased to four storeys in height at its highest point and will reduce in scale to the south to two storeys. The proposed redevelopment of the site will retain the existing horizontal 'T' shaped element and will retain the enclosed amenity space located toward the eastern most extent of the site.
- 6.6 The proposal also includes a new entrance fronting Armagh Road at the south west corner of the application site; however, the vehicular drop off trips will be maintained to the north of the site from the private road. In addition, the 6 car parking bays to the north of the site (which are outside the application boundary) are retained. The proposal includes dedicated motorised scooter stores and cycle shelters toward the south of the site with direct access to Armagh Road.
- 6.7 The proposal also includes new communal areas for the residents including improved lounge areas, function room, hair salon and manager's office and landscaped gardens that encompass the site predominantly to the south. The landscaped gardens include vegetable gardens, water features, lawn areas and sitting out areas.
- 6.8 The proposed rent levels for the new units will be affordable rents as agreed by the Council. There will be no change to the rent paid by existing residents at Vic Johnson.
- 6.9 As the main part of the Vic Johnson House building is being retained, many residents will remain living in their apartments during the construction process which will enable some residents to stay within their current home. At the time of writing the committee report, only three residents remaining still need to be relocated. Most residents (except one resident) have moved or agreeable to moving. The construction period will last for 18 months.
- 6.10 The proposal meets the standards set out in Lifetime Homes. There will be 4 designated wheelchair apartments located at ground and first floor which can be accessed by several lifts. The designated wheelchair apartments are nos. 4, 12, 20 and 29. In addition, all of the new apartments are wheelchair accessible and can therefore be adapted to individual resident's needs as required.
- 6.11 There are also six trees within the red line boundary of the site (as identified in the Tree Survey Report) with a further tree located to the north west of the site (on Armagh Road) in close proximity to the private road and three trees located within the parking area to the north.

7. LEGAL AND POLICY FRAMEWORK

- 7.1 The Council in determining the planning application has the following main statutory duties to perform:
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);

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

National Planning Policy

- 7.3 National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

7.4 **The London Plan 2015 (LP)**

- 2.9 Inner London
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.14 Existing Housing
- 3.16 Protection and enhancement of social infrastructure
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.4 Retrofitting
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 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
- 7.18 Protecting Local Open Space
- 7.19 Biodiversity and access to nature
- 7.21 Trees
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

7.5 **Tower Hamlets Core Strategy 2010 (CS)**

- SP02 Urban Living for Everyone
- SP03 Creating Healthy and Liveable Neighbourhoods
- SP05 Dealing with waste

SP08 Making connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places
SP11 Working towards a Zero Carbon Borough
SP12 Delivering place making
SP13 Planning Obligations

7.6 Tower Hamlets Managing Development Document 2013 (MDD)

DM0 Delivering sustainable development
DM3 Delivering Homes
DM4 Housing standards and amenity space
DM5 Specialist housing
DM8 Community Infrastructure
DM11 Living Buildings and biodiversity
DM13 Sustainable Drainage
DM14 Managing Waste
DM20 Supporting a Sustainable transport network
DM21 Sustainable transportation of freight
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM29 Achieving a zero-carbon borough and addressing climate change

7.7 Supplementary Planning Documents

Revised draft *Planning Obligations Supplementary Planning Document* Version for public consultation April 2015
The Mayor's Housing SPG 2012

7.8 Tower Hamlets Community Plan objectives

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

8. CONSULTATION

8.1 The following organisations and council departments have been consulted. Responses are summarised below. Full representations are available to view in the case file. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report 'Material planning considerations' but where appropriate comment is made in response to specific issues raised by the consultation process.

External

Historic England

8.2 No comments to make on the application.

Historic England Archaeology

- 8.3 No comments received

Environment Agency

- 8.4 No comments received.

SUDS

- 8.5 The Flood risk assessment and Drainage strategy is accepted.
- 8.6 A detailed surface water drainage scheme will need to be submitted to the LPA prior to works commencing and this should be conditioned to ensure the scheme incorporates SUDS to reduce surface water discharge to 50% of existing rates in accordance relevant policy and guidance complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and DEFRA SuDs technical standards and also Policies SP04 and DM13 of the Borough adopted Local Plan.
- 8.7 In addition, no development shall commence until a strategy which demonstrates how any SuDS and/or attenuation features will be suitable maintained for the lifetime of the development has been approved by the Local Planning Authority.

(Officer comment: noted. The conditions will be recommended)

Internal

Planning policy officer

- 8.8 The proposal would, in principle, be in conformity with Core Strategy Spatial Policy SP02.7c which seeks to facilitate appropriate supported housing in the borough and Policy DM5 of the Managing Development Document which protects specialist and supported housing including sheltered accommodation.
- 8.9 In line with part 2 of DM5 the redevelopment would re-provide the existing accommodation. In addition, there would be a net gain of 28 new units.
- 8.10 To conform with policy requirements (DM5.3), the applicant should provide evidence of need. General information has been provided on the borough's demographics and numbers of units in such schemes in the borough, further information could be provided to show how the proposal will meet demand.
- 8.11 In terms of the demolition and replacement of community facilities, this aspect of the proposal complies with Policy DM8.2, which requires re-provision of existing facilities as part of any redevelopment.
- 8.12 The site is located in an archaeological priority area. Policy DM27.4 requires the proposal to include an Archaeological Evaluation Report and will require any nationally important remains to be preserved permanently in site, subject to consultation with English Heritage.
- 8.13 In conclusion subject to adequate demonstration of need for additional sheltered accommodation and confirmation of conformity with design guidance, the proposal can be considered to be policy-compliant.

(Officer comment: In order to address the comments raised by the policy officer, the applicant has carried out a data extract from LBTH housing system and this demonstrates that there are currently 137 applicants aged 55 + registered for sheltered housing. There is a further 102 applicants aged 55+ who require housing without support. There is a clear need for additional sheltered housing in the borough and this proposal would seek to address some of the demand. In terms of the design matters, this is discussed further in the 'design officer's comment and in the 'design and appearance' section of the report)

Design officer

- 8.14 The proposal could be acceptable; however, there is concern about the proposed palette of materials – there are too many different types and colours being used and this will result in a fussy and cluttered appearance.
- 8.15 The design officer has requested that changes are made to the proposal to gain his support. This includes limiting the brick to a maximum of 2 brick types; blue brick for base and buff brick for upper floors, omit wood effect panelling and use one colour for metal detailing, balustrades and other items of details. Despite the above, the use of textured brick is supported.

(Officer comment: revised drawings have been provided which include the changes requested by the design officer. The design officer has removed their objection to the proposal)

Housing officer

- 8.16 This scheme is part of Gateway Housing's strategy of updating and remodelling their stock of specialist housing for the elderly, which is supported by the council in our Older People's Housing Statement.
- 8.17 The overall 60 unit scheme will provide much improved facilities for all residents. The communal facilities are much better arranged, with a new entrance which brings people into the building past the office and into a communal lounge area with a variety of uses. The addition of a mobility scooter store by the entrance is good and also the new units have space within them for a mobility scooter to be parked, or for a powered wheelchair to be charged. A new lift core is being added, which will improve the surety of access to the upper floor units for wheelchair using residents. Access for vehicles remains to the north of the block where the current main entrance is and the applicant says that they have some parking available outside the scheme red line, which will be very useful for ambulance / car pick-ups.
- 8.18 The 28 new build units are all 1 beds, as is appropriate for this type of sheltered housing scheme. They all appear to be at least the 50 sqm minimum required by the London Plan, but the application does not seem to include a schedule of accommodation to enable all sizes to be checked and the units on the drawings have some room sizes marked, but not all. It would be useful to get the applicant to confirm all unit sizes.

(Officer comment: the applicant has confirmed that the proposed 'new' apartments are 52sqm for a standard 1 bed unit and a wheelchair accessible unit is 65sqm. The proposed 'new' apartments are therefore above the London Plan standards)

- 8.19 Many, if not all, of the units are single aspect, although the slanted projections to the face of the building do give them a partial aspect in a slightly different direction. The new units are constrained by their relationship to the existing building.
- 8.20 The new units all have a separate laundry/utility room, presumably in response to resident consultation, and this will make the open plan living/dining/kitchen room much more useable. Bathrooms all seem to be big enough to be used for installation of a level access shower when required to be adapted for residents with decreased mobility. It appears that all new units have a balcony or patio space and the whole scheme has a pleasant looking improved garden area with seating and a vegetable growing area.
- 8.21 The D&A states that there are 4 units provided as wheelchair accessible, but does not identify them. Presumably, that they are units 4 and 12 on the ground and 20 and 29 on the first floor.

(Officer comment: the applicant has confirmed that there are two types of wheelchair flats and the wheelchair flats are units 12 and 29 (using 1 type of layout) and units 4 and 20 (using type 2 layout). The applicant has submitted drawings of the wheelchair accessible flats which demonstrate that the units are more than 20% larger than the adjoining flats and the housing officer is satisfied that the wheelchair accessible units will meet the required standards)

- 8.22 These units are drawn with baths in the bathroom, but we would advise that they should be provided with level access showers unless the Council's Occupational Therapy team identifies suitable wheelchair clients that prefer and are able to use a bath.

(Officer comment: as noted above, the applicant has submitted detailed drawings. The bathroom layouts show how the proposal can incorporate a level access shower with a 1200 x 1200 shower area and there is a suitable space for either indoor wheelchair transfer and charging, or even charging for a mobility scooter (the block also has a central mobility scooter storage room).

- 8.23 There is nothing in the submission stating the level of rents being proposed for the new units and I would like confirmation of that.

(Officer comment: the applicant has confirmed that the proposed rent levels for the new units will be affordable rents as agreed by the Council. There will be no change to the rent paid by existing residents at Vic Johnson who will benefit from the increase in communal space and facilities at no extra cost)

- 8.24 This scheme has experienced some difficulty in its early development, with a number of residents complaining about the need for the development. It appears that a new round of consultation has improved the residents' view of the scheme. The new build is bound to be disruptive and unwelcome for existing residents, but all in all, it appears that the new development will provide improved facilities and an increased number of units which will be suitable for future use.

(Officer comment: This is noted, and also the disruption would only for a short term and in long term, the proposal would provide an enhanced facility)

Biodiversity Officer

- 8.25 The Daytime Bat Survey report found that the main Vic Johnson House building and

no.74a both have high potential for bat roosts, and recommends emergence/re-entry surveys (at least 3 surveys due to the high potential). There is no evidence that these further surveys have been undertaken. Because the potential is high, these surveys should be undertaken and reported to the Council before the application is determined. It is not appropriate to leave this to a condition. If no bat roosts are found, the main existing features of some value to biodiversity are a hedge on the eastern, southern and western boundaries of the site, and a few mature trees.

(Officer comment: further discussions have been held between the biodiversity officer and the applicant's consultant and two further bat surveys have been undertaken. On both occasions it was confirmed that no bats were observed emerging from the building, and there was no bat activity on the site. The biodiversity officer has subsequently confirmed that on the basis of no bat activity on the site, a third survey is not required and is satisfied that there are no bats on the site currently.

In addition to the above, the biodiversity officer has also requested a condition regarding a precautionary bat survey if demolition or works to the building doesn't start by April 2017. The specific date has been suggested, rather than 12 months from the date of the survey, as the survey had been done near the end of this year's bat activity season, so we can regard it as valid until the end of next year's bat activity season. Appropriate conditions are recommended).

8.26 There is some discrepancy within the documentation in terms of identifying the hedge. This as a blackthorn hedge (a native species) and the tree survey, which identifies it as pyracantha (a non-native species). Its value for biodiversity would be much greater if it is composed of blackthorn than if it is composed of pyracantha. Pyracantha would be by far the more likely. It is noted that a new mixed native hedge will be introduced (108 metres) which will significantly contribute to the Local Biodiversity Action Plan (LBAP) and will compensate for its loss.

(Officer comment: as also noted later in this section, the specific details of the new hedge will be controlled by conditions)

8.27 The "type B" shrub and herbaceous planting, along with the proposed resident herb garden, will be an excellent source of nectar for bees and other pollinating insects, which will contribute to another LBAP target.

(Officer comment: noted, full details of the landscaping will be recommended as a condition)

8.28 It is proposed to incorporate 5 swift boxes and 5 bat boxes into the walls of the building, on the east and south-east facades. This will contribute to objectives in the Local Biodiversity Action Plan (LBAP). The swift boxes are best placed on the east façade, while most of the bat boxes would be best on the south-east façade.

(Officer comment: noted, full details of the swift and bat boxes will be recommended as a condition including their location)

8.29 No green roofs are proposed. Most of the building is clearly unsuitable for green roofs, but the proposed flat roof on the Armagh Road frontage, where photovoltaics are proposed, would probably be suitable. The inclusion of a green roof here would enhance the performance of the photovoltaics through reducing ambient temperature, as well as enhancing biodiversity. The applicant should be asked to consider the feasibility of a biodiverse green roof, designed following the best practice guidance published by Buglife, on this part of the building.

(Officer comment: the applicant has agreed to a green roof on this part of the building (email

dated 21.08.2015. Again, it is recommended that the full details of the green roof are controlled by condition)

8.30 Overall, the proposals will lead to significant biodiversity enhancements.

8.31 Recommends a planning condition requiring full details of biodiversity enhancements to be submitted for written approval prior to commencement of works. This includes full details of 108 metres of new mixed native hedge, landscaping including diversity of nectar rich plants, biodiverse roof on the flat roof element and details including location of bat boxes and nest boxes.

(Officer comment: Appropriate conditions are recommended as set out above).

Arboricultural Tree Officer - Parks and Open Spaces

8.32 No objections to works proceeding.

Energy Efficiency Unit

8.33 MDD Policy DM29 sets a target of a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014, the Council has applied a 45% carbon reduction target beyond Building Regulations Part L 2013 as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L of the Building Regulations 2010.

8.34 The proposals follow the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures, CHP installation and a PV array (45 kWp).

8.35 Based on the current proposals, the proposal will meet the required reduction as per DM29 of the MDD.

(Officer comment: It is recommended that compliance with the details contained within the energy statement would be controlled by condition).

Transportation & Highways

8.36 Car Parking. Highways require a section 106 'car and permit' free agreement for this development, because Armagh Road has night time parking occupancy of 88%. This exceeds the 80% level, which we consider to be 'stressed'

8.37 Cycle Parking. The proposed cycle parking is acceptable exceeding London Plan requirements and is welcomed.

8.38 Travel Plan. The submitted Travel Plan is satisfactory.

8.39 Pick up and drop offs: The applicant has stated that car pick-up and drop-offs will take place through rear entrance. This is acceptable from Highways side. However, as stated in pre-application advice, Highways will resist use of Armagh Road for any pick-up and drop-offs.

8.40 Highways recommend the following conditions are applied to any permission:

- A Construction Management Plan to be approved prior to commencement of development

- Scheme of highways improvement works (s278 agreement) prior to commencement of development

(Officer comment: Appropriate conditions are recommended).

Waste Officer

8.41 No objections

Crime Prevention Officer

8.42 Tree canopies: Please ensure that tree species do not impede vision at the main entrance. This entrance needs to have clear lines of sight to and from it. The tree canopy should not grow lower than 2M from the ground.

(officer comment: tree canopy and tree cutting can be controlled by way of condition)

8.43 Planting in the residents gardens needs to be carefully considered. No shrub species should grow above 1M in height. This is to ensure clear lines of sight.

(officer comment: shrub species height can be controlled by way of condition)

8.44 I would suggest replacing the 400mm trellis on top, of the perimeter close boarded fence with 600mm. This will ensure greater security/privacy and not impact on light levels greatly.

8.45 The motorised scooter store on the GF should only have ONE door, an internal or external door.

(officer comment: the motorised scooter store has two points of access to ensure ease of access for residents in entering the building, particularly those residents with mobility issues. A condition can control the access arrangements into and out of the store including information as to how residents would have access including security arrangements)

8.46 I would like to see a second security door within the foyer which prevents illegitimate access to the lifts and stairs/rest of the building. This will prevent any unauthorised 'tailgating' into the development. This is especially important in this type of development when the care manager is not on duty (often in the evening). This is the time these establishments are often targeted.

(officer comment: a second set of doors is included within the plans and in order to address the Crime Prevention officer's concerns regarding security, how this will operate will be secured by condition).

8.47 Bin stores should not have an internal access door leading into the building as this creates a vulnerable area which could be targeted.

(officer comment: the refuse stores have two points of access to ensure ease of access for residents in entering the building, particularly those residents with mobility issues. A condition can control the access arrangements into and out of the store including information as to how residents would have access including security arrangements)

8.48 The proposal shows O.V on the Ground floor. If this is referring to A.O.V can this be placed above ground floor as this is a vulnerable space.

(officer comment: this is a openable window. This element of the proposal adds variance to the overall design of the proposal rather than providing a blank façade to the adjacent games area and on balance is considered acceptable from a massing and architectural detail point of view)

8.49 Louvre windows? These are not normally a good idea.

(officer comment: no louvre windows are proposed. Only a louvre door to the refuse store is proposed)

8.50 Brick patterns at the lower heights of the building (below 3M) should not contribute to easy climbing. (Hit & Miss etc)

8.51 Please ensure that where the perimeter railings of two different heights met there is no vulnerability caused by this due to climbing from one height to the other.

8.52 A condition should be placed upon this proposed development to achieve Secured By Design accreditation part 2.

(Officer comment: A condition is recommended to require the development to achieve Secured by Design accreditation).

Enterprise & Employment

8.53 Construction phase: The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services. To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.

(Officer comment: the applicant has agreed to the above and this will be secured through the 'heads of terms' in a s106 agreement)

8.54 The Council will seek to secure a financial contribution of £10,572 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

(Officer comment: the applicant has agreed to the above and this will be secured through the 'heads of terms' in a s106 agreement)

8.55 Apprenticeships: according to the CITB guidance (on build costs) a minimum of 4 apprenticeships are expected to be delivered during the construction phase. We expect a minimum of NVQ Level 2 apprenticeships in construction trades or other related administrative functions required during the construction phase – this is a realistic target for a 104 weeks/24 months build. Other higher training requirements identified during the construction phase could count towards this target and should be discussed/negotiated directly with the Employment/Enterprise team once the pre-commencement meeting has taken place.

(Officer comment: the applicant has agreed to the above and this will be secured through the 'heads of terms' in a s106 agreement)

8.56 Proposed employment/enterprise contributions at end-use phase: N/A residential scheme.

Corporate Access Officer

8.57 No specific comments received.

(Officer comment: comments on the wheelchair units has been provided by the housing officer and there is further discussion on the access matters in the 'material planning considerations' section of the report).

9. LOCAL REPRESENTATION

9.1 The application has been publicised by way of site notices outside the application site and advertisement in East End Life. 217 neighbouring properties were individually notified and invited to comment by way of neighbour's letters. The Driffield Road Residents Association was also consulted.

No of individual responses:	3	Objecting:	3	Supporting:	0
No of petitions received:	1		(132 signatures objecting)		

9.2 It should be noted that the petition attracted a total of 163 signatures; however, not all of the signatures can be considered as they contain partial names, no address or the objector does not reside in the borough.

9.3 Grounds of objection by neighbours may be summarised as:

- Overdevelopment of site which is out of keeping with longstanding and new houses within the local vicinity

(Officer comment: overdevelopment is discussed within the 'land use' section of the report)

- Plans involve the loss of communal lounge and garden as well as six bungalows which are well designed for use by older residents

(officer comment: the proposal re-provides communal facilities including communal gardens. The proposal re-provides the lost units on site)

- Concern about noise and dust during construction with many of the residents expected to remain in their flats whilst the proposal is being built out. Especially people with health problems including respiratory diseases.

*(Officer comment: the applicant has confirmed that the construction will be undertaken by a carefully chosen organisation with experience in sensitively dealing with elderly and vulnerable residents during each phase of the works. Residents will be involved in the selection process to ensure a contractor is appointed with whom they feel comfortable. The construction work will be undertaken over a period of 18 months with a complete separation between resident areas and construction works. Management of work that is both dusty and noisy will be carefully considered to minimise disruption to residents
A construction Management Plan should also be secured by condition to reduce the impact on residents during the construction phase)*

- Major concern about upheaval of existing residents who are elderly /have medical conditions and least capable of dealing with this level of upheaval. Caused much stress and uncertainty for the residents with pressure put on existing tenants to leave.

(Officer comment: As the main part of the Vic Johnson House building is being retained, the applicant proposes that a number of residents will remain living in their apartments during the construction process which will enable some residents to stay within their current home. At the time of writing the committee report, only three residents remaining still need to be moved. Most resident's (except one resident) have moved or is agreeable to moving. The applicant has engaged with the resident's through an extensive consultation exercise and ensured an honest and open dialogue with residents regarding the proposals (see Consultation document). The applicant is advised to continue to engage with residents throughout the build programme (should the application receive planning consent). In terms of managing the construction phase, the applicant has confirmed that the entrance from the parking frontage will remain in use for the residents and provide a clear separation between construction areas and resident areas. The decant process has already established a buffer zone between the proposed works and the existing apartments. The buffer zone is one apartment on each flank. The construction access will be off Armagh Road into the rear garden. A secure fence will be installed to separate the resident garden area from the contractors compound. All works will be communicated to residents by a resident liaison officer to ensure that every phase of work is managed and communicated with the residents' welfare as a top priority. The resident liaison officer will also deal with any concerns that residents have during the process)

- Is the proposal necessary? The building is not dilapidated and the issues could be rectified. The building is supposed to be Gateway's 'flagship' sheltered housing scheme in this part of London so it seems unnecessary to spoil it. Vic Johnson House is one of the main attractions of the local area.

(officer comment: whether a proposal is necessary is not a material planning consideration as proposals are assessed against relevant planning policy. However, it is noted that the proposal will seek to ensure the site is suitable for the use of future generations (improved building function and quality, layout etc) in accordance with the government's sustainable development agenda).

- Habitats use the surrounding hedges and land the building occupies which is important for wildlife including a colony of endangered house sparrows

(officer comment: this was noted in the Ecological Assessment. The proposal has been assessed by the Biodiversity officer and will introduce significant biodiversity enhancements which contribute to council's LBAP target. In addition, a new hedge will be introduced and on balance the loss of the existing hedge will be outweighed by the introduction of a new hedge and significant biodiversity enhancements. This matter is more generally discussed in the Biodiversity officer's comments and the 'Biodiversity and Ecology' section of the report)

- Seeming lack of compassion from Gateway and how does this fit in with its charitable status. Lack of commitment from Gateway housing in terms of providing what is viewed as 'permanent homes' and could result in levels of mistrust in the future

(officer comment: views on Gateway is not a material planning consideration)

- The interests of all sheltered housing tenants (not just this proposal) need to be protected

(officer comment: not a specific material consideration to this planning application)

- Design could be improved including the entrance block facing Armagh Road which is incongruous to the rest of the scheme. What are the proposals to the northern elevation? Will the blue painted anti climb spikes on the northern elevation be removed which are oppressive?

(officer comment: the Council's design officer initially raised some concerns on design and revised drawings have been subsequently submitted. The applicant has reduced the number of materials so that the scheme is more unified on the whole. In addition, it is considered that the entrance element should have some prominence and a sense of arrival, so it is clear where the main entrance to the site is which is why this is designed differently to the adjoining block. On the northern elevation, no changes are proposed other than the eastward extension of the block which will use a red brick (to mirror the existing block) and introduce additional windows and balconies which will project no further northwards than the existing building line. The submitted plans demonstrate that the blue painted spikes will be replaced with a dwarf wall (measuring 400mm) with railings above (1100mm high))

- The car park to the northern side is barren and unfriendly and should mitigate some of the anti-social behaviour issues

(officer comment: the car parking area to the north of the site lies outside the red line plan of the application site and cannot be considered under this application.)

- The play area to the east could lead to issues for residents as windows are proposed on this elevation. This could lead to complaints from residents about noise.

(officer comment: the proposed windows are high level windows on this elevation and the remaining windows serve corridors i.e. non-habitable rooms. As the warden's lodge extends almost up to the edge of the perimeter the principle of use of this space has been established with the associated noise levels.)

10. MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by this application are:

- Sustainable development
- Land use
- Design and appearance
- Housing
- Quality of accommodation & impact on neighbours
- Highways & Transport
- Energy
- Flood Risk
- Biodiversity & Ecology
- Community Infrastructure Levy and Planning Obligations
- Other Local Finance Considerations
- Human Rights
- Equality Act

Sustainable development

- 10.2 Local planning authorities must have regard to the National Planning Policy Framework (NPPF) and the related guidance in the National Planning Practice Guidance (NPPG) that set out the Government's objectives for planning and development management.
- 10.3 The NPPF Ministerial foreword and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean "*ensuring that better lives for ourselves don't mean worse lives for future generations.*" Development means growth. We must house a rising population. The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *"Sustainable development is about change for the better.*
 - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
 - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
 - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations."*
- 10.4 The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
 - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 10.5 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 10.6 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. This includes widening the choice of high quality homes. (NPPF Paragraph 9).
- 10.7 Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This is reflected in the Core Strategy 2010 at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

Land Use

- 10.8 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the Councils Core Strategy (2010) and policy 3.1 of the London Plan (2015), which gives Boroughs targets for increasing the supply of housing.
- 10.9 An important mechanism for achieving the strategic housing objectives outlined in the London Plan is set out in Policies 3.3 and 3.4, which seek to encourage councils to maximise the development of sites to ensure targets are achieved where feasible.
- 10.10 Policy SP02 of the Core Strategy (2010) sets out the boroughs overall target for delivery of 43,275 new homes (2,885 a year) between 2010 and 2025. Policy DM3 in the Managing Development Document (2013) sets out more detailed guidance of how development can help to deliver new homes for existing and future residents of the borough.
- 10.11 Policy DM5 (2) (3) in the Managing Development Document (2013) states the redevelopment of any site which includes specialist and supported housing should re-provide the existing specialist and supported housing as part of the redevelopment unless it can be demonstrated that there is no longer an identified need for its retention in the current format. New specialist and supported housing will be supported where it meets relevant guidance for this form of accommodation and it can be demonstrated that there is a need for its use. Further to this, Core Strategy policy SP02.7c seeks to facilitate appropriate supported housing in the borough.
- 10.12 Policy DM8.2 requires development proposals to re-provide existing community facilities as part of any redevelopment should the proposal adversely impact on existing health, leisure and social and community facilities.
- 10.13 The application site carries no site-specific policy designations but is located within close proximity to Roman Road district centre.
- 10.14 The proposal involves the part redevelopment of the site to provide a total of 60 apartments for use as 'sheltered accommodation'.
- 10.15 The existing building consists of 32 x flats of which 31 are 1 bed units and 1 is a 3 bed unit. A total of 28 new apartments are proposed. Of the existing 32 apartments, 4 units will be remodelled but it remains as a one bed unit.
- 10.16 The proposal will result in a net gain of 28 new units and the site will retain and re-provide the existing housing on site. The proposal is considered to comply with DM5.2 of the Managing Development Document which requires the re-provision of specialist and supported housing as part of the redevelopment.
- 10.17 Further to the above, the applicant has demonstrated that there are currently 137 applicants registered for sheltered housing (who are 55+) as per Tower Hamlet's records. In addition, there is a further 102 applicants aged 55+ registered for sheltered housing. DM5.3 states that new specialist and supported housing will be supported where it meets relevant guidance for this form of accommodation and it can be demonstrated that there is a need for its use. The above figures clearly demonstrate that demand is higher than the current supply. The proposal by providing an additional 28 new apartments will help to address this local deficiency and is therefore considered to be comply with policy DM5.3.

- 10.18 In terms of the demolition and replacement of community facilities, this aspect of the proposal complies with Policy DM8.2, which requires re-provision of existing facilities as part of any redevelopment. The proposal will re-provide and improve upon the facilities on site currently.
- 10.19 Neighbours have raised concerns regarding the potential overdevelopment of the site. The site has a PTAL rating of 2 and due to the surrounding development density and proximity to Roman Road district centre is in an 'urban' setting.
- 10.20 Table 3.2 of the London Plan sets the appropriate density ranges for sites. Sites in urban settings with a PTAL rating of 2 are considered to optimise the site if they fall between 200-450hr/ha. The case officer has calculated the application site to have a density of 397 hr/ha and whilst toward the higher end of this range, the proposal will not result in overdevelopment of the site. In addition, the proposal does not display other possible manifestations of overdevelopment such as loss of light to neighbours, poor standard of accommodation, poor layout etc.
- 10.21 No objection in principle is raised in land use terms to the redevelopment of the application site for sheltered accommodation. Subject to conditions, officers consider that the proposed one bedroom flats would be acceptable and it would increase the overall supply of housing accommodation within the borough in particular sheltered housing, which accords with Policy 3.8 of the London Plan 2011, Policy SP02 of the Core Strategy (2010), Policy DM3 and DM5 of the Managing Development Document (2013). These policies seek to encourage appropriate amount of specialist and supported housing to cater for vulnerable and elderly individuals.

Design and appearance

- 8.49 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.
- 8.50 Chapter 7 of the London Plan places an emphasis on robust design in new development.
- Policy 7.1 seeks creation of distinct, liveable neighbourhoods and requires new buildings to interface with surrounding land, improve access to social and community infrastructure, local shops and public transport. The character, legibility, permeability and accessibility of neighbourhoods should be reinforced.
 - Policy 7.2 seeks creation of an inclusive environment catering to the needs of all sections of the population, while policy 7.3 requires development to reduce the opportunities for criminal behaviour and to contribute to a sense of safety and security.

- Policy 7.4 requires development to respect local character - this should be achieved by a high quality design response informed by the surrounding historic environment and which has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Development should be human in scale, ensuring that buildings have a positive relationship with street level activity.
- Policy 7.5 the public realm should be secure, accessible, inclusive, and legible. Opportunities for greening should be maximised.
- Policy 7.6 specifies that in terms of assessing the architecture of a development as a whole the development should make a positive contribution to a coherent public realm, streetscape and wider townscape. It should incorporate the highest quality materials and design appropriate to the site's context.

- 8.51 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.
- 8.52 Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The place making policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Site layout

- 8.53 The partial redevelopment of Vic Johnson House would retain a 'T' shaped building footprint. The existing building would also be extended to the east, taking in the current location of the warden's house and extending up to the enclosed play area to the east. The existing residential units will be retained in situ (expect 4 units which are remodelled).
- 8.54 The main entrance would be relocated to Armagh Road, allowing the site to have a better relationship with the communal amenity areas and create more of an active street frontage. The new location at the front of the building will ensure the entrance is visually prominent. The vehicular drop offs will be as per the existing access arrangements with vehicles using the private road area to the north of the site and a secondary pedestrian access point into the rear of the site for residents using the parking bays to the north.
- 8.55 To further enhance the active frontage with Armagh Road, balconies will be located along this elevation with private front gardens for the individual units extending up the site boundary.
- 8.56 The building design seeks to balance the existing accommodation and the new accommodation whilst maximising the efficient use of the available space on the site.
- 8.57 At ground floor level, the communal facilities including a large residents' lounge and outdoor patio area will be located to the south of the site looking over the landscaped gardens. The staff office will be located adjacent to the front entrance and large foyer area as well as a motorised scooter store. Set centrally within the site will be a snug, hair salon, guest bedroom with ensuite and plant/cleaning cupboard. Three stair

cores and two lifts (one new lift and one existing lift which will be refurbished) are distributed across the site and will lead to the upper floor levels. Above ground floor level, no communal facilities will be provided other than laundry rooms/refuse chutes. The proposed redevelopment will improve the usability of the garden and the communal lounge.

- 8.58 Refuse storage is proposed within the site and this is from a similar location as in the existing situation i.e. from the private road to the north. A further smaller refuse store is proposed to the west of the site facing east into the private road area. A chute system will operate from the upper floor levels. The arrangements would ensure easy access from individual flats and ease of collection/removal off the site.
- 8.59 Currently on site, there is no cycle parking. The submitted Transport Statement demonstrates that 30 cycle parking spaces will be provided on site which is above the requirements set out in the London Plan for the new 28 units. These spaces will be used by staff and visitors to the site. There is a discrepancy within the planning submission with the landscape plan (APL010 Rev D) and the plan contained within Appendix D of the Transport Statement. Appendix D demonstrates a different layout, clearly accommodating 30 cycle spaces with 6 spaces (3 cycle stands) adjacent to the motorised scooter store and 24 cycle spaces (12 cycle stands) adjacent to the drying area. As there is clearly space within the site and this has raised no objection from the highways officer, and details can be conditioned.

Height, scale and massing

- 8.60 The building heights in the local area range from one to six storeys. The tallest is two blocks directly to the west and north-west of the site on the opposite side of Armagh Road (Nos. 81-127 and Nos. 129-223).
- 8.61 The redeveloped parts of the building would be subject to an increase in scale and massing. In particular, the Armagh Road frontage would be increased from single storey terrace with a series of mono-pitched roofs to a four-storey flat roofed block. The building fronting Armagh Road increases in width, with the buildings perpendicular being set behind an area of car parking. As such it is considered that the streetscene could accommodate the proposed additional scale and bulk.
- 8.62 Whilst this part of the scheme would be visible in views into and out of the Roman Road Conservation Area, it would be seen in the context of other somewhat taller and bulkier buildings and, subject to appropriate architectural treatment and materials (discussed in the next section), it is not considered to have an unacceptable impact on the setting of the conservation area to the south.
- 8.63 The eastern end of the building would also be redeveloped, with the existing warden's house being demolished and replaced with a three storey extension to the main building. This would extend the main building right up to the boundary with the adjacent play area. High level windows have been proposed to add variation to this elevation rather than presenting the enclosed play area with a blank façade.
- 8.64 It is considered that the overall height and massing of the proposed development have been sensitively designed and would relate well to the established prevailing building heights in the surrounding area with the tallest points fronting Armagh Road (in the centre of the proposal) and reducing in height toward the lower scale residential properties adjoining this. The proposed new entrance on Armagh Road (and balcony/garden spaces fronting Armagh Road) will have street prominence and

will provide an active frontage to stimulate street activity and overlooking, in line with policy SP12, Delivering Place making.

- 8.65 In summary, the design of the proposed development would be appropriate in terms of layout, height and scale and would relate well to the surrounding streets, the existing buildings, their layout and townscape. It is considered that the proposal would be sensitive to and would enhance the local character and setting of the development, in accordance with policy DM24 of the MDD 2013.

Safety and security

- 8.66 The applicant has engaged with the Metropolitan Police while developing this scheme. The proposal on the whole has been developed in accordance with the principles of Secured by Design (SBD). The scheme would deliver significant benefits in terms of safety and security by providing active frontages to Armagh Road and to the north of the site which the site does not benefit from currently.
- 8.67 However, the Metropolitan Police have outlined their main concerns with this scheme, in terms of height of trees and doors from storage spaces providing access into the application site. Both of these matters can be controlled and further information secured by way of condition.
- 8.68 Overall officers are confident that this scheme would properly take into account secured by design requirements, improve safety and security in the location of the site and elsewhere and would not introduce undue risk of crime to future occupiers and users of the community facilities as a result of detailed design. With the benefit of further details that will follow with the submission and compliance with a Secured by Design accreditation condition, it is considered the scheme can ensure the safety and security of in line with the requirements of Policy DM 23 of the MDD.

Architectural appearance

- 8.69 Revised drawings have been provided due to initial objections from the design officer. The revised proposals include significantly less materials with brick forming the pre-dominant material for the proposal in order to match up with the retained main body of the building.
- 8.70 In terms of the new element fronting Armagh Road this will be constructed of a buff brick with feature elements (projecting and recessed bricks) to give texture. The projecting balconies will use reconstituted stone for the balustrading and the downpipes, gutters, balcony posts, windows and copings will all be powder coated in a grey colour. To give some variety to the front elevation, cladding will be used consisting of wood effect infill panels and Alucobond grey panelling. In terms of the extension element to the east, this will use a red brick (Hadley Brinde) to match the existing brick.

Landscaping

- 8.71 The landscaping proposals have been well thought out and fully integrated within the scheme, and would be of high quality. The main communal areas will be to the south within a garden area to be used by the residents. There will be a large proportion of grass lawns with pathways leading to vegetable gardens, summer houses, water features and herb gardens. There are plenty of sitting out areas which allow residents interaction with the garden area.

- 8.72 There are also designated areas for cycle parking, motorised scooter parking and drying areas within the proposed landscaping scheme. The proposal will introduce several trees and this is discussed in the following section. The biodiversity matters are discussed in the 'biodiversity' section of the report.

Loss of trees

- 8.73 In terms of trees, the Council would seek to resist any loss on a development site. London Plan policy 7.21 on trees and woodlands seek to ensure that trees should be protected, maintained and enhanced. Existing trees of value should be retained. Policy DM24 seeks to ensure that features of positive value are protected within a development site. Paragraph 24.4 of that policy, elaborates on this policy and states that features of positive value can include those relating to the natural environment, such as biodiversity assets and the built environment. The planting and provision of new trees within a proposed landscaped plan is also highly supported.
- 8.74 There are six trees within the red line boundary of the site (as identified in the Tree Survey Report). In addition, a further tree is located to the north west of the site (on Armagh Road) in close proximity to the private road and three trees located within the parking area to the north which are not within the applicant's ownership. None of the trees are subject to a Tree Preservation Order (TPO).
- 8.75 According to the landscaping plan, two trees will be retained including one large Whitebeam in the south west corner of the site and a crab apple located at the centre of the site. These are both 'category B' trees (defined as trees of moderate quality). A smaller Whitebeam (also a 'category B' tree) is located next to the larger Whitebeam and this smaller Whitebeam will be removed as part of the proposal.
- 8.76 The remaining trees are 'Category C' trees and are therefore of low quality. There are no 'Category A' trees on the site (trees of high quality).
- 8.77 The proposal involves the introduction of 17 new trees around the site, of which 10 will be located within the communal accessible areas, predominantly to the south of the site. The biodiversity officer will be seeking a good mix of native trees and the type of trees to be planted can be controlled by way of a landscaping condition.
- 8.78 On balance, officers are satisfied that the loss of the four trees which are with the exception of one tree are Category C trees given the proposed planting of 17 trees. Overall, the tree canopy cover would be greater with the replacement trees than is currently the case on site given that there are more trees as a result of the development than in the existing situation.

Conclusion

- 8.79 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 Armagh Road by providing an active frontage 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.
- 8.80 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 London Mayor's LP (2015), Policy SP10 of the adopted CS (2010), and policies DM23 and DM24 of the MDD (2013), which seek to ensure an acceptable standard of design.

Housing

- 10.22 Increased housing supply is a fundamental policy objective at local, regional and national levels. A key component of housing supply is the provision of affordable housing. London Plan Policy 3.12 requires that the maximum reasonable amount of affordable housing be sought when negotiating on residential schemes. This should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability.
- 10.23 Policy SP02 of the Core Strategy 2010 states that new housing development should provide a mix of unit sizes where appropriate and include a substantial proportion of family dwellings. MDD Policy DM3 'Delivering Homes' promotes housing choice and requires development to provide a balance of family housing (3 beds +) in the social rented, intermediate and private sales components at 45%, 25% and 20% respectively.
- 10.24 Core Strategy Policy SP02 sets out the borough's affordable housing targets that 35-50% of homes should be affordable housing subject to viability. The Local Plan targeted tenure split within the affordable component is 70:30 (affordable rented: intermediate). This is reflected at MDD Policy DM3 which also sets out the requirement for maximising delivery of on-site affordable housing.
- 10.25 Whilst it is noted that the proposal fails to deliver any family units, or a mix of units and sizes generally, officers have taken account of this scheme delivering specialist housing which consist of one bedroom flats as sheltered accommodation for the over 55's. The proposed tenure mix is a continuation of the existing housing mix provided by the housing association and is considered appropriate in this instance. In addition, it has been confirmed by the applicant that all the new units will be affordable rents as agreed with the Council. There will also be no change to the existing rent paid by existing residents at Vic Johnson.
- 10.26 A condition is recommended to ensure that the proposed units are used as sheltered accommodation in accordance with the existing use at Vic Johnson House and the rent levels for existing and future residents.
- 10.27 Core Strategy Policy SP02 and MDD DM3 and the Mayor's Accessible London SPG require that 10% of all units are designed to be wheelchair accessible or easily adaptable for wheelchair users. Policy DM3 advises that this can be measured as 10% of habitable rooms.
- 10.28 There will be 4 designated wheelchair apartments located at ground and first floor which can be accessed by several lifts. The designated wheelchair apartments are no. 4, 12, 20 and 29. In addition, all of the new apartments are wheelchair accessible and can therefore be adapted to individual resident's needs as required. All units will meet the Lifetime Homes Standards.

Quality of accommodation & impact on neighbours

- 10.29 London Plan 2015 Policy 3.5 requires housing developments to be of the highest quality internally and externally. Local Plans should incorporate minimum spaces standards that generally conform with Table 3.3. Designs should take account of factors relating to 'arrival' at the building and the 'home as a place of retreat', with adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's 'Housing' SPG 2012.

Housing standards

- 10.30 MDD Policy DM4 'Housing Standards and Amenity Space' requires all new developments to meet the internal space standards set out in the document.
- 10.31 Due to the nature of the proposal, all the 'new' units exceed the minimum space standards set out in the London Plan, Policy DM4 of the Council's MDD and the Mayor's Housing SPG. The 'new' units all measure 52sqm.
- 10.32 The existing and remodelled units measure 42sqm in size as per the existing situation.
- 10.33 In terms of the wheelchair designated apartments, these will measure 65sqm which is significantly above the standards.

Amenity space

- 10.34 The London Plan and the MDD also require private amenity space to be provided at 5 sq. m. per 2-person dwelling and an extra 1 sq. m. per additional bedroom. Communal amenity space should be provided at a minimum of 50 sq. m. for the first 10 dwellings and 1 sq. m. for every additional unit.
- 10.35 The proposed flats would all be provided with private amenity space in the form of balconies. The wheelchair designated units will be provided with larger private balcony spaces to facilitate wheelchair manoeuvring.
- 10.36 In terms of communal amenity space, the communal amenity space to the south measures 961.7 sq. m. On the basis of 28 'new' units, 68qm of communal amenity space is required. It is noted that there are existing flats on the site who currently have access to the large communal amenity space to the rear. Given the size of the communal amenity space proposed, it is considered that both existing and new flats can be adequately accommodated.
- 10.37 Due to the nature of the proposal, there will be no requirement to provide child play space on this site.

Dual / Single aspect dwellings

- 10.38 The Mayor's 'Housing' SPG Standard 5.2.1 says developments should avoid single aspect dwellings that are north facing, exposed to noise levels above which significant adverse effects on health and quality of life occur, or contain three or more bedrooms. The SPG adds that: *'Where possible the provision of dual aspect dwellings should be maximised in a development proposal.'*
- 10.39 The majority of the new units will be single aspect (20 of 28 units). This is due to the retention of the site's existing form and connection to the retained main body of the

building. The scheme would be consistent with the general form of development at the site currently and the existing single aspect units to be retained.

10.40 The SPD states that *'North facing single aspect dwellings should be avoided wherever possible.'* *'North facing'* is defined as an orientation less than 45 degrees either side of due north. In terms of the new units 6 single aspect units would face north on to the private road area and because of this, the 6 units would be set within a fairly open area. Given, the site constraints in terms of including additional units on site without detrimental impact on neighbours and the fact that all the existing north facing units are single aspect, this is acceptable in this instance. Several units will face Armagh Road and the remaining new units would face the internal communal amenity space which would be a positive high quality view and orientation enhancing their amenity.

10.41 In terms of the daylight and sunlight provision to the new flats, the planning application is supported by a Daylight and Sunlight Assessment by BLDA Consultancy that assessed the impact of, and conditions within, the proposed development against the guidance provided by the Building Research Establishment (BRE). The BRE Guidebook is accepted by the industry as best practice. The submitted assessment was reviewed for the Council by BRE (dated 21st August 2015). The BRE report states the following:

Daylight provision to the new flats in Vic Johnson House would be adequate. 6 out of 15 new living rooms are north facing and would not meet the BS guidelines on sunlight provision. These are on the north side of the extended wing to the east. There are site constraints here if the new part of the development is to fit with the existing building, so this level of sunlight provision is probably reasonable.

The main omission in the BLDA report is that it has not considered loss of daylight and sunlight to those parts of Vic Johnson House that themselves are unchanged before and after redevelopment. As the western flank of the building is increasing in height, existing rooms with a view of this flank will lose daylight and, on the south side of the building, sunlight. Loss of light to these rooms should therefore be analysed.

10.42 The applicant has submitted an Addendum Daylight and Sunlight Assessment to address the omissions and it has been found that the existing apartments generally meet the relevant standards.

10.43 Taking the above matters into consideration, it is considered that the development would be compliant with the Mayor's SPG in terms of aspect.

Sunlight and daylight impact on neighbours

10.44 Core Strategy Policy SP10 'Creating Distinct and Durable Places' & MDD Policy DM25 'Amenity' require development to protect the amenity of adjoining development and provide satisfactory conditions for future occupants. This includes provision of adequate levels of daylight and sunlight.

10.45 The planning application is supported by a Daylight and Sunlight Assessment by BLDA Consultancy that assessed the impact of, and conditions within, the proposed development against the guidance provided by the Building Research Establishment (BRE). The BRE Guidebook is accepted by the industry as best practice. The submitted assessment was reviewed for the Council by BRE (dated 21st August 2015).

10.46 There are some errors in numbering of the properties; however, the following properties have been assessed:

- 76 Armagh Road
- 79 Armagh Road
- 81, 83, 85, 87, 89, 91, 93, 95 Armagh Road
- 35 Annie Besant Close
- 46 Armagh Road and 91-98 Armagh Road

10.47 The BRE Report states:

10.48 *Loss of daylight and sunlight to the neighbouring buildings analysed would be within the BRE guidelines. This includes 46, 76, 79, 81-95 and 129-159 Armagh Road, 35 Annie Besant Close and 93 and 98 Usher Road. Loss of light to other dwellings nearby, including 22-34 Annie Besant Close and those in Parnell Road, would also be expected to meet the BRE guidelines.*

10.49 *Loss of sunlight to existing amenity areas, including the rear gardens of nearby dwellings, the basketball court to the east, and the garden of Vic Johnson House itself, would be within the BRE guidelines.*

10.50 Overall it can be concluded that the daylight and sunlight impact of the new development on its surroundings would be small and not significant.

Privacy

10.51 MDD Policy DM25 stipulates that a distance of 18 m. between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.

10.52 As noted previously, the site is separated from the adjoining buildings by some distance which gives a rather open feel to the site.

10.53 The dwellings to the north within Annie Bessant Close will achieve a 31 metre separation distance with the extended element to the east. The rear of the properties within Parnell Road will achieve a separation distance of 28 metres with the extended block to the east. In order to protect users of the enclosed play area, only high level windows are proposed to habitable rooms on this elevation. Other windows within this elevation serve corridors and non-habitable rooms.

10.54 In terms of the properties to the new build properties to the south and east, none of these properties have any windows on their northern and southern elevations.

10.55 Finally, in terms of the properties on the western side of Armagh Road, no. 79 is the closest property and has a separation distance from the curved entrance (and kitchen/lounges above) of 22m. On the western side of no. 76 Armagh Road, this property has a separation distance of 19m.

10.56 It is considered by officers that the proposal has been sensitively designed to protect the privacy of neighbours.

Highways & Transport

- 10.57 London Plan polices 6.1, 6.3, 6.9, 6.10, 6.13, Tower Hamlets Core Strategy Policy SP09 and MDD Policies DM20 and DM22 seek to promote sustainable modes of transport by reducing car-parking and improving public transport.
- 10.58 The site scores PTAL 2 which is 'poor'. The London Plan and the Council's parking standards are expressed as maximums and do not require car parking unless it can be demonstrated that the poor accessibility of a site justifies provision. This is not the case at the application site as Armagh Road has night time parking occupancy of 88% and is therefore 'stressed' as it exceeds the 80% level. Therefore on this basis, the scheme would be 'car free'. In addition, it is noted that the site continues to have access in the proposed situation to the existing car parking outside the red line boundary to the north of the site where there are six car parking spaces which are designated for visitors. Designated disabled parking is also provided along Armagh Road. This level of provision complies with MD DPD policy DM22.
- 10.59 In terms of pick up and drop offs, these will occur as per the existing situation at the rear entrance with access from the private road to the north.
- 10.60 Cycle parking would be provided in accordance with the London Plan Table 6.3 at one space for each 1 bed dwelling. Currently on site, there is no cycle parking. The submitted Transport Statement demonstrates that 30 cycle parking spaces will be provided on site which is above the requirements set out in the London Plan for the new 28 units. These spaces will be used by staff and visitors to the site. There is a discrepancy within the planning submission with the landscape plan (APL010 Rev D) and the plan contained within Appendix D of the Transport Statement. Appendix D demonstrates a different layout, clearly accommodating 30 cycle spaces with 6 spaces (3 cycle stands) adjacent to the motorised scooter store and 24 cycle spaces (12 cycle stands) adjacent to the drying area. As there is clearly space within the site and this has raised no objection from the highways officer, this can be conditioned. The proposal complies with London Plan policy 6.3.
- 10.61 Refuse servicing is proposed within the site and this is from a similar location as in the existing situation i.e. from the private road to the north. a further smaller refuse store is proposed to the west of the site facing east into the private road area. A chute system will operate from the upper floor levels. The arrangements would ensure easy access from individual flats, ease of collection/removal off the site and have not raised an objection from the highways officer or waste officer.
- 10.62 The application proposes the introduction of a motorised scooter store which is located to the south of the site. In addition, each of the new properties includes suitable storage space for motorised scooters within the main entrance area. This is welcomed as it would provide the existing and future residents with greater flexibility and choice of travel.
- 10.63 Finally, highways officers have requested that conditions are attached to the decision notice for a Construction Management Plan and a scheme of highways improvement works (s278 agreement) prior to commencement of development. These conditions are recommended by officers.

Energy

- 10.64 The NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

- 10.65 London Plan 2015 Chapter 5 deals with London's response to climate change and Policy 5.1 seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025. Policy 5.2 sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 10.66 London Plan Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon.
- 10.67 Tower Hamlets Core Strategy Strategic objective SO3 seeks to incorporate the principle of sustainable development including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 reiterates the Mayor's CO2 reduction targets and requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 10.68 MDD Policy DM29 reiterates the London Plan targets except it increased the savings target for residential buildings to 50% above Building Regulations 2010 during years 2013-2016. This is now interpreted to mean 45% above Building Regulations 2013.
- 10.69 In April 2015, the Greater London Authority released new guidance 'Greater London Authority guidance on preparing energy assessments' which says the Mayor will adopt a flat carbon dioxide improvement target beyond Part L 2013 of 35% to both residential and non-residential development.
- 10.70 The applicants submitted energy strategy follows the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures, CHP installation and a PV array (45 kWp).
- 10.71 Based on the current proposals, the proposal will meet the required reduction as per DM29 of the MDD of 50% and no financial cash in lieu contribution for carbon offsetting is required. The submitted Energy Strategy demonstrates that a 52.8% reduction can be achieved. It is recommended that this is conditioned to ensure that the Energy Strategy achieves that which it sets out.

Flood risk

- 10.72 The NPPF says the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.15 'Flood Risk Management' and Core Strategy Policy SP04 5 within 'Creating a Green and Blue Grid.'
- 10.73 The Environment Agency Flood Map shows that the site is located in Flood Zone 1 which comprises land assessed as having less than 0.1% (1 in 1000) annual probability of flooding from fluvial or tidal sources i.e. low probability. The submitted Flood Risk Assessment finds that the site has a low probability of flooding from all other potential sources including groundwater and surface water.

- 10.74 As noted in the consultation section of the report, the SUDS officer has requested conditions in relation to surface water drainage details and maintenance of SUDS/attenuation features maintained for the lifetime of the development.
- 10.75 The NPPG confirms that areas within Flood Zone 1 have no constraints on development other than the need to ensure that the development does not increase run-off from the site to greater than that from the site in its undeveloped or presently developed state. It is not considered such circumstances apply and the development is compliant with national and development plan policy concerning flood risk.

Biodiversity & Ecology

- 10.76 Core Strategy SP04 concerns 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value.
- 10.77 MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 10.78 The application is supported by a Preliminary Ecological Assessment consisting of an ecological desk study and a walkover survey. The site is dominated by the existing building and amenity grassland lawns. In addition, there is also hardstanding, trees, shrub planting, allotment area and a species-poor hedgerow around the majority of the perimeter of the site. The Assessment finds the site supports habitats and overall the proposals would not isolate or fragment any valuable habitat with no habitat loss.
- 10.79 The application includes a range of biodiversity enhancements. For instance, soft landscaping (shrubs, herbaceous planting, trees, new mixed native hedge) in addition to lawn spaces and bird and bat boxes. The applicant has also agreed to a biodiverse green roof on the flat roof frontage of Armagh Road). It is considered that the redevelopment would not have an effect on the nature conservation value of the site or indeed the wider landscape and that the planning strategy for these spaces would enhance biodiversity consistent with the development plan. These elements should be secured by way of a condition.
- 10.80 Both Daytime bat surveys and two further emergence surveys were undertaken at the site (the main building and the warden's lodge) due to the concerns raised by the biodiversity officer and as reported in the Preliminary Ecological Assessment. Whilst the potential for bats is high, the surveys found no evidence of protected species including bats in the existing buildings and no bat roosts were found. On this basis of no bat activity during the three surveys, the proposal is acceptable. However, due to the high potential for the site to be used by bats in the future a condition regarding a precautionary bat survey if demolition or works to the building doesn't start by April 2017 is recommended.

Community Infrastructure Levy and Planning Obligations

- 10.81 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure. The Council's 'Planning

Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

10.82 NPPF paragraph 204 states that planning obligations should only be sought where they meet the following tests:

- (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

10.83 Regulation 122 of the 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.

10.84 On 25th February 2015, Full Council agreed to adopt the borough's Community Infrastructure Levy Charging Schedule. The CIL was introduced on 1st April 2015.

10.85 Given that the proposal is for affordable sheltered housing accommodation, the proposal is likely to be exempt from Borough's and the Mayoral CIL through application for CIL relief.

10.86 In relation to the planning obligations, the introduction of the Council's CIL has necessitated a review of the Council's Planning Obligation SPD 2012 that provided guidance on the use of planning obligations in Tower Hamlets. The SPD was approved for public consultation by the Mayor in Cabinet on 8th April 2015 that was carried out between the 27th April 2015 and the 1st June 2015 in line with the Council's Statement of Community Involvement.

10.87 The boroughs four main priorities remain:

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

10.88 The borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

10.89 The development would place additional demands on local infrastructure and facilities including health facilities, Idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm.

10.90 Tower Hamlets Community Infrastructure Levy Regulation 123 List sets out those types of infrastructure (including new provision, replacement or improvements to existing infrastructure, operation and maintenance)* that the Council intends will be, or may, be wholly or partly funded by CIL:-

- Public education facilities
- Community facilities and faith buildings
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Public open space

- Roads and other transport facilities
- Health facilities
- Employment and training facilities
- Strategic energy and sustainability infrastructure
- Strategic flood defences
- Electricity supplies to all Council managed markets
- Infrastructure dedicated to public safety (for example, wider CCTV coverage)
- Strategic public art provision that is not specific to any one site

*Except (inter alia): Where the need for specific infrastructure contributions is required to make the development acceptable in planning terms and in accordance with the statutory requirements and site specific carbon reduction measures/initiatives.

10.91 Affordable housing is not chargeable development for either the Mayoral or the borough's CIL. The Tower Hamlets Planning Obligations SPD 2012 & the Draft SPD 2015 apply to market housing.

10.92 The applicant has agreed to the following financial contributions to the borough:

- (a) A contribution of £10,572 towards providing employment & training skills for local residents.
- (b) A monitoring fee in line with the emerging Planning Obligations SPD £3,000 contribution towards monitoring and implementation (based on a charge of £500 per principle clause).

Total: £13,572

10.93 Non-Financial Obligations:

- (a) Secure rent levels at Council's affordable rents for new residents
- (b) Secure no changes in rent level for existing residents
- (c) Employment and Training Strategy including access to employment (20% Local Procurement and 20% Local Labour in Construction).
- (d) Minimum of 4 apprenticeships are expected to be delivered during the construction phase
- (e) On-street parking permit free.
- (f) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.

10.94 It is considered that the proposed agreement meets the CIL Regulation 122 tests being necessary to make the developments acceptable in planning terms, directly related to the scheme, fairly and reasonably related in scale and kind, compliant with the NPPF, local and regional planning policies and the terms and spirit of the emerging Tower Hamlets Planning Obligations SPD 2015.

Other Local Finance Considerations

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

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

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

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

10.96 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.

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

10.98 Members are reminded that that Affordable housing is not chargeable development for either the Mayoral or the borough’s CIL. The Tower Hamlets Planning Obligations SPD 2012 & the Draft SPD 2015 apply to market housing.

Human Rights Act 1998

10.99 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. The following are highlighted to Members.

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

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

10.101 This report itemises the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the local planning authority.

10.102 Were Members not to follow Officer’s recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.

10.103 Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

10.104 The Act takes into account any interference with private property rights to ensure that the interference is proportionate and in the public interest. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered and it is considered that any interference with Article 8 rights (by virtue of any adverse impact on the amenity of homes) is in accordance with law and necessary in a democratic society in the interests of the economic well-being of the country.

Equalities Act 2010

10.105 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.

10.106 The following issues arising from the development are relevant to equalities:

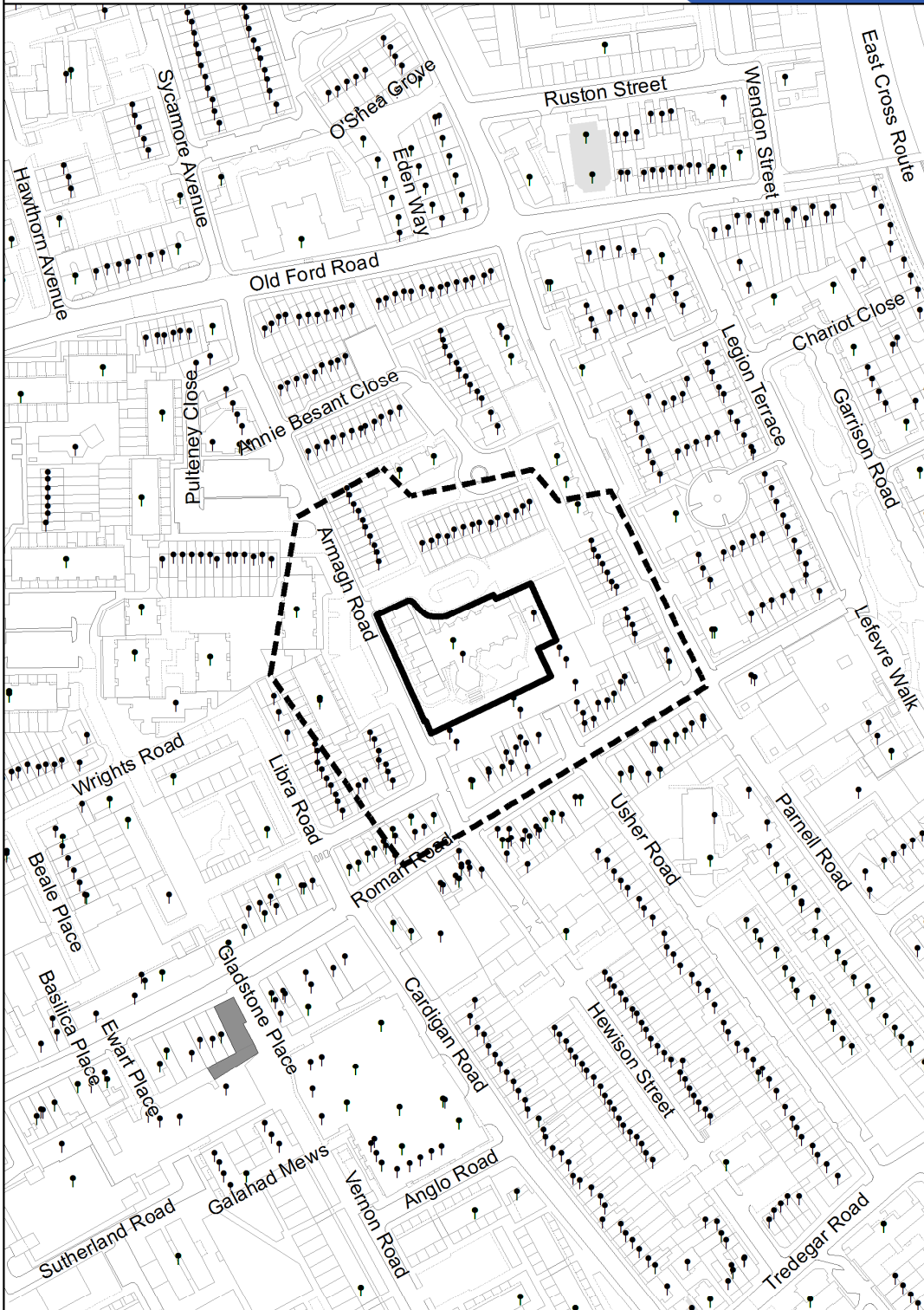
- The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities;
- The proposed affordable housing would support community wellbeing and social cohesion;
- The development allows for an inclusive and accessible environment for less-able and able residents and visitors;
- Conditions are recommended to secure wheelchair adaptable/accessible homes;

10.107 It is the view of officers that the grant of planning permission would advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it.

11. CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the 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/15/01601



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

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

Committee: Development	Date: 25 th November 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Richard Humphreys	Ref No: PA/15/00360
	Ward: Island Gardens

1. APPLICATION DETAILS

- Location:** Site south west of the junction of Glenworth Avenue and Saunders Ness Road, E14 3EB
- Existing Use:** Vacant land & part of Metropolitan Police car park
- Proposal:** Construction of a 1,705 GIA sq. m. 3-storey primary school to accommodate 280 pupils and approximately 30 staff.

**Drawing Nos /
Documents:**

Drawings:

CWC2-A-L-90-001 REV3
CWC2-A-L-91-001 REV6,
CWC2-A-L-91-X01 REV6,
CWC2-A-L-91-X02 REV6,
CWC2-A-L-20-001 REV22,
CWC2-A-L-20-101 REV17,
CWC2-A-L-20-201 REV17,
CWC2-A-L-20-301 REV14,
CWC2-A-L-00-X01 REV7,
CWC2-A-L-00-X02 REV7,
CWC2-A-L-00-X10 REV4,
CWC2-A-L-00-X20 REV1,
CWC2-A-L-00-X21 REV4,
CWC2-A-L-00-X22 REV4,
CWC2-A-L-00-X23 REV2,
CWC2-A-L-00-X24 REV2,
CWC2-A-L-00-X25 REV2,
CWC2-A-L-00-X28 REV2,
CWC2-A-L-00-X29 REV2,
CWC2-A-L-00-X30 REV3,
CWC2-A-C-21-X10 REV2,
CWC2-A-A-90-X01 REV3,
L296-E-23-01 P2

Documents:

Design Statement
Impact Statement
Community Consultation

Heritage Assessment
Arboricultural Report
Ecological Scoping Survey and BREEAM New
Construction Assessment
Phase 1 Geo Environmental Assessment Report
Phase 2 Geo Environmental Assessment Report
Energy Statement and BREEAM Low Zero Carbon
Report
Building Service Engineer's RIBA Stage 2-3 Concept
Report
Ground Floor Lighting Strategy Layout
Flood Risk Assessment
Transport Assessment (REV D October 2015)

Applicant: Canary Wharf College
Ownership: Canary Wharf College
Listed Building: Christ Church, Manchester Road listed grade II*
Christ Church Vicarage locally listed.
Conservation Area: Island Gardens Conservation Area abuts the southern
boundary

2. EXECUTIVE SUMMARY

- 2.1 Officers have considered the particular circumstances of this application against the adopted policies in the London Plan 2015, Tower Hamlets Core Strategy 2010, the Council's Managing Development Document 2013, the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Government's Policy Statement – Planning for Schools Development - DCLG August 2011 and have found that:
- 2.2 The provision of a primary Free School accords with national policy in the NPPF and the Government's 2011 Policy Statement, regional policy in the London Plan and the Council's Local Plan.
- 2.3 The construction of a primary school in this part of the Isle of Dogs is considered acceptable given the need for additional primary school places in this location and accords with Policies 3.16 and 3.18 of the London Plan, Policy SP07 of the Core Strategy 2010 and Policy DM18 of the Managing Development Document 2013.
- 2.4 Subject to the management of impacts through the use of conditions, principally control of school hours and the implementation of a Travel Plan, the proposed school would not unacceptably impact on the public transport network or the highway. This would accord with Policies 3.16, 6.1, 6.3, 6.9 and 6.13 of the London Plan and Policies SP07 and SP09 of the Core Strategy which seek to manage the impact of development on public transport and the highway and apply parking standards.
- 2.5 The proposed design and layout is considered satisfactory within the context of the site. The development would preserve the setting on the adjoining grade II* listed Church of Christ and St John, the locally listed vicarage, and the character and appearance of the Island Gardens Conservation Area. This would comply with sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Policies 7.4, 7.6 and 7.8 of the London Plan, Policies SP10 & SP12

of the Core Strategy 2010 and Policies DM24 & DM27 of the Managing Development Document 2013.

- 2.6 Subject to conditions, it is considered that the development would not have an unacceptable impact on the amenity of adjoining residents in terms of noise, overlooking, natural light and construction impacts in accordance with Policy SP10 of the Core Strategy and Policy DM25 of the Managing Development Document that seek to protect the amenity of the borough's residents.
- 2.7 The site is in Flood Zone 3 but is protected by the Thames Barrier and local river wall defences resulting in a low risk of flooding. Floor levels would be set 300 mm above the 1 in 200 modelled flood inundation event. This is consistent with London Plan Policy 5.15 and Core Strategy Policy SP04 to manage flood risk. No objection is raised by the Environment Agency.
- 2.8 The proposed Energy Strategy would result in carbon dioxide reduction in line with the hierarchy in London Plan Policy 5.2 and targets in Core Strategy Policy SP11 and the Managing Development Document Policy DM29.
- 2.9 The site is of moderate biodiversity value. Subject to conditions to secure biodiversity enhancement by the implementation of a landscaping scheme to include soft finishes, green roofs, bird and bat boxes, the development would comply with Core Strategy Policy SP04 and MDD Policy DM11 that seek net biodiversity gains.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

Conditions

Compliance conditions

1. 3 year time limit.
2. Compliance with plans.
3. Hours of construction 08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday and impact piling 10.00 am to 4.00 pm. No work on Sundays or Bank Holidays.
4. Clearance of vegetation only to be undertaken between September and February inclusive.
5. School teaching hours to start no later than 8.30 am and finish no earlier than 3.55 pm except for after school clubs until 5.00 pm.
6. The roof of the school hall shall not be used for any purpose after 21.00 hours and shall not be used for the playing of music at any time.
7. A car parking space for a disabled motorist, bicycle and child scooter parking shown on the approved drawings to be provided and maintained.
8. Energy strategy to be implemented.
9. Prior to the commencement of the development the developer shall submit a BREEAM pre-assessment to demonstrate how the development has been designed to achieve a 'Very Good' rating.
10. Within 3 months of occupation of the development the developer shall submit a final BREEAM certificate to demonstrate achievement of a 'Very Good' rating.
11. Secured by Design Accreditation to be obtained.

Pre-commencement

12. Method statement for the identification, safe removal and legal disposal of Japanese knotweed to be agreed by the council.
13. Construction Management Plan to be submitted and implemented
14. Travel Plan to be approved prior to occupation and implemented.
15. Delivery and Servicing Plan to be submitted and implemented.
16. Air Quality Assessment to be submitted.
17. Decontamination.

Prior to superstructure works

18. Details of facing materials including samples.
19. Detailed design elements including windows, doors, brick features, rainwater goods and security mesh.
20. Landscaping plan to include hard and soft finishes, gates, walls and fences, green roofs, bird and bat boxes and external lighting.
21. Scheme of highway works (Section 278 agreement).

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

Informatives

1. Section 278 required.
2. Consecrated ground.
3. Protected species.
4. Metropolitan Police contact details for Secured by Design certification.
5. Access for disabled people.

- 3.2 Any other informative considered necessary by the Corporate Director Development & Renewal.

4. SITE AND SURROUNDINGS

- 4.1 The application site comprises approximately 0.1 hectare of mostly vacant land. It is located in Cubitt Town on the western side of Saunders Ness Road south of the junction with Glenworth Avenue close to Manchester Road, part of the main arterial road running round the Isle of Dogs.
- 4.2 To the west, on the southern corner of Glenworth Avenue / Manchester Road, is the 3-storey Isle of Dogs Police Station that has a rear car park abutting the application site. The application site includes a narrow strip of the Metropolitan Police car park.
- 4.3 To the north, on the opposite corner, St Luke's Church of England Primary School and Nursery is 1 to 2 storeys abutting Glenworth Avenue rising to 4 storeys. St Luke's Primary includes an Early Years Unit and currently has a school role of 342 pupils aged 3-11. 42 of this number are nursery children. The school role is programmed to rise annually to approximately 462 by year 2019 (Source: St. Luke's Senior Admin Officer). School begins at 8.55 am and ends at 3.30 pm. Lunch is from 12.00 – 1.00 (infants) or 12.30 – 1.10 (juniors).
- 4.4 South on the Police Station is the locally listed vicarage of the Church of Christ and

St John. The Church is listed grade II*.

- 4.5 South of the site on Saunders Ness Road is a terrace of 1980's part 2 part 3 storey dwelling houses with the upper floors recessed from the front façades. To the east, on the opposite side of Saunders Ness Road and in Caledonia Wharf, Empire Wharf Road and Grosvenor Wharf Road that run towards the River Thames, are 3-storey terraced houses again 1980's.
- 4.6 George Green's School is sited 200 m. to south between Saunders Ness Road and Manchester Road. George Green's is a coeducational secondary school and sixth form administered by the Council. The school role is 1,150 pupils aged 11-18 (Ofstead Report 2013). Registration is from 8.45 am. Lunch is from 12.40 – 1.30 pm. Closing registration is between 3.10 – 3.20 pm.



Figure 1. Site context

- 4.7 Seven trees within the grounds of Christ Church and the Vicarage, and four trees adjoining houses on Saunders Ness Road, are protected by Tree Preservation Orders.
- 4.8 The application site is largely overgrown with low shrubs. It contains eleven trees and shrubs that range in height from 0.5 m. to 15 m. The three tallest trees at 14 m. and 15 m are all Sycamores. The site contains no TPO trees. Within the site is a small brick chimney / kiln (akin to a lighthouse) that is of no heritage value. The perimeter comprises low brick and concrete walls and wood and mesh fencing. There is a brick wall to the Police car park approximately 3 m. high. There is vehicular access from Glenworth Avenue and a pedestrian access from Saunders Ness Road. Both roads are subjected to a 20 mph speed limit.
- 4.9 The Island Gardens Conservation Area abuts the site's southern boundary. The

application site lies outside the designated area.

- 4.10 Manchester Road, the A1206, is part of the Transport for London Road Network (TRLN). Other roads in the vicinity are borough roads. A cycle lane runs along parts of Saunders Ness to towards the Greenwich Foot Tunnel.
- 4.11 Bus routes Nos. D3 & D7 run along Manchester Road in both directions. Island Gardens DLR Station lies some 450 m. to the south west on Manchester Road. The site has a PTAL index 2 'Poor.'
- 4.12 The site is within Controlled Parking Z D2 operating from 8.30 am to 5.30 pm Monday to Friday with residents and Pay and Display parking bays. Adjacent to the entrance to St. Luke's Primary School the northern side of Glenworth Avenue is marked "No stopping Mon-Fri 8.00 – 9.30 am 3.00- 4.30 pm."
- 4.13 The site lies in the Environment Agency's Flood Zone 3 (High Probability) with >1 in 100-year annual probability of river flooding and >1 in 200-year annual probability from tidal sources but is defended by local defences and the Thames barrier to 1 in a 1,000 year probability (Low Risk).

5. MATERIAL PLANNING HISTORY

- 5.1 The following development has been permitted at the application site.

Application Ref	Application Type	Description of Development
PA/63/00269	Full	Erection of a temporary structural engineering works and offices at the north east corner of the site
PA/82/00428	Full	Development of a community garden
PA/98/00833	Outline	Erection of 8 three storey town houses.
PA/00/00742	Full	Erection of 8 three storey town houses.
PA/01/01024	Full	Erection of 8 three storey town houses. (Revisions to approved scheme dated 2nd March 2001 PA/00/00742).
PA/12/01646	Full	Erection of 8 three storey town houses. NB. Although a lawful development certificate has not been applied for, it is understood this permission has been implemented by a statutory start and is extant.

- 5.2 On 11th October 2011, Ref. PA/11/02092, planning permission was granted for the extension of St. Luke's Primary School from one form to two form entry by the erection of a 4- storey annex and relocation of temporary classrooms. Details were approved on 5th March 2013. Ref. PA/12/02990. This granted consent for the school to expand up to 462 pupils. The extension has been constructed and the school is half way through this expansion aiming to reach capacity in 2019.
- 5.3 Initial proposals for the CWC2 school were subject to pre-application advice in 2015 (Ref. PF/15/00010). Key advice provided was:
- The site is not allocated for school provision but the principle of an education use is considered acceptable. Given existing civic and community uses in the vicinity (two schools, a church and police station), the proposed school could be

- compatible with the predominantly residential context.
 - To comply with development plan policy, the application should justify siting a school in this location; refer to the need for primary school places on the Isle of Dogs and accessibility by public transport.
 - Opportunities for out-of-hours use of the school hall by the wider community should be explored.
 - The design should introduce brick elevations, better articulation of fenestration and definition of boundaries.
 - By omitting windows on the southern elevation and siting the hall opposite St. Luke's Primary School, the scheme avoids overlooking housing to the south and locates the element likely to generate most noise furthest from these nearest noise sensitive receptors. Given the modest height and mass, the proposal would not unduly impact on the daylight and sunlight conditions of nearby residents.
 - The proposal should provide 1 cycle parking space for every 10 members of staff and students – 28 spaces. A Transport Statement should address cumulative impact of the proposed school with George Green's and St. Luke's schools on the local highway network. A framework Travel Plan should be submitted. The funding of traffic calming measures of Saunders Ness Road may be required.
 - The development should achieve 50% CO2 emissions reductions above 2010 Building Regulations, BREEAM excellent and Department for Education standards.
- 5.4 On 31st August 2016, planning permission Ref. PA/15/01556 was granted to Canary Wharf College for the temporary siting for 1 academic year until 31 August 2016, of 2 No. modular units at the south east junction of Thames Circle & Westferry Road for educational use of 40 primary school students.

6. PROPOSAL

- 6.1 Application is made for full planning permission to construct a 1,705 sq. m. primary school to accommodate approximately 280 pupils and 30 staff.
- 6.2 The scheme would provide a second campus for Canary Wharf College (CWC), a Free School established in 2011 as part of the Government's Free School Initiative operating in the former Docklands Settlement Centre, No. 197 East Ferry Road E14.
- 6.3 A Free School in England is a type of Academy, a non-profit-making, independent, State-funded school which is free to attend but which is not controlled by a Local Authority. They are subject to the same School Admissions Code as all other State-funded schools and set their own curriculum and admissions criteria. Free Schools offer a broad and balanced curriculum and are subject to the same Ofsted inspections as all other maintained schools and are expected to comply with standard performance measures. The application project is being financed through the Government's Education Funding Agency which has established a budget and a programme for delivery.
- 6.4 As itemised as paragraph 5.4 above, CWC is currently operating a temporary overflow school for 40 pupils from 2 portacabins sited at the south east junction of Thames Circle & Westferry Road. It is understood that all the children attending live on the Isle of Dogs.
- 6.5 The proposed roll of 280 students equates to a 2 form entry. There would be 20 students and 2 staff members in each class. There would be 16 class rooms, a

school hall, a central resource area and offices for the Principle, Senior Management and staff ancillary rooms and storage. It is proposed that initially there would be 140 pupils rising to 280 by year 2020. Pupils would be aged 4 to 11 years.

- 6.6 School hours would be from 8.30 am to 3.55 pm with options for after school clubs until 5 pm. It is understood that at the existing CWC school in East Ferry Road between one-third and one-half of all pupils stay for an extended day activity.
- 6.7 The layout proposes that a 2-storey tall school hall and library is positioned on the corner of Saunders Ness Road and Glenworth Avenue with 3-storey class rooms extending on a north - south axis beyond. The class rooms and the hall would be two distinct elements which would allow the building dual function as a place of learning and a place for community use.
- 6.8 This produces an L shaped layout with an outdoor play area alongside Saunders Ness Road where children would also congregate in the mornings before the school bell. There would also be an outdoor play area on the roof of the school hall facing St Luke's Primary School. There would be a secure site entrance on Saunders Ness Road and a disabled parking bay accessed by a sliding gate within the perimeter fence with the formation of a new crossover. There would be initially storage for 24 bicycles and 40 child scooters. The building would be accessible by the disabled.
- 6.9 Along the northern boundary, the building would be set back from Glenworth Avenue by around 1 m. separated from the back edge of pavement by a landscaped strip.
- 6.10 Refuse storage would be provided to the rear between the Police Station car park and the rear garden of No. 91 Saunders Ness Road accessed from a service way that would run parallel to the car park exiting onto Glenworth Avenue.

7. LEGAL & POLICY FRAMEWORK

- 7.1 The Council in determining this application has the following main statutory duties to perform:
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
 - To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
 - In considering whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990)
 - Pay special attention to the desirability of preserving or enhancing the character or appearance of the adjoining Island Gardens Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).
- 7.2 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application.

7.3 The London Plan 2015

- 3.16 Protection and enhancement of social infrastructure
- 3.18 Education facilities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 5.21 Contaminated land
- 6.1 Strategic approach (Integrating transport and development)
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An Inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

7.4 Tower Hamlets Core Strategy 2010

- SP01 Refocusing on our town centres
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP07 Improving education and skills
- SP10 Creating distinct and durable places
- SP11 Energy and Sustainability
- SP12 Delivering Place making
- SP13 Planning Obligations
- Annex 2 Programme of delivery

7.5 Tower Hamlets Managing Development Document 2013

- DM9 Improving air quality
- DM11 Living Buildings and Biodiversity
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM18 Delivering schools and early learning
- DM20 Supporting a Sustainable Transport Network
- DM22 Parking
- DM24 Place Sensitive Design
- DM25 Amenity
- DM27 Heritage and the historic environment
- DM29 Achieving a Zero-Carbon borough and addressing Climate Change
- DM30 Contaminated Land & Hazardous substances

7.6 Other material considerations

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance

Policy Statement – Planning for Schools Development - DCLG August 2011
Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice - Building Research Establishment 2011
Island Gardens Conservation Area Appraisal & Management Guidelines 2007
Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets – Historic England 2015
Guidance on preparing energy assessments – GLA April 2015
Sustainable Design and Construction SPG GLA 2014
Tower Hamlets Planning Obligations SPD 2012 & Draft SPD 2015

8. CONSULTATION

- 8.1 The following organisations and council departments have been consulted. Responses are summarised below. Full representations are available to view in the case file. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report 'Material planning considerations' but where appropriate comment is made in response to specific issues raised by the consultation process.

External

Environment Agency

- 8.2 No objection. The Flood Risk Assessment states that the finished floor levels will be set 300 mm above the 1 in 200 modelled flood inundation event.

Metropolitan Police Crime Prevention Design Advisor

- 8.3 The boundary treatment between this development and the Isle of Dogs Police Station has been agreed. The ground floor has a zoned alarm to accommodate community use but does not extend to the first floor library. If the library is to be used by the community, recommends that the zoned alarm is extended and additional access control is installed to protect areas of the school not available for community use. The plans show IT rich environments on the ground floor increasing the risk of burglary. Recommends that all IT equipment be located above ground floor. Additional security should be used to secure IT equipment. The external staircases give easy access to the upper floors. As these areas lack natural surveillance recommends 'Secured by Design' standards are used for the external doors, and that the alarm system covers the doors as well as the internal areas.
- 8.4 Advises the applicant has not consulted the Police and requests that Secured by Design certification be made a condition of any planning permission.

(Officer comment. A condition is recommended that Secured by Design certification is obtained from the Police).

Thames Water

- 8.5 No objection regarding water infrastructure capacity.

Transport for London (TfL)

- 8.6 No objection but comments:

- The applicant proposes cycle parking in line with the LBTH standards which sets out “1 space per 10 pupils and 1 space per 10 staff”. As TfL are promoting a modal shift to increase cycling, TfL recommends that cycle provision be in line with the London Standards 2015 which outline “1 space per 8 students and 1 space per 8 staff, with one space per 100 students for short stay parking.”
- Content with the proposed Travel Plan.
- The catchment for active travel journeys is acceptable and TfL are pleased to see no increase in car parking.

Education Funding Agency (EFA)

- 8.7 The Isle of Dogs is an area of population growth with a number of high density residential sites which will increase the demand for school places. The borough’s basic need assessment is currently predicting a ‘moderate’ shortfall from 2015/16, with a ‘high’ basic need shortfall from 2017/18. The need for places is substantially higher on the Isle of Dogs. Tower Hamlets Head of School Development stated in the June 2015 Local Authority admissions forum that 1,000 additional primary places are needed within Tower Hamlets in the next seven years, many specifically on the Isle of Dogs.
- 8.8 The Isle of Dogs is a difficult area to secure school sites. There is a continuing demand for residential development sites, prices are high and the number of potential sites very limited.

Background to property purchase

- 8.9 The EFA, with Jones Lang Lasalle, and Canary Wharf Trust undertook a detailed search for a site since 2011 using the following property search criteria:
- Location within Isle of Dogs relative to future residential developments.
 - Site available within our required timescales.
 - Ability to meet area requirements for a 2FE primary school.
 - Likelihood of obtain planning approval for a primary school.
 - That the on-going service/maintenance costs offer good value.
 - Technical risks associated with any redevelopment.
 - Access to external play areas and open space.
 - Good pedestrian access for local children to be able to walk to school.
 - Local transport links and connections to the site.
 - Proximity to Canary Wharf College 1, as the two schools will share certain services and resources.
- 8.10 We searched the Vacant Property Bulletin. Nothing suitable was found in terms of size or location. The EFA also met with the local authority to determine if any local authority owned buildings were available and suitable, none were identified. The site search process to identify and secure the site involved:
1. Researching online tools
 2. Review with in-house teams:
 - Offices / Industrial / Residential Development and Investment / Out of town Retail
 - Healthcare / Student Housing

- Planning and Development / Corporate Solutions / Government and Infrastructure
- 3. Inspection of Search Area, Drive, Walk around
- 4. Contacted three local agents: Glenny LLP, Cherryman & Strettons
- 5. Research external property consultants: DTZ, Knight Frank, Savills, CBRE
- 6. Contacted specialist D1 (Education) agents: Bernard Gordon, Alex Martin, Savoy Stewart, Clarges, Somers Property Group, D1space.co.uk
- 7. Posted requirement on Estate Agents Clearing House
- 8. Contacted local parties for potential availability/leads:
 - NHS (Estates Officer, website/surplus property list)
 - Local Authority (Estates Officer, website/surplus property list, Site Specific Allocation DPDs)
 - Local education (any existing schools/colleges/universities in the area)
 - Department for Education (Surplus Properties Register)
 - Corporate websites (e.g. Telereal Trillium, Mapeley, LaSalle Investment Management)
 - Homes & Communities Agency (Land Development and Disposal Plan)
 - Metropolitan Police / Fire Service

8.11 The application site was identified as suitable in accordance with the search criteria above. It was not on the market as the owner had obtained planning permission for a residential development and planned to build it out. Two parcels of adjoining land had to be purchased, freehold, from the Consolidated General Investment Corporation SA and the Metropolitan Police. The Police station is underutilised and the loss of the parking places will not impact on the operational effectiveness of the station (area marked in green on the diagram below). The inclusion of the Metropolitan Police parcel allows the school to have external play space at ground level; reduces the plot density ratio; and the building line to be set back from Saunders Ness Road.

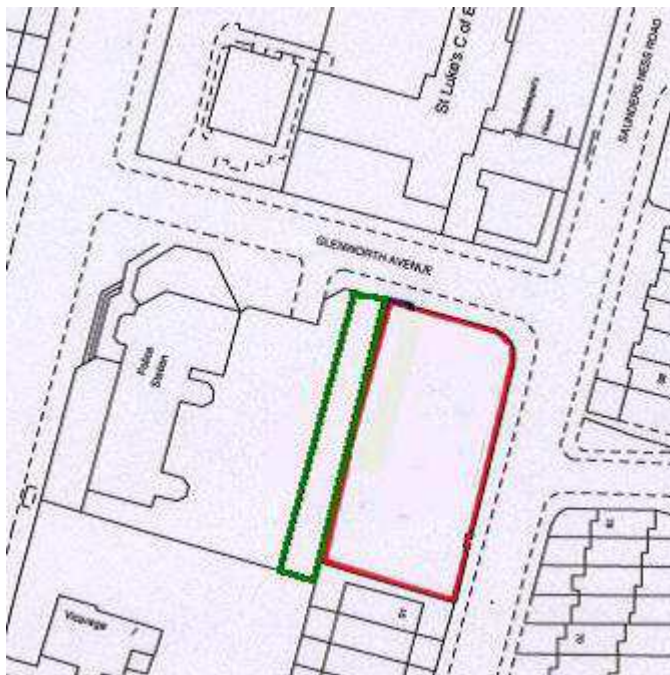


Figure 2. Sites acquired by CWC

Public transport infrastructure

- 8.12 The site is well placed within the catchment area of the school. It is close to an expanding secondary school and to good public transport links. Island Gardens DLR station is approximately 350 m. away and Millwall Park and Mudchute Park are within close walking distance.
- 8.13 The site is in a predominantly residential area and within 200 m. of two existing schools; St. Luke's Church of England School and George Green's School with a combined capacity of approximately 1,400 pupils. Canary Wharf College 2 will have 280 pupils which represents a 20% increase in pupil numbers in the area (approximately 1,680 pupils).
- 8.14 The majority of the school catchment area is likely to be local and walking or cycling / scooter travel will represent the largest mode share. Car ownership is low within the Isle of Dogs which reduces the likelihood of high private vehicle use. The existing CWC school is currently five times oversubscribed and admissions are allocated by proximity to the site. Walking will be the main mode of transport.
- 8.15 A School Travel Plan will be used to manage the arrival and departure of pupils and staff to and from the site to avoid congestion within the local area both from vehicle, public transport and pedestrian trips. The school already has different start times away from the two surrounding schools which will help provide increased capacity on the road, public transport and footways. The Travel Plan will be regularly monitored and adopted from the outset by Canary Wharf College 2 to help form travel habit amongst pupils and staff and it is expected the number of pupils and staff walking and cycling to and from the school would increase through the implementation of the Travel Plan.

Internal

Transportation and Highways

- 8.16 Parking: Welcomes the proposed disabled parking bay. The number of cycle spaces should comply with London Plan 2015 standards. The provision of child scooter spaces is welcomed.
- 8.17 Servicing: Servicing would be from Glenworth Avenue but no information has been provided about the frequency and size of the servicing vehicle.
- 8.18 The critical condition to ensure the new school is acceptable in highways terms is, as proposed, to stagger the school start and end times with St Luke's. This should ensure the cumulative impact of vehicles generated by the two sites is not severe.
- 8.19 The submitted revised Transport Statement sets out the existing and proposed start and finish times for St Luke's and the Canary Wharf College 2 (CWC2) respectively. In the AM, classes would begin at 8:30 am at CWC2 compared with 8:55 am at St Luke's. This would give ample time for parents/chaperones that have driven children to the school to largely dissipate ahead of arrivals for St Luke's. A parking survey carried out for the planning application for the St Luke's expansion (PA/11/02092) showed the majority of vehicles dropping off children at the school arrived after 8:45 and had left by 9:00 am. It would be reasonable to apply this distribution of vehicles arriving and departing to those generated by CWC2. This gives comfort that there will be minimal overlap between vehicle activity related to the schools at the start of the day.

- 8.20 Similar arguments apply to the end of school day 'peak' although there is more time between the end of classes at the schools. St Luke's classes finish at 3:30 pm and would finish at 3:55 pm at CWC2. In addition, there would be range of after school activities at CWC2 until 5:00 pm which may 'spread' the vehicular impact. The 2011 parking survey for the St Luke's expansion showed that outside the ten minutes either side of the then 3:10 pm finish time, there was minimal demand for on-street vehicle parking. Applying this distribution to vehicles generated by CWC2, it is likely that vehicles collecting children would arrive from 3:45, well after the St Luke's PM 'peak' has subsided.
- 8.21 The revised Transport Statement shows there is ample on-street parking capacity to accommodate the expected number of vehicle movements generated by the final number of 280 pupils at CWC2. Extrapolated from the mode share at the CWC1 site on East Ferry Road where 10% children travel by car, it is estimated that 28 vehicles would be generated by the new school at the start and end of day.
- 8.22 Regarding alternate modes, the catchment area for primary schools is typical localised and, as at CWC1, the majority of the pupils would be based on the Isle of Dogs. This would minimise car travel to the site, and promote sustainable modes, particularly walking and cycling. To this end, a School Travel Plan is essential. The school should be required to fulfil obligations to achieve STARS accreditation - the system used by the Council and across London to monitor and review the effectiveness of School Travel Plans.
- 8.23 The lack of staff car parking and potential impact for this to take place on street is not a concern and is in line with the Council's policies on staff car parking. Opportunities for staff to park will be limited as there are no on-site car parking spaces and on-street spaces are restricted to permit holders only. There would be good quality cycle parking on site, as well as shower and changing facilities to support staff wishing to cycle. While the PTAL of the site is relatively low, this underplays the wide range of destinations that can be reached using the nearby DLR.
- 8.24 With the following conditions, the school operation should be acceptable in transport terms:
- Travel Plan to be approved prior to occupation and implemented. The level of cycle parking should be increased should occupancy of stands be over 80%. This will be monitored via the travel plan.
 - CWC and St Luke's school hours to be staggered.
 - A Construction Management Plan to be approved prior to commencement.
 - A Delivery and Servicing Plan to be submitted and implemented.
 - No development should start until Highways has approved in writing a scheme of highway improvements necessary to serve the development (Section 278 agreement).

(Officer comment: Appropriate conditions are recommended).

Environmental Health

- 8.25 Contaminated land: Recommends a condition to secure a site investigation to identify ground contamination and any necessary mitigation measures.

Air Quality. An Air Quality Assessment should be carried out to check that the site is suitable for the proposed use.

(Officer comment: Appropriate conditions are recommended).

Education Development Team

- 8.26 The local authority has no involvement in the proposal that is being put forward by the Government's Department for Education and the Education Funding Agency on behalf of Canary Wharf College. The close proximity to St Luke's Primary School is noted. CWC should be required to stagger the times of the beginning and end of the school day with the times operated at St Luke's to help minimise the impact of the increased number of children attending school in this location.

Biodiversity Officer

- 8.27 The site is covered in scrub that undoubtedly supports nesting birds, scattered trees and small areas of ruderal vegetation. These are common habitats of only moderate biodiversity value and their loss (assuming no bat roosts are present) would constitute a small negative impact on biodiversity. The Ecology Report states that the site has low potential for foraging and roosting bats and that there is no need for further bat survey. It is usual where there is low potential for bat roosts to require an emergence survey, or at least to undertake the removal of features where roosts are possible in such a way that bats will not be harmed if they are present.
- 8.28 Core Strategy Policy SP04 and MDD Policy DM11 seek net biodiversity gains from new development in line with the Local Biodiversity Action Plan. Requirements would best be met by providing a bio-diverse green roof. To offset the loss of existing habitat and ensure overall biodiversity gains, ground level planting should be undertaken together with provision of bat boxes and bird nesting boxes.
- 8.29 The invasive Japanese knotweed occurs on the site and should be subject to conditions. Recommends conditions:
- To secure details of biodiversity enhancements to include bio-diverse roofs, landscaping, bat boxes and bird nesting boxes
 - Clearance of vegetation shall only be undertaken between September and February inclusive.
 - Prior to any site clearance, a method statement for the identification, safe removal and legal disposal of Japanese knotweed from the site shall be agreed by the Council.

(Officer comment: Appropriate conditions are recommended).

Energy Efficiency Unit

- 8.30 The proposals are anticipated to be policy compliant through energy efficiency measures and integration of a 100 m² PV array. The applicant's intention to achieve BREEAM 'Very Good' is noted. MDD Policy DM29 seeks BREEAM 'Excellent' for all schemes and this should be the target unless there is a valid justification provided. Based on the site constraints identified by the applicant and detailed within the submitted BREEAM estimator, we are happy with a 'Very Good' rating in this instance as the applicant is achieving the 'Outstanding' level for Energy – ENE 01.

- 8.31 Recommends a two part condition which requires submission of the BREEAM design stage assessment and then the certificate to demonstrate achievement of an 'Very Good' rating.

(Officer comment: Appropriate conditions are recommended).

LOCAL REPRESENTATION

Community involvement by the Applicant

- 8.32 A public consultation on the proposal was held in the Canary Wharf College, East Ferry Road from 3 pm to 7 pm on 29th January 2015. Representatives of the College, the Project Manager, Contractor and Architect attended. The display included location plans, site and floor plans, elevations, sections, and a 1:100 scale model. Around 70 people attended. Feedback Forms were completed by 34 residents of the E14 postcode and 3 from outside the local area. 36 respondents were in favour of the proposal and 1 expressed concern. Material comments may be summarised as:

- There is a high need for primary schools on the Isle of Dogs giving the rapidly growing residential community.
- A good looking well designed school that would make good use of a limited, long derelict site.
- Design looks very practical but too much render. Brick facings more appealing (*Officer comment: the design has been revised to propose brick facings*).
- Earlier start / finish times would not cause safety issues for children attending Canary Wharf College or St Luke's nor congestion to local residents.
- Joint use of the hall as community space is a good idea given the closure of Calder's Wharf.
- Good location for the playground so children can play in the sun but the area is limited.
- The sites is well located, easily accessible on foot and close enough to bus services and the DLR to encourage people to use public transport although there is some concern about traffic additional to that generated by St Luke's.

Representations following statutory publicity

- 8.33 The application has been publicised by site notices and advertisement in East End Life. 269 neighbouring properties have been individually notified and invited to comment. Re-consultation has been undertaken following the submission of revised plans and supporting documents.

No of individual responses:	303	Objecting:	40	Supporting:	263
No of petitions received:	2		39 & 13 signatures objecting		

- 8.34 Material grounds of support may be summarised as:

- The school is desperately needed. There are not enough schools in E14. The population has increased significantly in the last decade and is now seeing unprecedented growth. A school is the best use for this site.
- The site is not ideal but there is no option but to build this school.
- For families to stay and work in the area, to create settled communities and for young children not to be bussed off the Island this school has to be built.

- The proposal would put long derelict land to good use for the whole community rather than adding to an already exploding housing population.
- The school and its management has already proved itself with their first school on East Ferry Road which had an ‘*Outstanding*’ Ofsted Inspection.
- The school would offer at least 30 full time jobs.
- The school would bring much needed finance for education into the Island.
- Small children are currently being educated in temporary accommodation and it would be unfair for them not to give them a proper school.

8.35 Additionally, 247 pro-forma representations (234 from the E14 postcode and 13 from E1, E3, E9, E16, SE9, SE15, SE16, IG11 & RM17) supporting the proposal have been received making the following statement:

“There is a desperate need for additional, high quality schooling to be made to all in the area. Canary Wharf College have a strong and positive track record in education, community inclusivity and managing their impact on transport infrastructure. The zero car policy for existing staff has been successful for years and is a good example which the parent body follow.”

8.36 Material grounds of objection may be summarised as:

- The site is too small to accommodate 280 pupils and 30 staff. The adjacent St Luke’s Primary School has over 300 pupils, rising to 480 in 2019, and 66 staff. The combined total of 760 pupils and 96 staff would overwhelm this quiet residential area. George Green’s School is 100 m. away with 1,200 children. This would result in excess of 2,000 children leaving and arriving each school day in a small area.
- Excess provision of school places in Island Gardens ward. The Council’s Core Strategy has not identified this area as requiring increased capacity.
- The transport infrastructure cannot support the additional movement of pupils, parents and staff. The extra traffic generated by parents dropping off and collecting their children by car with very limited waiting areas will be disruptive and dangerous particularly between 8.30 am to 9.00 am exacerbating that from St Luke’s.
- Saunders Ness Road forms part of the Tower Hamlets Cycle Network used to access the Greenwich Foot Tunnel and is already unidirectional with cars parked on both sides allowing only one vehicle to pass.
- Little outside space to accommodate children whilst they wait to enter or exit the school.
- The play space is too small for 280 children.
- No car parking for the 30 staff with only one designated (accessible) car parking space proposed.
- The current use of Saunders Ness Road by buses and driving instructors will endanger pupils.
- Whilst more school places are needed on the Isle of Dogs, cramming a 3-storey primary school into a compact residential site is wrong. There are many more suitable brownfield sites in the area - Westferry Printers & Forge House, Westferry Road.
- The permitted scheme for eight 3-storey town houses with basement parking is preferable and less potentially dangerous.
- The site is ‘greenfield’ not ‘brownfield’ land previously used a small public park. It is consecrated ground. The Island is overcrowded with buildings and green areas should not be lost.
- The shape and size of the building is out of character with surrounding

properties. The design is brutal, stark, unattractive and intimidating. A quickly-considered, squared-off pile of masonry with minimalist and characterless window frames. Sparse, uniformly cold, undistinguished and bland.

- Greenwich council is planning a cruise ship terminal within 200 m. which will increase the risk of respiratory problems for children at this location due to air quality issues caused by the terminal, additional traffic and moored vessels.
- When CWC made an application to the Education Funding Agency they were presented with a very limited number of sites. The site is less than ideal due to its proximity to St Luke's C of E School. Had the Education Funding Agency put children, their education and the wellbeing of the community at the centre of decision-making, there could have been a very different conclusion about the site for the school.
- Excess provision of Christian faith places that does not provide for the local demographics.
- No demonstrated need for a community space or library.
- The 3D representations are inconsistent with other details.
- The refuse area and vehicular access should not be located adjacent to residential property.

8.37 The two petitions have been submitted by the Saunders Ness Empire and Grosvenor Association and oppose another school in the community resulting in three schools in Saunders Ness Road with more traffic, noise, children and disruption. A separate letter by an officer of the Association raises objection due to:

- Damage to adjacent houses and a main sewer by pile driving.
- Unacceptable impact on the amenity of neighbours in terms of light, overshadowing, loss of privacy, increased sense of enclosure, noise and disturbance.
- Breach of European Convention on Human Rights – the right of a person to enjoy their home peacefully.
- Height, scale, bulk and design unacceptable given the surroundings. Contrary to policies to achieve high quality buildings sensitive to the Island Gardens Conservation Area.
- Highway safety given the number of children.
- Loss of housing land.
- The community hall and library is unnecessary given existing facilities on the Island and its use in the evening and weekends would increase noise and nuisance.

9. PLANNING CONSIDERATIONS

9.1 The main planning issues raised by this application are:

1. Land use
2. Highways & Transport
3. Heritage assets & design
4. Amenity of neighbours
5. Flood Risk
6. Biodiversity & Ecology
7. Energy
8. Contaminated land
9. Air quality
10. Consecrated ground
11. Community Infrastructure Levy and Planning Obligations

12. Other Local Finance Considerations
13. Human Rights
14. Equalities Act

Land Use

National policy

- 9.2 NPPF Section 8 concerns ‘Promoting healthy communities.’ Paragraph 70 requires local authorities to plan positively for the provision and use of shared space, and community facilities to enhance the sustainability of communities and residential environments. Referring to schools Paragraph 72 states:

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

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

- 9.3 The DCLG Policy Statement – ‘Planning for schools development’ August 2011 sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. It explains that the Government is committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools include Academies and free schools, as well as local authority maintained schools.
- 9.4 The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. The Statement explains that creating free schools remains one of the Government’s flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, educational standards can be raised and so transform children’s lives by helping them to reach their full potential.
- 9.5 The Government views the creation and development of state-funded schools strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. All parties are expected to work together proactively to help plan for state-school development and to shape strong planning applications to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes”.
- 9.6 The Statement explains that the Government believes the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply:

- *“There should be a presumption in favour of the development of state-funded schools, as expressed in the NPPF.*
- *Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.*
- *Local authorities should make full use of their planning powers to support state-funded schools applications.*
- *A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.”*

Development Plan designations

- 9.7 The site lies within the Isle of Dogs Opportunity Area identified at Table 2.4 of the London Plan 2015. On the Tower Hamlets Local Plan Adopted Policies Map the site is unallocated but shown within a Flood Risk Area and the Thames Policy Area. The Island Gardens Conservation Area is shown abutting the southern boundary of the application site and Saunders Ness Road is shown as part of the Tower Hamlets Cycle Network.

The London Plan 2015

- 9.8 The London Plan highlights the need to plan for continued growth (Page 40). This means planning for:
- *“Substantial population growth – ensuring London has the homes, jobs, services infrastructure a growing and ever more diverse population requires. This means making the best use of land that is currently vacant or under-used, particularly in east London where the greatest potential exists.*
 - *Ensuring London has the schools and other facilities needed by a growing number of younger people.”*
- 9.9 London Plan Policy 3.16 ‘*Protection and enhancement of social infrastructure*’ says London requires additional social infrastructure to meet the needs of its growing and diverse population. Social infrastructure is defined as including schools. Development proposals which provide high quality social infrastructure should be supported in the light of local and strategic needs assessments. Wherever possible, as proposed by CWC, the multiple-use of premises is encouraged. Boroughs are required to ensure that adequate social infrastructure provision is made to support new developments and particularly important in areas of major new development such as the Isle of Dogs.
- 9.10 London Plan Policy 3.18 ‘*Education facilities*’ strongly supports the provision of schools including free schools. Development proposals that address current and projected shortage of primary school places are particularly encouraged. In particular, the Plan requires that proposals for new schools, including free schools, should be given positive consideration and only refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and cannot be addressed through planning conditions or obligations. Proposals for multiple-use of educational facilities for community use are encouraged.

The Local Plan

- 9.11 Tower Hamlets Core Strategy Strategic Objective 17 is *“To improve education, skills and training in the borough...”* The Core Strategy Programme of Delivery confirms the *‘critical’* priority for 8FE of primary school provision in the borough by 2020 through expansion or new provision.
- 9.12 The Core Strategy Vision for Cubitt Town (SP12 Annex) promotes a residential waterside place set around a thriving mixed use town centre at Crossharbour. Priorities include ensuring new development strengthen the relationship between Cubitt Town and its waterways. Principals of development include focusing development in the north of Cubitt Town on identified development sites, while housing types suitable for families should be promoted in the south of Cubitt Town and around Millwall Park.
- 9.13 Core Strategy Policy SP07.2 seeks to increase provision of both primary and secondary schools in the borough to meet an increasing population, with Cubitt Town / Millwall identified amongst areas of search for the delivery of a new primary school. Policy SP07.3c supports the co-location and clustering of services, particularly the use of schools after hours.
- 9.14 The Council’s Managing Development Document Policy DM18 – *‘Delivering schools and early learning’* supports the development of schools on identified sites or where a need has been demonstrated and the location is appropriate in terms of accessibility within its catchment. Paragraph 18.5 confirms that the borough’s existing schools are not able to meet identified future demands.
- 9.15 There is an extant permission Ref. PA/12/01646 for the redevelopment of the majority of the site to provide eight dwellinghouses. The land is not allocated for residential purposes in the development plan and the proposed school does not involve loss of designated housing land. The current application should be determined on its individual planning merits in accordance with the development plan not on the basis of a competing need for housing.
- 9.16 The majority of the site is vacant, the former use as a community garden having long ceased. The use of a small strip of the Police car park would not impact on the operational effectiveness of the station.
- 9.17 In principle, the location is considered to accord with national, regional and local planning policy for schools, as does the use of the school hall for community purposes. In land use terms no objection is raised.

Highways & Transport

NPPF

- 9.18 Paragraph 30 says local planning authorities should support a pattern of development that facilitates the use of sustainable modes of transport. Paragraph 32 requires all developments generating significant amounts of movement to be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- *“the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for*

- *major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people.”*

- 9.19 Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.20 NPPF Paragraph 34 advises that decisions should ensure developments that generate significant movement are located where the need to travel will be minimized and the use of sustainable transport modes can be maximized.

The London Plan

- 9.21 London Plan Policy 3.16 *‘Protection and enhancement of social infrastructure’* says facilities should be accessible to all sections of the community and located within easy reach by walking, cycling and public transport.
- 9.22 The London Plan’s strategic approach (Policy 6.1) is to co-ordinate land use and transport planning. Policy 6.3 *‘Assessing development effects on transport capacity’* requires that the impacts of development proposals on transport capacity and the transport network should be fully assessed at both corridor and local levels. Policy 6.9 *‘Cycling’* requires secure long stay cycle parking. Table 6.3 sets a minimum cycle parking standard - 1 space for 8 staff and students and short stay 1 space per 100 students (42 spaces at CWC2). Policy 6.13 *‘Parking’* says the maximum car parking standards in Table 6.2 should be the basis for considering planning applications. There is no car parking standard for schools. For workplaces, one designated space is required for a disabled motorist.

The Local Plan

- 9.23 Core Strategy Policy SP07.3a *‘Improving Education and skills’* requires primary schools to be integrated into local movement routes, the neighbourhood they serve and be easy to access on foot or by bicycle. Core Strategy Policy SP08.3b. supports growth in the Isle of Dogs by working in partnership to improve bus connections to and through the area and improve pedestrian and cycling routes to existing transport interchanges including Island Gardens.
- 9.24 MDD Policy DM20 *‘Supporting a sustainable transport network’* requires development to be integrated with the transport network without unacceptable impacts on capacity. Policy DM22 *‘Parking’* requires development to comply with cycle and car parking standards in Appendix 2. Car parking will only be considered if supported by a Transport Assessment and a Travel Plan. Cycle parking should be 1/10 staff or students i.e. 32 spaces.
- 9.25 Existing and proposed school hours are:
- St Luke’s Primary School begins at 8.55 am and ends at 3.30 pm.
 - George Green’s School registration from 8.45 to 9.00 am closing registration from 3.10 pm– 3.20 pm.
 - CWC from 8.30 am to 3.55 pm
- 9.26 Officers’ main concern has been assessing the impact of locating a further primary school adjacent to St Luke’s Primary School in relation to traffic impact on the surrounding highway network. Local residents have similar concerns.

- 9.27 Site inspection confirms that George Green's School is sufficiently distant from the application site and St. Luke's not to interfere with traffic and parking conditions.
- 9.28 As the Council's Strategic Transport / Highways Dep't explains at paragraphs 8.18 to 8.24 above, it is estimated that CWC2 would generate 28 vehicle trips during the morning and afternoon peaks. It is considered that subject to the staggering of school hours at St. Luke's and the CWC2 acceptable traffic and car parking conditions on the highway would ensure, On site car and cycle parking standards would be met.
- 9.29 It is considered that the proposal is consistent with the NPPF and transport policy in the London Plan and the Council's Local Plan and that cumulative transport impacts would not be sufficient to warrant withholding planning permission.

9.30 **Heritage Assets & Design**

- 9.31 Statutory tests for the assessment of planning applications affecting the setting of listed buildings and conservation areas are set out at paragraph 7.1 above. The special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas also applies to development adjoining a conservation area which is the case here.

NPPF

- 9.32 The NPPF is the key policy document at national level relevant to the assessment of individual planning applications. Chapters relevant to heritage, design and appearance are Chapter 7 '*Requiring good design*' and Chapter 12 '*Conserving and Enhancing the Historic Environment.*'
- 9.33 Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 9.34 Chapter 12 relates to the implications of development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced with the public benefits of a scheme.
- 9.35 The effect of a development on heritage assets may be positive, neutral or harmful. Where a decision maker considers there is harm, the NPPF requires decision makers to distinguish between '*Substantial*' or '*Less than substantial*' harm. If a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. To amount to substantial harm there would have to be such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.
- 9.36 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The London Plan

- 9.37 The London Plan 2015 addresses the principles of good design and preserving or enhancing heritage assets. Policy 7.4 '*Local Character*' requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place to influence the future character of an area, and be informed by the surrounding historic environment. Policy 7.6 emphasise the provision of high quality architecture. Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

The Local Plan

- 9.38 Core Strategy Policy SP10 seeks to protect and enhance the borough's heritage assets and to preserve or enhance the wider built heritage and historic environment. It promotes a borough of well-designed places that retain and respect the features that contribute to each places heritage, character and local distinctiveness.
- 9.39 These principles are followed in the MDD and Policy DM24 '*Place-sensitive design*' requires developments to be built to the highest quality standards, incorporating principles of good design. This includes being sensitive to and enhancing the local character and setting of a development, and use of high quality materials.
- 9.40 MDD Policy DM27 deals with '*Heritage and the Historic Environment.*' Policy DM27 1 requires development to protect and enhance the borough's heritage assets, their setting and their significance. Policy DM27 2 says that development within a heritage asset should not adversely impact on character, fabric or identity. Scale, form, details and materials should be appropriate to the local context and should better reveal the significance of the heritage asset.
- 9.41 In this case, the relevant designated heritage assets are the adjoining Island Gardens Conservation Area and the Church of Christ and St John listed grade II*. The church was built between 1852-54 to serve Cubitt's estate. It is stock brick laid in Flemish bond with Portland stone dressings and slate roofs. The locally listed vicarage located between the application site and the church is a non-designated heritage asset.
- 9.42 The Island Gardens Conservation Area was designated in March 1971. It is focused on Island Gardens which is included in Historic England's Register of Historic Parks and Gardens. Island Gardens were developed to protect the axial views across the river of the Royal Naval College and the Queen's House in Greenwich. The importance of these views has secured the park's inclusion in the Buffer Zone of the UNESCO Maritime Greenwich World Heritage Site.
- 9.43 The Island Gardens Conservation Area Appraisal and Management Guidelines notes that the majority of building heights in the area vary between 3 & 4 storeys; this is also true of the area to its north where the application site is located. The document states that the Christ Church spire provides a prominent landmark which should be protected.
- 9.44 The majority of buildings within the Conservation Area are residential, constructed during the late 1970s and early 1980s and are of varying character and materials. Island Gardens itself has changed very little, still providing an open and green focus for the area. Dotted throughout the Conservation Area are a small number of listed

buildings, the only significant grouping being located south of the application site - the Church of Christ and St John and the former Waterman's Arms public house (now the Great Eastern) listed grade II.

- 9.45 Historic England advises that the setting of a heritage asset can be broadly categorised as having the potential to enhance or harm the significance of the asset through the principle of development alone; through the scale, prominence, proximity or placement of development; or through its detailed design.

Analysis

- 9.46 The proposed building would be 3-storey (11.55 metres to the top of the parapet) where it abuts the 1980's terraced 3-storey houses on Saunders Ness Road to the south. The terrace (which is within the Conservation Area) has a reasonably consistent building line, and the main part of the school would be set back from this by around 2 m. The 2-storey tall school hall and library on the corner with Glenworth Avenue would project forward from it by around 2 m.
- 9.47 The proposed height massing would accord with the surrounding context closely following the 3-storey residential development to the south and east, the 3-storey Police Station to the west and St Luke's Primary School at 2-4 storeys.
- 9.48 Along the northern boundary, the building would be set back from Glenworth Avenue by around 1 m. Although more than half of the ground floor frontage would be formed of solid masonry; recessed brick features would provide some relief and visual interest.



Figure 3. Saunders Ness Road elevation

- 9.49 The proposals broadly reflect the layout of St Luke's Primary School on the opposite side of the Glenworth Avenue, where the main building is also set back from the road and at the street corner a building is positioned further forward.
- 9.50 As the site is undeveloped at present, the spire of Christ Church is visible from Saunders Ness Road and the proposed development would partially obscure it from view. However, this would arise from the extant permission for housing (PA/12/01646).
- 9.51 Important views of the listed church include those looking north-west along Manchester Road, from within the conservation area. In these, the church would be visible alongside the locally listed vicarage, with the application site located behind.

The proposed school would be located some 35 m. from Christ Church and 25 m. from the vicarage with Nos. 83-91 Saunders Ness Road intervening in views from within the church grounds. Given the scale of the proposed school, its distance from the church and the presence of mature trees, the proposal would have a negligible (if any) impact on these views. Overall, it is considered the proposal would preserve the setting of nearby heritage assets including the character and appearance of the conservation area.

- 9.52 The proposed use of brick as the predominant facing material (buff coloured on a dark brick plinth and red brick feature panels) would complement the character of the surroundings, including the adjacent conservation area. Some texture would be introduced to the facades through the use of recessed brick detailing, and the plans indicate that some depth would be achieved by deep window reveals.
- 9.53 The elevations would be organised so that windows (polyester coated aluminium) would be grouped to create a vertical emphasis. This would establish a rhythm that would complement the residential character of many of the surrounding streets.
- 9.54 It is recommended that the precise nature of the façade materials and detailed design elements are reserved by conditions to ensure that a high quality finish is achieved. This includes further details of a security mesh used to enclose the external stairs and the rainwater pipes, both of which would be prominent features of the building.
- 9.55 The site is not in an archaeological priority area and the submitted Heritage Assessment finds no evidence that the site might contain important archaeological remains.
- 9.56 Some limited planting is proposed along the northern and eastern boundaries. It is recommended that the precise nature be controlled by condition. The recommended condition also requires details of the proposed boundary treatments. The design of this would be particularly important along the eastern boundary where the fencing would have an impact on the appearance of the street and care should be taken to avoid an inappropriately defensive appearance.

Amenity of neighbours

- 9.57 Core Strategy Policy SP10 '*Creating Distinct and Durable Places*' & MDD Policy DM25 '*Amenity*' require development to protect the amenity of adjoining development.
- 9.58 Schools are compatible within residential areas. The proposed playground on the roof of the school hall would face St Luke's Primary School and cause no harm to the school. It would be diagonally opposite the residential terrace Nos. 80-90 Saunders Ness Road (18 m. at its closest) and provided with is 1.725 m. high perimeter walls and glazed screens to prevent overlooking and limit noise. The houses Nos. 83-91 Saunders Ness Road on the west side of the road, would not be affected by the roof top playground and would be separated from the ground level playground by a 2.6 m. high brick wall, the parking bay for the disabled and a bicycle storage area. The houses Nos. 70-78 Saunders Ness Road on the far side of the road would be 20 m. from the ground level playground. Due to a combination of limited day time use, distance and the provision of screening walls and glazed screens, it is considered that residential amenity would be not be unacceptably impacted by the two playgrounds.

- 9.59 The school would be set off the boundary with No. 91 Saunders Ness Road by between 2 m. and 1.8 m. At the rear the school building would project 7.0 m. beyond the rear of the adjoining house and be positioned 3.0 m off the boundary. Whilst the application is not supported by a Daylight and Sunlight Study, the proposed layout would not result in any material conflict with the Building Research Establishments initial 45 degree test. Both the front and rear of No. 91 are otherwise unobstructed and satisfactory natural light would be maintained with no unacceptable sense of enclosure.
- 9.60 No. 91 Saunders Ness Road would not be overlooked from the school. The school classrooms would be separated from houses Nos. 70-78 Saunders Ness Road by 18.6 m. This relationship is normal across roads in the borough, meets the Council's separation standard and considered adequate to preserve residential privacy.
- 9.61 MDD Policy DM25 also stipulates that residents should not be exposed to unacceptable levels of noise, vibration, artificial light, odour, fumes or dust pollution during the construction or life of the development. It is recommended that the construction process is managed by a Construction Management Plan and conditions limiting construction hours and piling.
- 9.62 In summary, it is considered the development is consistent with Core Strategy Policy SP10 and MDD Policy DM25 and that a satisfactory standard of amenity would ensue for surrounding existing residents.

Flood risk

- 9.63 Susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.15 '*Flood Risk Management*' and Core Strategy Policy SP04 5 within '*Creating a Green and Blue Grid*.'
- 9.64 The site lies in the Environment Agency's Flood Zone 3 (High Probability) with >1 in 100-year annual probability of river flooding and >1 in 200-year annual probability from tidal sources but is defended by local defences and the Thames barrier that reduce the probability to 1 in a 1,000 years. No land in Tower Hamlets is excluded from development in the Council's sequential test. The finished floor levels would be set 300 mm above the 1 in 200 modelled flood inundation event. The Environment Agency has no objection to a grant of planning permission.

Biodiversity and ecology

- 9.65 Core Strategy SP04 concerns '*Creating a green and blue grid*.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 concerns '*Living buildings and biodiversity*' and requires developments to provide elements of a '*living buildings*.' This is explained to mean living roofs, walls, terraces or other building greening techniques. Policy DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 9.66 The site is contains scrub and eleven trees and shrubs that range in height from 0.5 m. to 15 m. The three tallest trees at 14 m. and 15 m are all Sycamores. . No trees are subject to a TPO and non are considered worthy of protection. This environment undoubtedly supports nesting birds but is a common habitat of only moderate

biodiversity value. Its loss would constitute a small negative impact on biodiversity. Protected trees within the church grounds are sufficiently distant to be unaffected.

- 9.67 Core Strategy Policy SP04 and MDD Policy DM11 seek net biodiversity gains from new development in line with the Local Biodiversity Action Plan. To mitigate the loss of existing habitat, it is considered that requirements would best be met by providing a bio-diverse green roof, although the scope for this is limited due to a proposed PV array that is intended to be installed on the roof of the classroom building. Bat boxes and bird nesting boxes could also be provided. Ground level planting would be undertaken along Glenworth Avenue. The extent of this would be limited due to the footprint of the building. Planting boxes would be installed along Saunders Ness Road but would be of limited biodiversity value.
- 9.68 The invasive Japanese knotweed is reported to occur on the site. The submitted Ecology Report has found no evidence of bats or other protected species.
- 9.69 On balance, it is considered the proposal would accord with the Local Plan's biodiversity policies. This is subject to conditions being applied to any planning permission to secure the provision of green roofs, landscaping, bat boxes and bird nesting boxes, site clearance of vegetation being undertaken only between September and February inclusive (outside bird nesting season) and the prior approval of a method statement to identify and secure the safe removal and legal disposal of Japanese knotweed. An informative concerning protected species is also recommended.

Energy

- 9.70 The NPPF encourages developments to incorporate renewable energy and to promote energy efficiency.
- 9.71 London Plan 2015 Chapter 5 deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025 (Policy 5.1).
- 9.72 London Plan Policy 5.2 sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 9.73 LP Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 non-domestic development should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.
- 9.74 Tower Hamlets Core Strategy Strategic Objective SO3 seeks to incorporate the principle of sustainable development including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 reiterates the Mayor's CO2 reduction targets and requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. MDD Policy DM29 reiterates the London Plan targets and requires non-residential development to comply with forthcoming Building Regulations in 2016.

- 9.75 In April 2015, the GLA released new guidance '*Greater London Authority guidance on preparing energy assessments*' which says the Mayor will adopt a flat carbon dioxide improvement target beyond Part L 2013 of 35% to both residential and non-residential development.
- 9.76 The scheme proposes a centralised condensing gas-fired space heating plant and a photovoltaic array (100 m²) mounted on the classroom roof. The Council's Energy Efficiency Unit advises that the proposals are anticipated to be policy compliant. The proposal has the ability to meet the necessary energy credits required to meet BREEAM 'Very Good'.

Contaminated land

- 9.77 From 1883 the site was part of W. Cubitt and Co Factory, the largest of the then riverside plots containing saw mills, timber wharves, a cement factory, pottery and several large brickfields. It later became part of the grounds of Christ Church School that was demolished in the early 1960's. After that it became part of a community garden.
- 9.78 The current proposal involves building and hard surfaces on much of the site which would create a barrier for potential pollutant linkages relating to contact with arsenic and metals which may be present in the soil but won't mitigate against ground gas which could enter the building or mobile contamination which could be leached into groundwater. A strip of landscaping would be provided along the Glenworth Avenue frontage.
- 9.79 Environmental Protection advises that a site investigation is required to identify any contamination and any contaminated land should be treated and made safe before development. A condition requiring a contamination report and the implementation of any necessary mitigation measure is recommended in accordance with Policy DM30 of the Managing Development Document.

Air quality

- 9.80 The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.
- 9.81 London Plan Policy 7.14 requires development proposals to minimise exposure to poor air quality and address local problems, to promote sustainable design and construction and be at least air quality neutral. Core Strategy Policy SP03 adopts similar themes. MDD Policy DM9 requires major development proposals to submit an Air Quality Assessment demonstrating how it will prevent or reduce air pollution during construction or demolition.
- 9.82 During the construction phase activities could generate dust emissions. A recommended condition requiring the approval of a Construction Management Plan would ensure that mitigation measures are in place.
- 9.83 Once the development is operational, it would result in changes to traffic on the local road network that would give rise to minor impacts on air quality. The application is not supported by an Air Quality Assessment. It is recommended that an assessment

is submitted and approved prior to the commencement of the development to ensure that satisfactory conditions would ensue and the proposal is compliant with development plan policy with conditions below the benchmarks specified in the GLA's Sustainable Design and Construction SPD 2014. It is considered that a potential cruise ship terminal in Greenwich would materially impact on air quality on the Isle of Dogs.

Consecrated ground

- 9.84 It has been suggested that the site might be consecrated. The site is not a designated burial ground and there is no evidence from historical maps that the land was so used. The Vicar of Christ Church has replied to consultation and makes no suggestion that the application site is consecrated.
- 9.85 Development of consecrated land is not a planning matter. However, it is recommended that an informative be applied to any planning permission recommending liaison with the Chancellor of the local diocese and the Ministry of Justice to determine whether the site is consecrated or if human remains are believed to be buried.

Community Infrastructure Levy and Planning Obligations

- 9.86 Schools are not chargeable development for either the Mayoral or the borough's CIL. The Tower Hamlets Planning Obligations SPD 2012 & the Draft SPD 2015 apply to commercial and residential developments not schools.
- 9.87 Should the development be permitted, planning obligations necessary to enable the development to proceed could be secured by enforceable conditions applied to the permission regulating school hours and community use of the school hall. Necessary improvement works to the highway could be secured by an agreement under section 278 of the Highways Act and a condition is recommended requiring such an agreement to be executed.

Other Local Finance Considerations

- 9.88 As noted above, Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning 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.
- 9.89 Section 70(4) defines "*local finance consideration*" as including: "*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.*"
- 9.90 A Free School in England is a non-profit-making, independent, state-funded school which is free to attend. Free Schools are governed by non-profit charitable trusts that sign funding agreements with the Secretary of State. To set up a Free School, founding groups submit applications to the Department for Education. Groups include those run by parents, education charities and religious groups. On-going funding is on an equivalent basis with other locally controlled state maintained schools, although additional start-up grants to establish the schools are also paid.
- 9.91 The Education Act 2011 gave rise to the Academy/Free School Presumption;

Government advice which clarified that any local authority in need of a new school must in most circumstances seek proposals for an Academy or Free School, with a traditional community school only being allowed if no suitable Free School or academy is proposed. In July 2015 the advice was renamed the Free School Presumption reflecting the fact that the newly elected Government regarded all new academies established after May 2015 as Free Schools.

- 9.92 The CWC application project is being financed through the Government's Education Funding Agency which has established a budget and a programme for delivery of the project.

Human Rights Act 1998

- 9.93 Objection has been raised that the proposal breaches the European Convention on Human Rights – the right of a person to enjoy their home peacefully. The following are highlighted to Members.

- 9.94 Section 6 of the Act prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are 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*".

- 9.95 This report itemises the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the local planning authority. Invitations have been made to enable local people to attend and address the Development Committee.

- 9.96 Were Members to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.

- 9.97 Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must consider the balance to be struck between individual rights and the wider public interest.

- 9.98 The Act takes into account any interference with private property rights to ensure that the interference is proportionate and in the public interest. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered and it is considered that any interference with Article 8 rights (by

virtue of any adverse impact on the amenity of homes) is in accordance with law and necessary in a democratic society in the interests of the economic well-being of the country including the education of children.

Equalities Act 2010

9.99 The Equalities Act 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. The Committee must be mindful of this duty when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

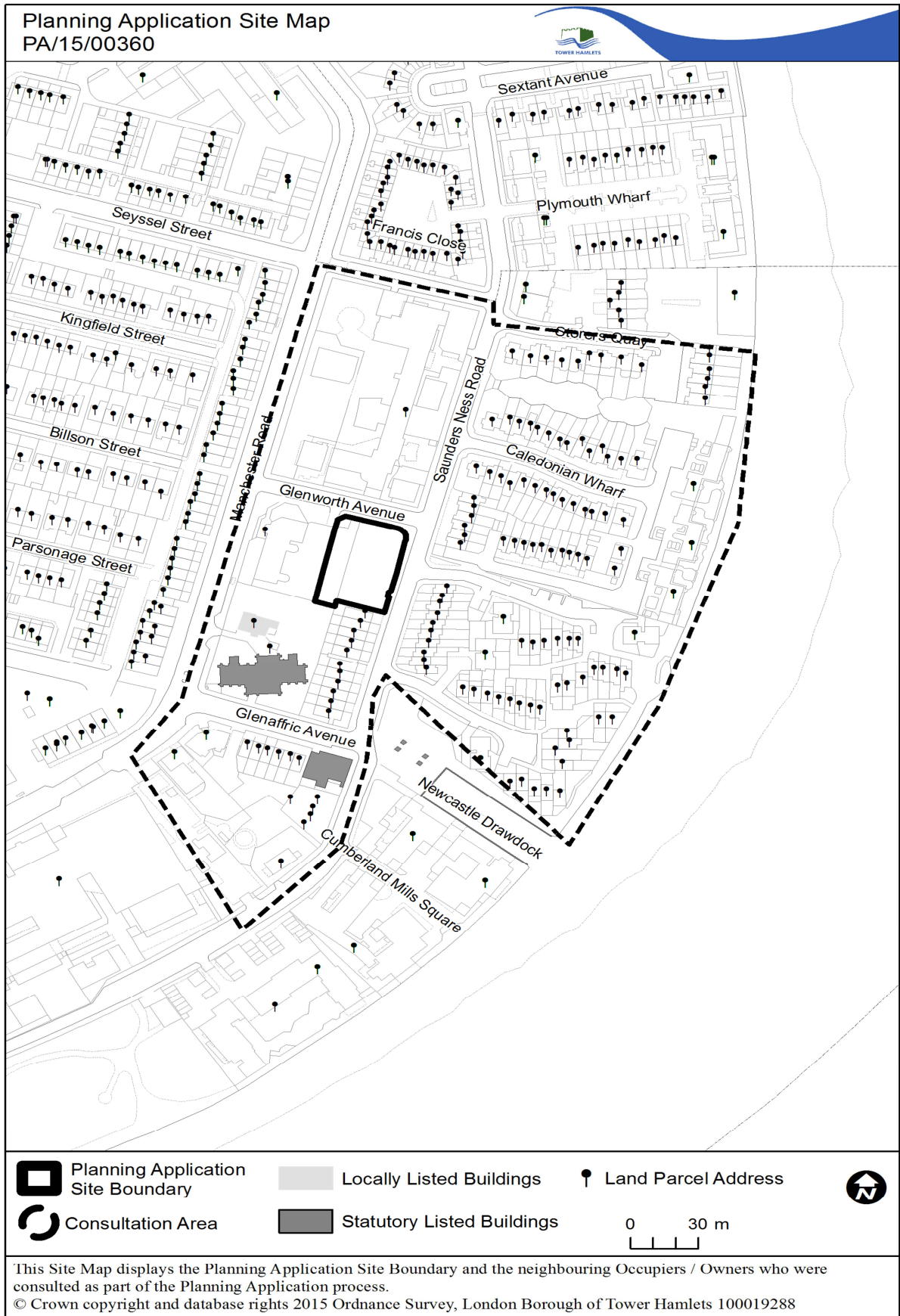
9.100 Free schools are expected to operate an inclusive, fair and transparent admissions policy. The CWC proposal is for a non-denominational, mixed sex primary school which will improve the choice of schools and number of primary school places within the borough. As such it is considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive.

9.101 The building would be provided with an accessible entrance for disabled people. In addition, the proposal includes lift provision allowing all levels of the school to be accessible by persons with a disability requiring use of a wheelchair or persons with less mobility.

10. CONCLUSION

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

Site Plan



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Agenda Item 6.3

Committee: Development	Date: 25 November 2015	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Piotr Lanoszka	Ref No: PA/14/03547
	Ward: Bethnal Green

1.0 APPLICATION DETAILS

Location: Wickham House, 69-89 Mile End Road
and 10 Cleveland Way, London, E1

Existing Use: Retail, restaurant, office and banqueting suite

Proposal: Refurbishment of former Wickham's department store comprising: retention of facade of former Spiegelhalter's shop at 81 Mile End Road to provide new entrance, change of use of second floor to office (Use Class B1), change of use of ground and basement floors to a flexible retail/leisure use (Use Class A1/A2/A3/A4/B1/D1/D2) and erection of roof extensions at third and fourth storey levels to provide 1,481sqm (GIA) of additional office space (Use Class B1); as well as reconfiguration of internal layout, restoration of external features and other associated works.

Drawings: 875.S.01 rev P1, 875.EX.B1 rev P1, 875.EX.00 rev P1, 875.EX.01 rev P1, 875.EX.02 rev P1, 875.EX.03 rev P1, 875.EX.04 rev P1, 875.EX.RF rev P1, 875.EX.SITE rev P1, 875.EE.01 rev P1, 875.EE.02 rev P1, 875.EE.03 rev P1, 875.EE.04 rev P1, 875.ES.01 rev P1, 875.GA.B1 rev P3, 875.GA.00 rev P3, 875.GA.01 rev P2, 875.GA.02 rev P2, 875.GA.03 rev P2, 875.GA.04 rev P2, 875.GA.RF rev P2, 875.GA.SITE rev P2, 875.GE.01 rev P5, 875.GE.02 rev P2, 875.GE.03 rev P1, 875.GE.04 rev P2, and 875.GS.01 rev P2.

Documents:

- Design & Access Statement (December 2014);
- Design changes to planning application (Revision P5, 6th November 2015);
- Planning Statement (December 2014);
- Transport Statement (December 2014);
- Initial Heritage Statement (December 2014);
- Structural Notes on the Front Elevation (December 2014);
- Daylight, Sunlight & Overshadowing Report, (December 2014);
- Sustainability Report (December 2014);

- Statement of Community Involvement (December 2014);
- Energy Assessment (December 2014); and
- Acoustic Report (December 2014).

Applicant: Whitestep SARL

Freeholder: Whitestep SARL (joint venture of Resolution Property Plc with Schroders Plc)

Leaseholders: Tesco Stores Ltd & Sports Direct International Plc

Historic Building: Non-designated heritage asset

Conservation Area: Stepney Green Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 This report considers a planning permission application for the comprehensive refurbishment, change of use and extension of the former Wickham's department store to a co-working office hub with ground floor and basement retail and leisure use.
- 2.2 The main issues addressed in this report are:
- the economic implications of the creation of a co-working office hub, in relation to the regeneration of Whitechapel and the Tech City initiative;
 - the loss of a banqueting suite (the Waterlily);
 - the heritage impact of the proposal; and
 - the amenity impact, including opportunities to reduce noise disturbance to the adjoining residents.
- 2.3 The proposal represents a unique opportunity to create a large co-working hub for start-ups and SMEs. The site would provide between 700 and 1200 full time jobs. The office use would also provide 'an optimum viable use' providing for comprehensive refurbishment of the non-designated heritage asset and securing its future conservation.
- 2.4 While the banqueting suite is of some public value, for the reasons set out within the report, including the significant current adverse amenity impact and persistent lack of compliance with enforcement notices and regulations, the public value of the facility is limited. The harm resulting from the loss of the facility, to allow the creation of the office hub, is justified in planning terms, given the extensive public benefits of the scheme and the high level of regenerative impact of the proposal would have.
- 2.5 Careful consideration has been paid to the refurbishment and extension works, taking into account the different features of the site and its surroundings. The proposal has been amended to address the concerns raised by members of the public, the amenity societies, Historic England and the Council's Conservation Officers.

- 2.6 Officers consider that any adverse heritage impacts, where these occur, are minor and of a less than substantial significance. These effects would be considerably outweighed by the heritage and public benefits of the scheme, as set out in the report.
- 2.7 The scheme, overall, would deliver a net benefit in heritage terms, enhancing the significance of the Wickham's and Spiegelhalter's as non-designated heritage assets. It would preserve and enhance the character and appearance of the Stepney Green Conservation Area while preserving the setting of the adjoining Grade II listed buildings.
- 2.8 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:

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

Financial contributions:

- a) £7,756.00 towards construction phase skills and training;
- b) £78,418.00 towards end user employment skills and training;
- c) Crossrail CIL top-up contribution of between £0.00 and £73,126.00 depending on what uses are implemented within the flexible units; and
- d) Monitoring fee equivalent to £500 per each Head of Terms in the Legal Agreement.

Total financial contribution: between £86,174 and £159,300.00 depending on final amount of Crossrail contribution, plus monitoring contribution.

Non-financial contributions:

- a) Reasonable endeavours to ensure 20% of the construction phase workforce are residents of the Borough;
- b) Reasonable endeavours to ensure 20% of goods/service during construction are procured from businesses in Tower Hamlets;
- c) Reasonable endeavours to ensure 20% of the end-user phase workforce are residents of the Borough; and
- d) Apprenticeships and work placements during construction and end user phase of the development.

That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. If within three months of the resolution the legal

agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

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

3.3 Conditions:

- a. Time Limit 3 years;
- b. Compliance with plans and documents;
- c. Opening hours of A1, A2, A3, A4, D1 and D2 uses restricted to 07:00 – 23:00 Monday to Saturday; office hub open 24h.
- d. Cleveland Way not to be used for access and egress from the basement after 8pm (main access/egress to be from Mile End Road);
- e. Scheme to prevent overlooking and light pollution at the rear, no access to the roof areas at rear other than for maintenance;
- f. Updated noise impact assessment (from rear of the building);
- g. Technical specification and noise output of all plant and mechanical equipment, including details of visual and acoustic screens;
- h. Noise insulation to all A3, A4, D1 and D2 uses at basement and ground floor;
- i. Details of use, servicing and a Facility Management plan for any D1 and D2 use to minimise highways, refuse and amenity impacts;
- j. Servicing and Waste Management Plans for the office and each commercial unit;
- k. Construction Logistics Plan and Construction Management Plan;
- l. Travel Plan;
- m. BREEAM Excellent, Sustainability & Energy Statement Compliance, details of PV array;
- n. Biodiverse roof and sustainable drainage provisions;
- o. 120 cycle spaces, changing rooms and showers for office use, details of cycle storage provision for each flexible ground floor and basement unit;
- p. Timescales for implementation of new shopfronts, glazing not to be obscured;
- q. Details of all demolition, construction and alterations works including full schedule of features to be reinstated, retained and relocated including metalwork within the rear staircase, glazed domes at 2nd floor level and panelled room within the base of the tower;
- r. Lighting scheme to enhance heritage and townscape value;

- s. Public art and historic information interpretation boards and plaques;
 - t. Samples and details of all external materials, including shopfronts, fenestration, doors. Detailed drawings of any new and reinstated features;
 - u. Removal of permitted development rights for any alterations works, erection of structures or boundary enclosures, no painting of brickwork or masonry.
 - v. No amalgamation of ground floor units. No more than 50% of A4-A3 use within ground and basement floors. Maximum size of any A1 unit within the basement restricted to no more than the size of the largest existing ground floor unit;
- 3.4 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application relates to the former Wickham's department store located on the northern side of Mile End Road and the eastern side of Cleveland Way, as well as to the remains of the former Spiegelhalter's store frontage at 81 Mile End Road.
- 4.2 The Wickham's Department Store was built in 1925-27 by T. J. Evans & Son at a time when Mile End Road aspired to be 'the Oxford Street of the East End'. The main characteristic features of the Beaux Arts building include the classical columns and monumental tower and the way in which the grand design of the front elevation is compromised by the two storey Spiegelhalter's jewellery shop whose owners refused to sell to the developer, consequently severing the east wing from the main body of the building. This composition has been famously described by Ian Nairn as "one of the best visual jokes in London, a perennial triumph for the little man, the bloke who won't conform." (Nairn's London, 1966).



Figure 1 – photograph of the site as existing

- 4.3 Neither building is statutorily or locally listed, however, both buildings make an important contribution to the townscape of the Stepney Green Conservation Area and are considered to be non-designated heritage assets.
- 4.4 The local townscape is of a historic character with a large number of listed buildings in the vicinity of the site as shown on the below plan. These include the Grade II listed early 19th Century terraced properties at 1 Cleveland Way, 1-11 Bellevue Place, 82-84 and 90-124 Mile End Road (even), 107-113 Mile End Road (odd). A Grade II listed fountain is located within the footway to the south of 99 Mile End Road.

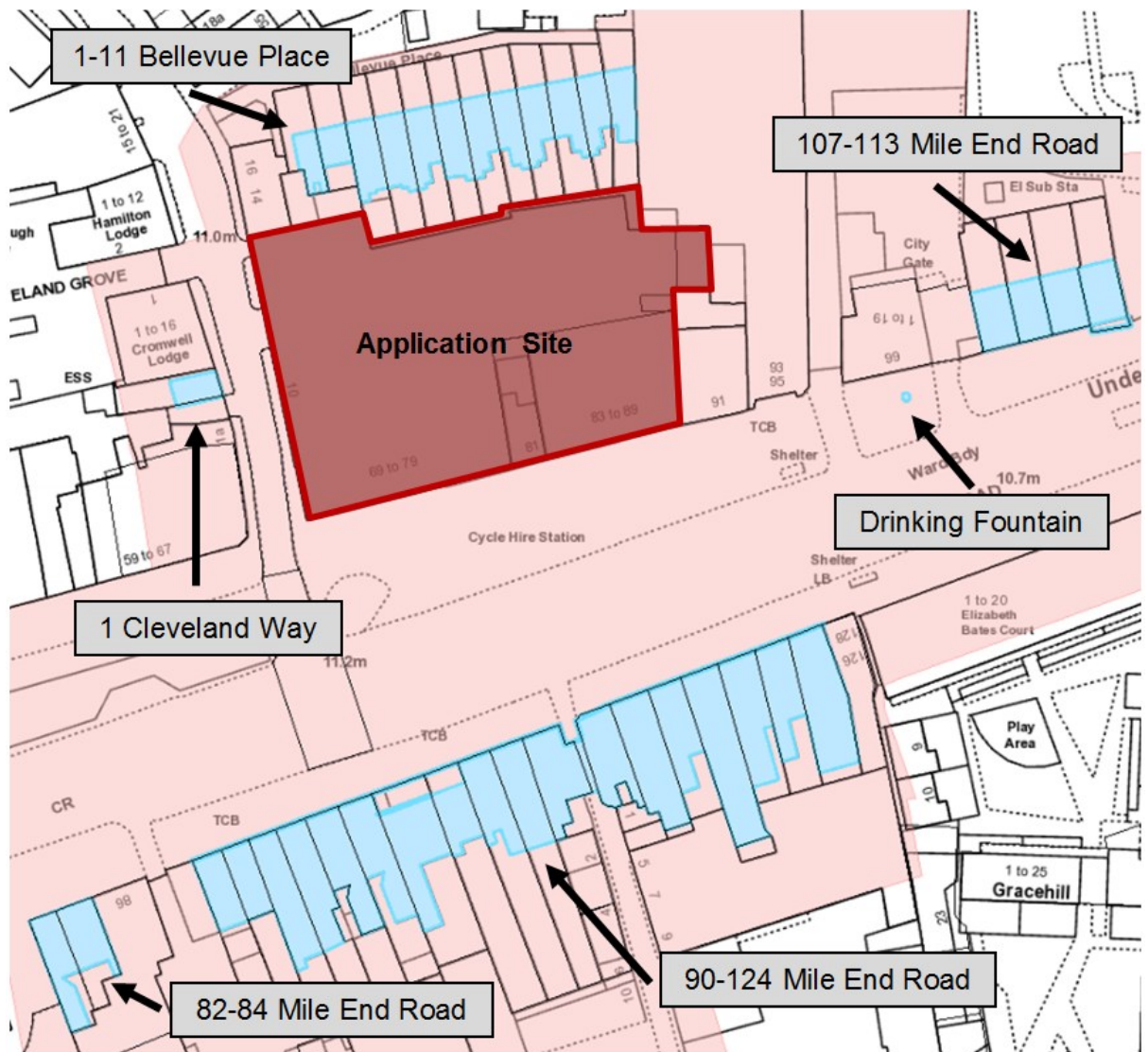


Figure 2 – location of the application site in relation to heritage assets. (The extent of the Stepney Green Conservation Area has been highlighted in a pale colour)

- 4.5 The application site sits within an edge-of-centre location for the Whitechapel District Town Centre and the Stepney Green Neighbourhood Town Centre. It abuts the boundary of the London Plan Tech City & City Fringe Opportunity Area and the

boundary of the Council's Whitechapel Vision Masterplan. It is also within 240m distance of the Whitechapel Local Office Location.

4.6 Mile End Road (A11) forms part of the Transport for London while Cleveland Way is an LBTH adopted highway. The site benefits from very good public transport accessibility (PTAL of 5/6a) as it is within walking distance of Whitechapel, Bethnal Green and Stepney Green Underground Stations. There are numerous bus routes serving Mile End Road and Cambridge Heath Road. Cycle Superhighway CS2 runs along the A11 corridor, with numerous TfL cycle hire docking stations nearby, including one immediately outside the former department store.

4.7 There are a number of residential properties surrounding the application site, the closest being at Cleveland Way and Bellevue Place, immediately at the rear of the application site. There are also residential properties on the opposite side of Mile End Road, to the south. Adjoining to the east are the Al Huda cultural centre & mosque and the Genesis cinema.

4.8 The former department store currently houses the following mix of uses:

Basement - 2295sqm of GIA floorspace, currently vacant and benefiting from planning permission for A1 retail space. It was last occupied as a theatre. It is understood that this space has never been occupied as active retail floorspace and only served for occasional ancillary storage, prior to the use as a theatre.

Ground Floor - 2266sqm of GIA floorspace, of which approximately 1700sqm in A1 retail use (Tesco and Sports Direct), 340sqm in B1 office use, and 200sqm in A3 use (Foxtroft and Ginger).

First Floor - 2096sqm of GIA floorspace, all in B1 office use (co-working & business incubator space run by Central Working), including a 140 seat ancillary auditorium

Second Floor - 1830sqm of GIA floorspace, all in D2 use (Waterlily Banqueting Suite)

Third Floor - 873sqm of GIA floorspace, all in B1 office use.

Background and Planning History

4.9 After years of neglect, in February 2009, planning permission (ref PA/08/02274) was granted for refurbishment, alterations works and change of use of the former department store to provide retail at basement, ground and first floors, conference suites/banqueting hall at second floor and offices at third floor together with the creation of a new access lobby in the yard at rear of 81 Mile End Road (the former Spiegelhalter's).

4.10 The most relevant conditions included provision of sound insulation and sound limiters for the banqueting suite, opening hours restrictions, and a stipulation that all access & egress after 8pm is to take place from Mile End Road rather than Cleveland Way. These conditions were imposed to safeguard the amenity of residents of Cleveland Way and Bellevue Place.

4.11 This planning permission has been only partially implemented, most likely due to funding difficulties and lack of interest from retail operators. Most of the building has remained vacant for a number of years, with Tesco and Sports Direct eventually occupying part of the ground floor, the Waterlily banqueting suite opening on the 2nd floor and poor quality serviced offices being let within a partial roof extension at 3rd

floor level. Significant parts of the approved development have not been carried out, most of the Spiegelhalter's building has been demolished, Building Regulations and fire safety requirements have not been complied with and planning conditions have been breached. The most significant of the breaches have been and continue to regard the operation of the Waterlily banqueting suite.

- 4.12 The Council has issued two planning enforcement notices (ref ENF/09/00515 dated 18/10/2010 and 18/11/2013) and prosecuted the previous operator of the Waterlily in the Magistrates Court in August 2011. The previous operator has been fined £8315 in relation to 16 offences but subsequently went into liquidation in August 2012. While there is now a new operator, non-compliance with the planning enforcement notice is still an issue. The Health and Safety Executive and London Fire Brigade enforcement notices are also still in force, limiting the number of Waterlily patrons to 480 at any one time. As no Building Regulations application has been made, the banqueting suite use remains unauthorised from the Building Regulations perspective.
- 4.13 The Planning Enforcement & Environmental Health Officers continue to receive noise & disturbance complaints regarding the operation of the Waterlily – most of the complaints relate to violation of the permitted opening hours, use of Cleveland Way for access/egress in breach of condition and noise disturbance.
- 4.14 In 2013, the former department store was acquired by Resolution Property Plc with an intention to refurbish and extend the building to provide office accommodation. Following acquisition of the site, Resolution Property applied for planning permission to convert the vacant retail floorspace at 1st floor and the rear of ground floor to office use. Planning permissions were granted under delegated powers in November 2013 (ref PA/13/02187) and May 2014 (ref PA/14/00823). The change of use has now been implemented.
- 4.15 Other relevant planning consents for the site include:
- PA/08/02274, variation of condition granted on 14th April 2010, to allow the retail uses to open between the hours of 07:00 – 23:00 Monday to Sunday with no restrictions on staff occupying the property after closing time.
 - PA/12/03357, planning permission granted on 11th April 2013, for conversion of the first floor to a 24hr gym. This permission has not been implemented.

Proposal

- 4.16 The application proposes comprehensive refurbishment, change of use and extension of the former department store to provide a co-working office hub for start-ups and SMEs with ground floor and basement retail and commercial uses.
- 4.17 The following mix of uses would be provided:

Basement – 2443sqm GIA (1978sqm NIA) of flexible floorspace in either A1 retail, A2 professional services, A3 restaurant, A4 drinking establishment, B1 office, D1 non-residential institutions or D2 assembly and leisure.

Ground floor – 2443sqm GIA (1597sqm NIA) of flexible floorspace in four units – units 3 (~460sqm NIA), 4 (~200sqm NIA) and 5 (~700sqm NIA) in A1, A2, A3 or A4 use and unit 6 (~260sqm NIA) in A1/A2/B1/D1 or D2 use.

First Floor – 2229sqm GIA (1941sqm NIA) of B1 office floorspace
 Second Floor – 1885sqm GIA (1625sqm NIA) of B1 office floorspace
 Third Floor – 1444sqm GIA (1207sqm NIA) of B1 office floorspace
 Fourth Floor – 910sqm GIA (715sqm NIA) of B1 office floorspace

4.18 The general distribution of existing and proposed uses is shown below:

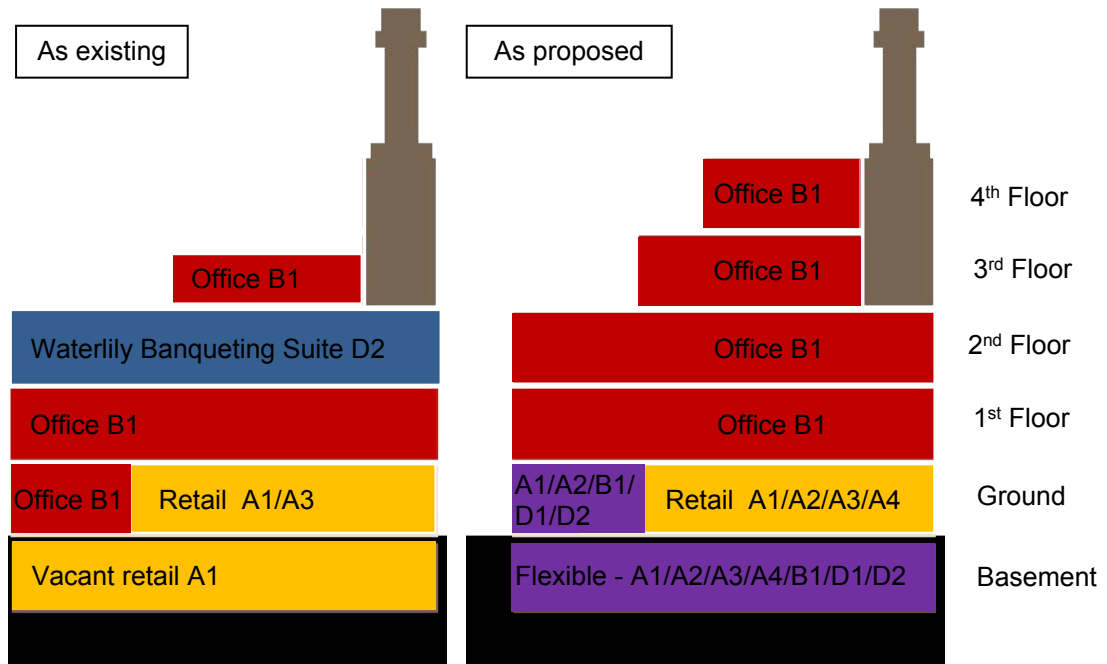


Figure 3 – schematic sections showing existing and proposed uses

- 4.19 The front elevation of the former department store would be refurbished with new shopfronts installed throughout and a new contemporary roof extension erected at 3rd and 4th floor levels. The existing 3rd floor mansard extension would be removed.
- 4.20 The original version of the proposal, as submitted in December 2014, involved the demolition of the Spiegelhalter’s façade to create a grand sculptural entrance as shown on the below image.



Figure 4 – artist impression showing the original proposal

- 4.21 Following receipt of a large amount of objections to the demolition of the façade the applicant has amended the scheme, proposing to retain and refurbishing the frontage as shown on the below image.



Figure 5 – artist impression showing the amended proposal

- 4.22 The proposed extensions would result in an increase of 1939sqm GIA of floorspace, an increase of 20% when compared to the existing floorspace of 9359sqm GIA. The below image illustrates the design of the largely glazed roof extension, as viewed from the opposite side of Mile End Road.



Figure 6 – artist impression of the amended proposal

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy

National Planning Policy Framework 2012
Planning Policy Guidance 2014 with subsequent alterations

5.3 London Plan consolidated with alterations since 2011

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.15 - Town Centres
- 3.1 - Ensuring equal life chances for all
- 3.16 - Protection and enhancement of social infrastructure
- 3.17 - Health and social care facilities
- 3.18 - Education facilities
- 3.19 - Sports facilities
- 4.1 - Developing London’s economy
- 4.2 - Offices

- 4.7 - Retail and town centre development
- 4.8 - Supporting a successful and diverse retail sector
- 4.9 - Small shops
- 4.10 - New and emerging economic sectors
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.4 - Retrofitting
- 5.6 - Decentralised energy in development proposals
- 5.7 - Renewable energy
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.17 - Waste
- 6.3 - Assessing effects of development on transport capacity
- 6.5 - Funding Crossrail and other strategic transport infrastructure
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Lifetime neighbourhoods
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.8 - Heritage
- 7.15 - Reducing noise and enhancing soundscapes
- 7.19 - Biodiversity and access to nature
- 8.2 - Planning obligations

5.4 **Core Strategy 2010**

- 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
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero carbon borough
- SP12 - Delivering placemaking (places of Whitechapel and Stepney Green)
- SP13 - Planning obligations

5.5 **Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- DM2 - Local shops
- DM8 - Community infrastructure
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing waste

- DM15 - Local job creation and investment
- 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

5.6 Other Material Planning Documents

- Whitechapel Vision Masterplan (LBTH 2013)
- Stepney Green Conservation Area Character Appraisal (LBTH 2009)
- Planning Obligations SPD (LBHT 2012)
- Revised Draft Planning Obligations SPD (LBTH 2015)
- Planning for the Historic Environment Practice Guide (English Heritage 2012)
- Conservation Principles, Policies and Guidance (English Heritage 2008)
- Draft Minor Alterations to the London Plan (GLA 2015)
- Draft City Fringe & Tech City Opportunity Area Planning Framework (GLA 2014)
- Use of Planning Obligations in the Funding of Crossrail SPG (GLA 2013)
- Town Centres SPG (GLA 2014)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Accessible London: Achieving an Inclusive Environment SPG (GLA 2014)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)

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. The responses are summarised below.

LBTH Environmental Health – Noise

- 6.3 No objection subject to the following matters being dealt with by condition:
- a) Submission of a revised noise survey to correctly reflect the background noise climate at the most affected neighbouring properties;
 - b) Submission of details of plant and mechanical equipment to ensure compliance with the British Standard BS4242 and ensure that the resulting noise is 10db below the lowest measured background noise (LA90, 15 minutes);
 - c) Submission of details of kitchen extract systems for A3 and A4 uses to ensure compliance with DEFRA guidance document on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2005;
 - d) Submission of noise insulation schemes for any A3, A4, D1 and D2 uses to ensure compliance with the British Standard BS8233;
 - e) Restriction of opening hours for A3, A4, D1 and D2 uses 07:00 - 23:00 Monday to Sunday;
 - f) Cleveland Way entrance/exit not to be used after 20:00 other than in

emergencies; and

g) Submission of a Servicing Management Plan.

[Officer comment: The requested conditions have been included.]

LBTH Biodiversity

6.4 The site has no existing biodiversity value. The proposed green roof could be a significant benefit to biodiversity if best practice guidance is followed. Full details should be secured by condition.

[Officer comment: The requested condition has been included.]

LBTH Energy & Sustainability

6.5 No objections. The proposals are designed to meet carbon emission reduction policies and deliver a 45% reduction in CO2 emissions for the new build elements. In addition, the refurbishment proposals are anticipated to deliver a reduction in over 70 tonnes of CO2 per annum. The delivery of the sustainability proposals and achievement of BREEAM Excellent should be secured by condition together with the specification of the proposed PV array.

[Officer comment: The requested conditions have been included.]

LBTH Waste

6.6 No objections to the proposed waste storage and collection area located behind shutters and serviced from Cleveland Way.

[Officer comment: Noted.]

LBTH Highways

6.7 No objections subject to conditions dealing with the following matters:

- a. submission of a Delivery and Servicing Management Plan to ensure that majority of servicing occurs from Mile End Road rather than Cleveland Way and that the existing loading bay on Cleveland Way is used for waste storage and collection only;
- b. submission of a Travel Plan for office users; and
- c. submission of a scheme of highway improvement works to remove redundant crossovers and reinstate footways along Cleveland Way.

[Officer comment: The requested conditions have been included.]

Transport for London

6.8 No car parking is proposed which is supported.

6.9 120 cycle parking spaces for the office use are proposed along with showers and changing facilities. This is welcomed but cycle storage should also be provided for the flexible uses within ground and basement floors. This should be secured by

condition.

- 6.10 Submission of a Travel Plan and a Construction Logistics Plan should be secured by condition.
- 6.11 The site is within 1km radius of the Whitechapel Crossrail Station and thus liable for the Crossrail top-up financial contribution which should be secured through the S106 agreement.

[Officer comment: The requested conditions and the Crossrail S106 contribution have been included.]

LBTH Borough Conservation Officer

- 6.12 The site's importance to the Stepney Green Conservation Area lies in the front and flank elevations of Wickham's and in the central tower, which is important to the elevation and is visible in long views from Mile End Road, and also in the Spiegelhalter's which interrupts the façade and has done so since the buildings construction. It also forms part of the setting of the listed buildings in Bellevue Place, at 1 Cleveland Way and 90-124 Mile End Road.
- 6.13 The present proposals involve the repair of the existing building, together with the retention of the Spiegelhalter's façade and the creation of a two storey roof extension across the length of the building. The proposals are the result of careful negotiation and have been revised in line with the comments received.
- 6.14 Whilst the roof extension is a significant intervention, the proposals encompass the careful repair of the existing structure and have been designed to ensure they compliment this historic building. New shopfronts reflecting the character and proportion of the originals are to be introduced, together with the traditional awnings which can be seen in photographs of the building in its heyday. Sitting well back from the front façade, the roof extension has been designed to protect the prominence of the original tower within local and longer views and enable the original elevations to remain dominant. The retention of the Spiegelhalter's façade, will preserve the existing historic fabric and the proposals to use the space behind this façade for some form of public art to interpret Spiegelhalter's will reveal the significance of the building as required by the NPPF.
- 6.15 Internally the building is fairly utilitarian with the exception of three decorative glazed rooflights and a panelled room with fireplace beneath the tower. Conditions should be applied to try to ensure retention and repair of these features.
- 6.16 This scheme will comply with policy, and will enhance the character of the Stepney Green Conservation Area. It is to be welcomed as an exciting proposal, which will add an innovative and distinctive element to this significant building, ensuring its repair and securing its future in the longer term.

[Officer comment: Noted. Conditions have been included to secure submission of a feasibility study for the retention and if appropriate relocation of the glazed domes as well as the retention of the panelled room. Heritage matters are addressed further in the Design & Heritage section of this report.]

Historic England

Response to original proposal

- 6.17 The total loss of the former Spiegelhalter's shop, as well as some of the proposed design elements of the former Wickham's department store, would neither preserve nor enhance the character of the Stepney Green Conservation Area. No clear and convincing justification has been provided for the demolition of Spiegelhalter's.
- 6.18 Improvements to the Wickham's frontage and the provision of new public realm would not offset the harm caused to the significance of the Conservation Area.
- 6.19 *Recommendation:* For the above reasons, Historic England are unable to support the current proposals. However, Historic England are likely to consider the application more favourably if the Spiegelhalter façade is retained and the sculptural shards are removed from the scheme. A further setting back and reduction in height of the glazed extension, and clarification on the relocation of the glazed domes is also strongly advised.

Response to amended proposal

- 6.20 Historic England are pleased that the Spiegelhalter façade would now be retained and the shard elements removed from the scheme. Whilst some concerns about the glazed extension remain, the harm would be mitigated by the previously identified heritage gains and the retention of the Spiegelhalter façade provided that a shop fascia would be reinstated as part of these revisions.
- 6.21 The shop fascia should be based on the original design with the width lining up with Wickham's fasciae at either end to provide a more seamless connection. Framing influenced by the original glazing patterns should be reinstated to the window openings to provide a better sense of the original Spiegelhalter's elevation – Historic England do not expect this to be glazed and the fabric could match the new metal fins of the roof extension to create a visual connection between the old and new elements.
- 6.22 *Recommendation:* Historic England are very encouraged by the positive revisions that have been made to the scheme following initial advice, however, they urge the Council to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

[Officer comment: The above comments are noted. The applicant has amended the proposal further, addressing the matters raised in the second response. Heritage matters are addressed further within the Design & Heritage section of this report.]

Victorian Society

Response to original proposal

- 6.23 The Society objects because of the proposed demolition of the Spiegelhalter's, which is a good historic building worthy of retention. Its demolition would cause substantial harm to the Stepney Green Conservation Area.
- 6.24 Given that the design of Wickham's evolved around that of Spiegelhalter's, the proposed demolition would make the entire block's streetscape unintelligible.

Response to amended proposal

- 6.25 The Society is pleased that the applicant has taken into consideration the Society's advice with a view to retaining the façade of Spiegelhalter's. On this basis The Society is happy to withdraw their objection.

[Officer comment: Noted.]

Twentieth Century Society

Response to original proposal

- 6.26 The Society strongly objects to the application based on the substantial harm to both the Stepney Green Conservation Area and to Wickham's itself which would result in from the demolition of the Spiegelhalter's façade and removal of 2nd floor leaded domes.

Response to amended proposal

- 6.27 No response received.

[Officer comment: The applicant has amended the proposal to retain and restore Spiegelhalter's façade. The glazed domes are addressed within the Design & Heritage section.]

The East End Preservation Society

Response to original proposal

- 6.1 The Society strongly objects to the demolition of the Spiegelhalter's façade and the below listed proposed changes to the former department store:
- The proposed 4th floor makes the roof extension far too tall, overwhelming the architectural composition below and challenging the prominence of the tower.
 - Moving the entrance to the location of the Spiegelhalter's façade is counterintuitive when the tower naturally indicates the position of the entrance.
 - Plans showing how the glass domes would be dismantled, stored and reincorporated need to be submitted with the application.
 - Accurate restoration of original shopfront design would be more impressive than the proposed shopfronts.
 - Decorative anthemions should be reinstated as part of the proposals.

Response to amended proposal

- 6.2 The Society welcomes the attempt to retain the Spiegelhalter's façade but remains disappointed that the new glass building will continue well above its height, seriously reducing the façade's visual impact and any value in retaining it.
- 6.3 The approach to retention is somewhat disappointing as it treats the façade as stage scenery rather than a fragment of a building that deserves restoration. The façade should be faithfully restored if it is to have any integrity – this should entail restoration of timber sashes with glazing and reinstatement of a replica shopfront. Roller shutters within the Cleveland Way elevation are inappropriate.

[Officer comment: Specific points raised are addressed in the Design & Heritage section of this report.]

LBTH Conservation and Design Advisory Panel

(Panel's comments on pre-application ref PA/13/00106 – the proposals presented to the panel on 11th August 2014 broadly matched the original planning application scheme as submitted in December 2014)

- 6.4 Whilst the Panel understands that it is the architect's intention that the proposals celebrate the Spiegelhalter's unit and the story behind it, the proposals indicate the loss of that very feature that is intended to be celebrated. Whilst the architect is asserting that they wish to ensure the history is remembered, the proposals are removing the very fabric, the historical entity, of the story, which appears in many London guidebooks.
- 6.5 The Panel strongly urges that retention of the existing façade be embraced and suggest that the ways in which this existing façade could be treated are explored. Spiegelhalter's helps to make the present façade of this building very locally distinctive and contributes positively to the character of the conservation area. The loss of this iconic piece of local history would not be supported.
- 6.6 Historically the most appropriate location for the entrance would be underneath the tower, however, members do not rule out the possibility of a successful entrance utilising the Spiegelhalter's façade
- 6.7 Corten steel considered an inappropriate material for the roof extension, alternatives complimenting the neoclassical façade should be explored.
- 6.8 Details of awnings, shop fronts, and a lighting scheme should be secured by condition. Greek anthemions on the right hand side of the parapet should be retained and if possible restored on the left hand side of the building.

[Officer comment: The proposal has been amended to include retention of the Spiegelhalter's frontage in accordance with the Panel's recommendation. Other matters are dealt with within the Design & Heritage section of this report. The requested conditions have been included.]

7.0 LOCAL REPRESENTATION

- 7.1 Public consultation took place in accordance with statutory requirements. This included a total of 173 letters sent to neighbours, a press advert published in East End Life and site notices displayed outside the application site.

Consultation on original proposal

- 7.2 Public consultation on the original proposal took place in February and March 2015. The numbers of representations received in response to notification and publicity of the proposal are as follows:

No of individual responses:	Objecting: 225	Supporting: 7
No of petitions received:	3 (with 2826, 352 and 37 signatories)	0

- 7.3 Approximately 80% of objections to the original consultation were solely on heritage grounds, predominantly focusing on the loss of the Spiegelhalter's frontage. Some 20% objected to the loss of the Waterlily banqueting suite with most objecting on land use grounds but a significant number have also highlighted the loss of internal features within the venue.
- 7.4 Three petitions were received, the largest, with 2826 signatories is an online petition in objection to the loss of the Spiegelhalter's façade by 'Save Spiegelhalter's', while the petitions with 352 and 37 signatories are against the loss of the banqueting suite.

Consultation on amended proposal

- 7.5 A further round of public consultation was carried out in June and July 2015, following receipt of amendments to the scheme now showing the retention of the Spiegelhalter's façade.
- 7.6 The following additional representations were received:
- | | | |
|-----------------------------|----------------------------------|---------------|
| No of individual responses: | Objecting: 38 | Supporting: 8 |
| No of petitions received: | 2 (with 379 and 246 signatories) | 0 |
- 7.7 Most of the received objections were on heritage grounds, focusing on the proposed roof extension and loss of internal features including glazed domes.
- 7.8 Two further petitions were received, one objecting on heritage grounds (379 signatures) and the other objecting to the loss of the Waterlily (246 signatures). The heritage objections focus on proposed roof extension and loss of internal features.
- 7.9 The organisers of the 'Save Spiegelhalter's' petition, with 2826 signatures submitted in response to the original consultation, have declared the revisions as a success of their campaign, describing the amended proposal as sympathetic and immeasurably preferable to the original scheme. Additional questions were raised about the treatment of the inner elevation of the retained façade and the lack of glazing within the metal window frames and a suggestion was made that the public art and historic interpretation scheme behind the frontage should include a quote from Nairn's London.

[Officer's comment: Suitable conditions have been included.]

Summary of issues raised

- 7.10 The following issues were raised in objection to the proposal:
- 7.11 Loss of the banqueting suite
- a) There are insufficient flexible leisure facilities in Whitechapel and along Mile End Road which would allow weddings, seminars and other religious, charity and community activities and events.
 - b) No appropriate alternative facilities exist.
 - c) The facility offers affordable space and the two halls provide flexibility, in particular allowing for gender segregated weddings and activities, but also to serve as prayer or children crèche areas at events.

- d) Loss of the facility would necessitate longer car and public transport journeys which would affect the poorer and older members of the community.
- e) Lack of need for the office accommodation - the location being unsuitable for offices, there is an oversupply of office space in the borough.
- f) Use as a banqueting suite means that the decorative glazed domes can be appreciated by members of the public.
- g) Loss of the direct and indirect employment currently provided by the Waterlily.
- h) Impact on female users of the banqueting suite who use the venue for prayers and religious activities. This is necessitated by the inadequate facilities for women in the majority of mosques in the borough.
- i) No meaningful public consultation has been carried out by the developer.

[Officer's comment: These comments are noted and, as relevant, addressed throughout the report.]

7.12 Heritage – demolition of Spiegelhalter's façade

- a) The façade should be restored and preserved as a local heritage asset.
- b) There is no justification for the demolition of the façade.
- c) The proposed sculptural shards and void would not be sympathetic to the former Wickham's department store.
- d) Demolition would cause loss of a local architectural landmark, resulting in loss of social, architectural and historical interest and making it impossible to understand the history of the area and the story behind the development of the Wickham's department store.
- e) Demolition would result in harm to the character and appearance of the Stepney Green Conservation Area.
- f) The Spiegelhalter's façade is currently an eye sore and should be demolished.

[Officer's comment: The applicant has revised the proposal to retain and restore Spiegelhalter's façade to address the above issues. Matters raised above are addressed further in the Design & Heritage section of this report.]

7.13 Other heritage issues

- a) Loss of internal features including glazed domes and coving.
- b) Loss of critical windows and other fenestration.
- c) Roof extension having an adverse effect on local views, and in particular on the views of the tower. Roof extension being too high, undermining the prominence of the tower and harming the architectural composition.

- d) The proposal having an adverse effect on a key building within the Stepney Green Conservation Area, resulting in harm to the character & appearance of the conservation area.
- e) The retention proposals would be insufficient to adequately reinstate Spiegelhalter's heritage narrative.
- f) The amended proposals being less architecturally creative and imaginative than as originally proposed.

[Officer's comment: Matters raised above are addressed in the Design & Heritage section of this report.]

7.14 Other issues

- a) The flexible uses in the basement are not appropriate because the basement shares a party wall with the Al Huda cultural centre & mosque.
- b) Overshadowing, loss of light, privacy intrusion and overlooking of the Al Huda cultural centre & mosque once it is redeveloped pursuant to planning permission PA/13/00064.
- c) Flexible uses would potentially lead to greater public nuisance, danger to public safety, crime and disorder and harm to children.
- d) Flexible uses should be appropriately conditioned to reduce impact on neighbours.
- e) Cleveland Way entrance should only be used in emergencies with main public access from Mile End Road to prevent disturbance to neighbours.
- f) Construction noise and traffic should be controlled by condition.
- g) The proposal represents social cleansing of the working poor and ethnic minorities. The 3rd floor offices house charities, cultural and educational organisations mainly catering for the Bengali and Somali communities.

[Officer's comment: These comments are noted and, as relevant, addressed throughout the report.]

7.15 The following issues were raised in support of the proposal. The majority of support letters have come from the residents of the neighbouring properties on Cleveland Way and Bellevue Place.

- a) Local residents are blighted by impact of traffic and deliveries associated with the Waterlily, in particular during wedding and other larger events. Regularly there are long queues of cars dropping people off with drivers sounding horns and revving engines. The proposal is supported as it would remove the disruption.
- b) Waterlily not complying with conditions on noise, opening hours, and Cleveland Way access/egress causing disturbance to neighbours. The proposal would remove the disruption. The area has been very pleasant to live in until the banqueting suite moved in creating noise nuisance on a regular basis, at least 3 to 5 times a week. The proposal would remove the disruption

- c) Waste and litter left out in the street following events at the banqueting suite. The proposal would remove the disruption.
- d) The proposal would regenerate the area.
- e) The development would attract professional businesses and create new jobs.
- f) The development would be sympathetic to the history of the site. The alterations and extensions would be sympathetic to the host building. Proposal would restore and preserve the building.
- g) Improved living environment for local residents, potential for local economy. Change of use to office is much more in keeping with the residential context of the site. Historic building should be updated to safeguard its future (*comment made by the Cleveland Way Residents Association*)
- h) The amended proposal is good, provided that a plaque referencing the site's history is installed (*comment made by a member of the Spiegelhalter family who used to work at the site*).

[Officer's comment: These comments are noted and, as relevant, addressed throughout the report.]

Applicant's Consultation

- 7.16 The applicant has submitted a Statement of Community Involvement describing the extent of public consultation that took place during the development of the proposals, prior to submission of the planning application.
- 7.17 A public consultation event was held on 15th September 2014 at the Foxtroft and Ginger café between 4pm and 8pm. The exhibition was advertised by 500 notification letters sent to local residents and businesses and details placed on the project website and posters displayed at the exhibition venue. The event was attended by over 30 people.
- 7.18 A series of Community Workshops were also held with local residents, taking place on 10th September 2014, 24th October 2014, 20th November 2014 and 2nd December 2014.
- 7.19 These meetings have influenced the proposal, as described within the submitted Statement of Community Involvement.

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
 - 1. Land use
 - 2. Heritage and design
 - 3. Amenity
- 8.2 Other material issues addressed within the report include transportation & servicing, energy efficiency & sustainability, biodiversity, planning obligations, planning

obligations, biodiversity as well as financial, health, human rights and equalities considerations.

Land Use

- 8.3 The National Planning Policy Framework (the NPPF) sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role, a social role and an environmental role. These roles are mutually dependant and should not be undertaken in isolation.
- 8.4 According to paragraph 9 of the NPPF, pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.
- 8.5 These aims are reflected in the Core Strategy's Strategic Objective SO3 which pursues the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.
- 8.6 The application site falls within an edge-of-centre location for both the Whitechapel and Stepney Green town centres, respectively 240m and 260m walking distance from the core of each centre, and on a main road. It abuts the boundary of the London Plan Tech City & City Fringe Opportunity Area and the boundary of the Council's Whitechapel Vision Masterplan. It is also within 240m distance of the Whitechapel Local Office Location.
- 8.7 The Core Strategy vision for Whitechapel, set out in the annex to policy SP12, is for Whitechapel to become a thriving regional hub and a home to a bustling and diverse economy offering a variety of job opportunities for local people. The vision for Stepney centres on creation of a new neighbourhood centre around Stepney Green station and creating a great place for families.
- 8.8 The following sections of the report address the principle of office use and creation of a co-working hub, the principle of flexible retail and commercial uses and the loss of the banqueting suite.

Principle of Office Use, Employment and Economic Benefits

- 8.9 Paragraph 18 of the NPPF states that the Central Government is committed to securing economic growth in order to create jobs and prosperity. The planning system should operate to encourage and not act as an impediment to sustainable growth. The NPPF stresses that significant weight should be placed on the need to support economic growth through the planning system.
- 8.10 The London Plan policies 4.1 and 4.2 seek to promote and enable the continued development of a strong, sustainable and diverse economy - ensuring the availability of sufficient workplaces in terms of type, size and cost. The London Plan projects demand for office workplaces for 67,000 people within inner London in addition to the 177,000 expected within the Central Activities Zone and the north of the Isle of Dogs between 2011 - 2031. This translates into floorspace demand of 0.86 million sqm and 2.30 million sqm, respectively.

- 8.11 More specifically, London Plan policy 4.1 requires boroughs to work with developers and businesses to ensure availability of a range of workspaces, including start-up space, co-working space and 'grow-on' space.
- 8.12 The Council's Core Strategy policy SP06 seeks to support the competitiveness, vibrancy and creativity of the local economy, ensuring a sufficient range, mix and quality of employment uses and spaces with a particular focus on the small and medium enterprise sector, and through ensuring job opportunities are provided or retained in each place. Creation of flexible workspaces in edge-of-town centre and main street locations is to be promoted and encouraged.
- 8.13 Policy DM15 of the Managing Development Document requires that all developments proposing new employment floorspace include units of under 100sqm and 250sqm to meet the needs of small and medium enterprises.
- 8.14 The 1st floor office currently provides 150 workstations which are used by approximately 150 businesses – providing employment to some 350 desk sharing employees and entrepreneurs in various technology and creative industry start-ups, microbusinesses and SMEs. The space is managed by Central Working to support SMEs and technology start-ups in partnership with Microsoft and Barclays 'accelerator' programmes and the Government Tech City Investment Organisation which operates from the building. According to the applicant, the space is currently operating at full capacity.
- 8.15 To support its co-working hub function, the facility currently contains an ancillary 140 seat auditorium which is also available for public hire. The auditorium would be enlarged during the course of the extension works. Full details of the auditorium's capacity, location within the building and a management plan are recommended to be secured by condition.
- 8.16 The application would result in creation of a hub for SMEs and start-ups in creative and tech industries. The uplift in the quantum and quality of office accommodation would be substantial, leading to creation of 5,488sqm NIA of high quality business floorspace within the 1st floor and above (an uplift of some 3,500sqm NIA of office floorspace). Depending on methodology used, the upper floor offices would provide employment to about 550 to 800 people (full time equivalent).
- 8.17 The application includes provision of flexible commercial units within the ground and basement floors. In the event that all of the flexible floorspace within the basement and within the rear ground floor unit was used within the B1 office use, the site could provide office employment for additional 220 – 340 people (full time equivalent). In contrast, were all of these flexible spaces used for retail, approximately 130 full time employment posts could be provided. Use of these spaces for D1 and D2 purposes could result in significantly lower employment, likely between 35 and 70 full time posts. All three scenarios would be in addition to the estimated 80 full time employment posts supported by the continued retail operation within the ground floor units fronting onto Mile End Road (the current Tesco, Sports Direct and Foxtroft & Ginger units).
- 8.18 Notwithstanding the ultimate mix of uses within the flexible units, the proposal would provide significant employment opportunities for skilled and unskilled workers, with the site providing between 700 and 1200 full time equivalent jobs. Through employee spending power, further retail and services jobs are like to be created in the local economy. The applicant has also committed to working with Skillsmatch to achieve 20% of local workers in construction and end-user phases as well as to participate in

a training, apprenticeship and work placement programme for local people. This would be secured through the S106 agreement.

8.19 Even though the applicant's current intention is for Central Working to continue to manage the floorspace as flexible co-working space (most likely in an open plan arrangement as currently provided on the 1st floor) the proposed floor layouts and the location of access & service cores allows flexibility in internal subdivision, in the event that smaller, more self-contained, units are required by the future office tenants.

8.20 While the site is located just outside the boundary of the Tech City & City Fringe OAPF, the draft OAPF document notes the importance of co-working spaces and states that more peripheral areas have become increasingly important sources of spaces for start-ups, especially around Whitechapel. The draft OAPF describes the following economic benefits of co-working spaces:

- *By sharing services and facilities costs are kept as low as possible and the relationship is usually one of membership rather than tenancy. Different levels of membership are tailored to needs and budget and range from hotdesking options to separate rooms or even a whole floor.*
- *The multi-disciplinary, collaborative nature of these co-working spaces is likely to be important in stimulating the knowledge spillovers between sectors that are so important to the growth of the Tech City cluster as digital, marketing, creative and other professionals sit side by side and receive ideas and inspiration from one another.*
- *Co-working spaces provide a useful support network that often includes skills enhancement, mentoring and business opportunities as well as social activities.*

8.21 While no units smaller than 100sqm or 250sqm would be provided, contrary to the prescriptive requirements of policy DM15 of the Managing Development Document, the overarching objective of the policy, to support small and medium enterprises, would be met through provision of co-working space.

8.22 The principle of office use and provision of co-working space, as well as demand for such use, has been established by the existing operation of Central Working within the 1st floor office. Nonetheless, the site is considered to be particularly suitable for co-working, start-ups and small & medium companies due to its location, size, facilities offered and the site's individual characteristics:

- a) The site is within walking distance of Whitechapel, Stepney Green and Bethnal Green Underground Stations. It is within a close walking distance of the Whitechapel District Town Centre and Local Office Location. Other co-working hubs in Aldgate, Bethnal Green and Shoreditch are only a short distance away. With the arrival of Crossrail in late 2018, the site would be within easy reach of the Canary Wharf Estate and its emergent tech businesses cluster at Levels 39 & 42 of One Canada Square tower and within the new office buildings of Wood Wharf where Canary Wharf Group intend to create a hub for financial technology and retail research & development start-ups and SMEs. The site is also close to the Royal London teaching hospital & Med City as well as the Queen Mary University campus in Mile End. The location would provide great transport connections and clustering and agglomeration benefits.
- b) The location further away from established office clusters of Canary Wharf, the City and the core area of the City Fringe could make the office accommodation

more affordable and reduce competition for space from larger and more established companies which normally prefer to be located within a conventional office cluster.

- c) The capacity of the upper floor office accommodation to support between 550 to 800 full time posts would create a significant critical mass encouraging knowledge sharing and networking.
- d) The office accommodation would be serviced and pro-actively managed by the co-working provider and its partners to nurture and support start-ups. The accommodation itself will be designed to a high environmental specification (BREEAM Excellent) with the offices benefiting from good daylight and fashionable interior design. Auditorium space would be provided for business and networking events. Cycle parking spaces with changing rooms and showers and the site's location along Cycle Superhighway CS2 would also be attractive to tenants.
- e) The rich history of the building, its prominence in the townscape and landmark form would create unique identity which is likely to help attract tenants. The shops, cafes, bars and restaurants located within the building as well as along Mile End Road and within the surrounding town centres would contribute to a strong life-style & leisure offer and facilitate informal networking. Leisure and life-style offer are important factors affecting locational decisions for tech & creative industry companies and start-ups.

8.23 Overall, the site is considered to be particularly suitable to create a co-working office hub for start-ups and SMEs. The creation of such a hub would accord with the aforementioned planning policies, be highly desirable from the land use perspective and bring significant public benefits, helping to realise the Council's vision to regenerate Whitechapel.

8.24 The main economic benefits would include:

- a) Between 700 and 1200 full time equivalent jobs, skilled and unskilled
- b) Agglomeration and clustering effects bringing wider regenerative benefits to the area and increasing the attractiveness of Whitechapel and City Fringe/Tech City as office locations – in particular for start-ups and SMEs.
- c) Increased footfall and spending power boosting the local economy and helping to sustain the vitality & viability of the local shops & businesses along Mile End Road and those within the local town centres

Principle of Flexible Commercial Use & Impact on Town Centres

8.25 In line with the National Planning Policy Framework, the London Plan policies 2.15 and 4.7 require new uses in town centres to:

- support the vitality and viability of the centre,
- accommodate economic growth through intensification and selective expansion in appropriate locations,
- support and enhance the competitiveness, quality and diversity of town centre retail, leisure, arts and culture, other consumer and public services,
- be of scale related to the size, role and function of the centre, and
- be easily accessible by public transport.

- 8.26 The NPPF and the above policies also require for development to be focused in town centres, or if no in-centre sites are available, on sites on the edges of centres that are well integrated with the existing centre.
- 8.27 The Town Centres SPG acknowledges that the evening and night time economy can make a significant contribution to town centre vitality and viability through generating jobs and improving incomes from leisure and tourism activities, contributing to not just the vitality of the town centre but also making it safer by increasing activity and providing passive surveillance. It advises that any disadvantages of concentration such as noise, crime, anti-social behaviour, community safety problems and detrimental effect on public health, should be considered in the context of the economic benefits arising from the clustering of related activities.
- 8.28 Policy SP01 of the Core Strategy, with related objectives SO4 and SO5, seeks to ensure that the scale and type of development is proportionate to the town centre hierarchy and to promote mixed use at the edge of town centres and along main streets. The policy also seeks to ensure that town centres are active, well-used and safe during day and night and to encourage evening and night time economy uses. Evening and night time uses should not be over-concentrated where undue detrimental impact on amenity would result, of a balanced provision and complementary to the adjoining uses and activities.
- 8.29 Further guidance is provided by policy DM1 of the Managing Development Document which directs restaurants and drinking establishments to town centres provided that they do not result in overconcentration. This is to support the vitality and viability of town centres.
- 8.30 The application site currently houses a significant amount and variety of town centre uses reflecting its historic use as a department store, edge-of-centre location for both Whitechapel and Stepney Green Town Centres and its location along a busy thoroughfare with good public transport connections. There are currently two large A1 retail units - Tesco Express (~470sqm NIA) and Sports Direct (~700sqm), an A3 café/restaurant Foxtroft & Ginger (~200sqm) and the D2 Waterlily Banqueting Suite which occupies the entirety of the 2nd floor (~1600sqm). The vacant basement measures some 2000sqm of floorspace all of which benefits from planning permission for A1 retail use.
- 8.31 While formally outside the boundary of a designated town centre, the site itself is an established location for retail and town centre uses. The site is also located within a near continuous strip of commercial and town centre premises stretching from Aldgate and the City of London to Mile End. The site adjoins the Al-Huda Cultural Centre and Mosque and the Genesis Cinema with its ancillary bar and café. It is within short walking distance of the Anchor Retail Park. There are approximately 60 individual small retail and commercial premises (A1, A2 and A3), on both sides of Mile End Road, between the eastern boundary of the Whitechapel District Centre and the western boundary of the Stepney Green Neighbourhood Centre. Both town centres are in good health and have vacancy rates significantly below the national average.
- 8.32 The application proposes change of use of ground and basement floorspace to flexible use within the following use classes:
- A1 retail
 - A2 financial and professional services
 - A3 restaurants

- A4 drinking establishments
 - B1 office
 - D1 non-residential institutions (such as clinics, health centres, non-residential education and training centres, museums, exhibition halls, places of worship)
 - D2 assembly and leisure (such as cinemas, theatres, bingo halls, dance halls, gymnasiums, other indoor sport or recreation)
- 8.33 The ground floor units facing Mile End Road (Units 3, 4 and 5) would be restricted to uses falling within Use Class A1/A2/A3 and A4 because such uses provide active frontage and larger footfall. These are the units currently occupied by Tesco, Sports Direct and Foxtroft & Ginger. B1, D1 and D2 uses would not be appropriate within these units due to lack of active frontage and animation. A mix of retail, restaurant and drinking establishment uses would maintain activity throughout the day and into the evening, contribution to the local economy but also providing local amenities and broadening the food and drink offer. A3 and A4 uses are important in creating a lifestyle and leisure offer which makes locations attractive to start-ups and tech companies. A condition would prevent amalgamation of units to ensure that the scale of retail is appropriate to the locality and the site's location within the Council's town centre hierarchy, safeguarding against a larger supermarket operating from the site, which could have a negative effect on the adjoining town centres. A condition is also recommended to restrict the proportion of A3 and A4 uses, to safeguard amenity and prevent overconcentration.
- 8.34 The rear ground floor unit (Unit 6) would be within A1, A2, B1, D1 or D2 use. This unit would be accessed off Cleveland Road and, due to lack of a large shop window, is most likely to be used within B1, D1 or D2 use classes. A3 and A4 use would not be appropriate in this particular unit given the proximity to residential properties and the residential nature of Cleveland Way.
- 8.35 The basement would benefit from the largest range of flexible uses. This is considered necessary to reflect the significant size of the basement, lack of natural ventilation, lack of windows, large depth of floor plate, limited access and previous difficulties in attracting tenants for this space. The uses would include A1, A2, A3, A4, B1, D1 and D2. Conditions would prevent creation of excessively large A1, A3 or A4 units within the basement to limit the likelihood of adverse impacts on the nearby town centres and to safeguard the amenity of neighbours. Due to the constraints of the basement, it is considered unlikely for the space to be used by a high street retailer or by restaurant operators and more likely that it would form part of budget office offer in connection with upstairs office use, or that it would be a location for budget retail, a bar or for it to serve as a gym or fitness centre. Earlier this year the basement operated as a theatre, however the use has ceased earlier than expected due to lower audience numbers than originally expected.
- 8.36 Given the site's location on a busy main road and as part of a strip of town centre uses linking Stepney and Whitechapel, the site is considered to be suitable for a wide range of D1 and D2 uses, either in fitness, leisure, health, education, religious and/or community use, although, due to the large floorspace and capacity available within the basement, a condition is necessary for details of the D1 and D2 uses to be submitted to the Council, prior to commencement of use, together with facility management plans to appropriately manage and minimise the amenity and transport impacts.
- 8.37 Overall, as a consequence of large flexibility in use, it is likely that A1 retail provision within the site would reduce and that A3 and A4 evening economy uses would increase, with some D1 and/or D2 uses taking place in the basement. This would not

be inappropriate in an edge-of-centre location and on a busy road, and would assist in improving the local evening economy & leisure offer.

- 8.38 The flexibility would minimise any periods of vacancy, lead to higher footfall and maximise commercial activity, while allowing the applicant to develop a comprehensive life-style offer to attract tech and creative industry enterprises.
- 8.39 Having regard to the scale and type of the proposed uses and subject to conditions, it is considered that the proposed uses would not materially draw trade away nor deter investment in the surrounding town centres. The proposed flexible units would be acceptable in relation to the Council's town centre hierarchy and would support the vitality and viability of the surrounding centres and the adjoining local businesses, in broad accordance with the aforementioned policies. The overall retail and town centre impact of the proposal is likely to be positive given the large increase in office workers and the associated boost to the local economy.

Loss of the D2 use (Waterlily Banqueting Suite)

- 8.40 In paragraph 69, the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions should aim to achieve places which promote opportunities for meeting between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.
- 8.41 Paragraph 70 of the NPPF stipulates that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
 - ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 8.42 Policy 3.16 of the London Plan states that proposals which would result in the loss of social infrastructure in areas of defined need for that type of social infrastructure should be resisted unless there are realistic proposals for re-provision.
- 8.43 Policy SP03 of the Core Strategy seeks provision of high-quality social and community facilities to support housing and employment growth and to deliver a healthier, more active and liveable borough, where people have excellent access to a range of health, leisure and recreational facilities.

- 8.44 Further guidance is provided by policy DM8 of the Managing Development Document which stipulates that health, leisure and social and community facilities will be protected where they meet an identified local need and the buildings are considered suitable for their use. The loss of a facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable, or the facility is being adequately reprovided elsewhere in the borough.
- 8.45 The text supporting policy DM8 specifies that, for the purpose of this policy, social and community facilities can, among others, include community halls, meeting places and places of worship as well as other uses in Use Class D1 that provide a service to the local community. The policy does not specifically mention conference and banqueting suites such as the Waterlily (Use Class D2), although it is clear that the Waterlily does perform some functions which can be considered of value to the community.
- 8.46 The conference and banqueting suite measures approximately 1600sqm NIA and consists of two halls which can be used independently to provide gender segregated facilities, although use as two separate halls puts significant strain on the access arrangements and leads to conflict with the existing condition preventing the use of Cleveland Way entrance for access and egress after 8pm. The venue is most often used for weddings but various other community, religious and political events also take place. The facility's catchment area is wide, commensurate with the size of the venue, extending outside Tower Hamlets and including large parts of East London.
- 8.47 According to some of the objectors, the venue is of particular value to women, providing opportunities for prayer and worship which, due to inadequate facilities, cannot be met by local mosques. It is understood that weddings and other parties normally take place in the evenings and in particular on weekends, with majority of other community functions taking place during the day.
- 8.48 In support of the application, the applicant undertook an assessment of other community facilities in the locality, arguing that alternative provision would adequately meet local need. The following venues within 1.5km of the site have been identified:
- a) Regents Lake, Bow Wharf 221, Grove Rd, E3 5SN
Banqueting halls, reception lounge and multi-faith prayer rooms to accommodate wedding ceremonies, lectures and other events.
 - b) Oxford House, Derbyshire Street, Bethnal Green, E2 6HG
Function rooms and halls for conferences, arts events and training days.
 - c) The Great Hall. Queen Mary, University of London, 327 Mile End Road, E1 4NS
Large function space suitable for exhibitions, conferences and lectures.
 - d) Francis Bancroft Building, Queen Mary, University of London, Mile End Road, E1 4NS
Function hall available for receptions and large training events

- e) The Octagon, Queens Building, Queen Mary, University of London, Mile End Road, E1 4NS

Space for wedding receptions, conferences and exhibitions.

- 8.49 While a degree of functional overlap exists between the Waterlily and the above venues, the assessment does not demonstrate that there is a lack of demand for banqueting facilities or that all of the displaced uses could be appropriately accommodated within the above venues, many of which are busy and often serve dual purpose. The assessment does not put forward a persuasive case that adequate provision of banqueting and conferencing facilities in the borough would remain.
- 8.50 The Waterlily is a privately owned and operated commercial venue, it is not run as a charity. It currently operates on a short term lease and at a rent which is below market value. The applicant has advised that Waterlily has now stopped taking bookings in preparation for the redevelopment of the site, however, the availability of Waterlily for events hire is still being advertised online.
- 8.51 While undoubtedly the operation of the banqueting suite is of some community benefit, as it provides large and relatively affordable spaces for weddings and events, the suitability of its location within the former department store is questionable given the significant adverse amenity impacts which have resulted from its operation. The public value of this commercial facility is also debatable given the long history of persistent noncompliance with planning, building, health & safety and fire safety regulations which has been outlined in the Planning History & Background section of this report. The applicant has also noted that noise and other disturbance caused by the venue adversely affect the operation of the existing 1st floor offices.
- 8.52 The venue is currently advertised as benefiting from a capacity of 1,100 seated banqueting guests (it is likely that at some other events attendance exceeds 2,000) in clear contravention of the London Fire Brigade notice which restricts the maximum capacity to 480. As no Building Regulations application has been made, the banqueting suite use remains unauthorised from the Building Regulations perspective. The Council's Planning Enforcement & Environmental Health teams continue to receive noise & disturbance complaints, from residents of Cleveland Way and Bellevue Place, regarding the operation of the banqueting suite. Adjoining residents also complain about the parking stress during events, as the controlled parking zone only operates Monday to Friday, until 5:30pm, and there are no parking facilities nearby to support large wedding events.
- 8.53 It is unlikely that the significant construction and refurbishment works required for the banqueting suite, to meet the relevant conditions and regulations, would be viable, given that the facility already operates at a rent which is below market value.
- 8.54 In conclusion, while the operation of the banqueting suite is considered to be of some public benefit, the public value of the facility is greatly diminished through significant adverse amenity impacts and the persistent non-compliance with planning conditions and other regulations. Overall, the loss of the banqueting suite is considered to be acceptable and justified in planning policy terms given the significant economic and heritage benefits which would result from refurbishment of the building and conversion to form a hub for start-ups and SMEs, as detailed in the previous sections of this report.

Heritage & Design

- 8.55 The National Planning Policy Framework emphasizes the importance of preserving and taking opportunities to enhance heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner.
- 8.56 Paragraph 131 of the NPPF states that in determination of planning applications, local planning authorities should take account of:
- Desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.57 The nearby Grade II listed buildings and the Stepney Green Conservation Area are designated heritage assets. Paragraph 132 of the NPPF states that great weight should be given to the conservation of such assets. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. According to paragraph 134, 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.
- 8.58 The former Wickham's department store and the frontage of the former Spiegelhalter's store are non-designated heritage assets. Paragraph 135 of the NPPF requires that the effect of an application proposal on the significance of non-designated heritage assets should be taken into account - a balanced judgement is required having regard to the scale of any harm or loss, and the significance of the assets.
- 8.59 Further to the above requirements, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory duty for the local planning authority to pay special regard to the desirability of preserving or enhancing the appearance and character of conservation areas and section 66 of the Act requires that special regard is paid to the desirability of preserving the setting of listed buildings.
- 8.60 The relevant London Plan policies are 7.4, 7.6 and 7.8. These policies broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context.
- 8.61 The Core Strategy policy SP10 aims to protect and enhance borough's conservation areas and to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual character. Policy SP10 also 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. Policy SP10 is realised through the detailed development management policies DM23, DM24 and DM27 of the Managing Development Document.
- 8.62 With regard to alterations to heritage assets, policy DM27 specifies that alterations should not result in an adverse impact on the character, fabric, identity or setting, be appropriate in terms of design, scale form, detailing and materials, and enhance or better reveal the significance of the asset.

Planning Policy Guidance and English Heritage/Historic England Guidance

- 8.63 Paragraph 17 of the Planning Policy Guidance (PPG) states that whether a proposal causes substantial harm is a judgement for the decision maker, having regard to the circumstances of the case and the National Planning Policy Framework. The PPG goes on to state that in general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm rather than the scale of the development that is to be assessed. Works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all.
- 8.64 Paragraph 83 of the English Heritage Planning for the Historic Environment Practice Guide states that some non-designated heritage assets are of heritage significance but not at a level that would pass the threshold for statutory designation. Such assets can, singularly or collectively, make an important contribution to the environment. The desirability of conserving them and the contribution their setting may make to their significance is a material consideration, but individually less of a priority than for designated assets. The criteria for assessment of impact should thus be proportionate to the nature and the lower level of the non-designated asset's significance.
- 8.65 Furthermore, a proposal may harm or enhance significance or it may be neutral. It may have a combination of these effects. Differing and often conflicting heritage impacts accruing from the proposals are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding.
- 8.66 Potential heritage benefits of proposals are set out in paragraph 79 of the practice guide as:
- sustaining or enhancing the asset's significance;
 - reducing or removing risks to a heritage asset;
 - securing the optimum viable use in support of long term conservation;
 - positive contribution to economic vitality and sustainable communities;
 - appropriate design for its context and a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment; and
 - revealing the significance of the asset and enabling enjoyment of it by members of the public.

Site's history and significance of heritage assets

- 8.67 The former department store features in Pevsner's 'Buildings of England, London 5 – East', where it is described as *“a relic of a period when Mile End Road aspired to be ‘the Oxford Street of the East End’. 1925-7 by T. Jay Evans & Sons, eastern end heightened (behind the façade) by one storey in 1931-4 by W.J. Lewis. Lengthy stone façade, over steel frame, dominated by a screen of giant Bassae Ionic columns rising through tree floors and crowned by a bulbous central tower, reduced in scale from the original design. Its pompous aping of West End fashion is comically deflated by the intrusion of a C19 three-storey terraced house, which cuts the design in half. Wickham, unable to buy it, was forced to build around it and thus created what Ian Nairn called ‘one of the best visual jokes in London, a perennial triumph for the little man, the bloke who won’t conform’ ”.*
- 8.68 An application to list Wickham's was submitted to English Heritage in 2005 and a further application to list the Spiegelhalter's was submitted in 2008. In both instances the English Heritage Inspector concluded that, while the buildings form an important

component of the conservation area, there was insufficient special architectural interest in a national context to merit listing.

- 8.69 While not benefiting from listed building status, Wickham's and Spiegelhalter's are considered to be non-designated heritage assets worthy of protection. Wickham's fine elevation in a monumental Beaux Arts style has strong local interest as it reflects the growing wealth and confidence of East London during the inter-war period and its desire to emulate the West End department stores in architectural grandeur. The heritage value of the buildings also lies in the social and community interest of the aforementioned story behind the development of the department store.
- 8.70 The façade of the Spiegelhalter's is integral to the development of Wickham's and the appearance of the department store today cannot be understood without it. Without the interruption of the Spiegelhalter's façade, the break in the monumental parade of columns adorning the front elevation becomes unintelligible.
- 8.71 Internally, the building has been extensively altered and little remains of its original fabric – a situation which is not unusual for commercial premises. The most significant surviving elements include the three leaded glass domes on the 2nd floor of the building, the remains of the ornamental ironwork around the cage lift within the rear staircase, and a panelled room with a fireplace within the base of the tower. These features are of some heritage value, however, as the building is not listed, they do not benefit from statutory protection and could currently be removed without the benefit of a planning permission. The fact that these features are not visible from any publicly accessible areas also, to some extent, diminishes their value.
- 8.72 There are a number of features which currently detract from the appearance of the buildings and their heritage significance:
- For Wickham's these include unsympathetic contemporary shopfronts at ground level, lack of coherent signage, the mansard roof extension over the eastern wing, the high radio masts located at roof level, instances of unsympathetic window replacement and the general dilapidated condition of the elevations of the building. The decorative anthemions from the parapet of the western wing are missing.
 - Only the façade of the Spiegelhalter's remains. The façade is in poor condition requiring substantial restoration works – the shop front, timber fascia and fenestration have been removed, most likely at the time when majority of the building was demolished to facilitate the partially implemented scheme ref PA/08/02274.
- 8.73 Wickham's and Spiegelhalter's make a positive contribution to the character and appearance of the Stepney Green Conservation Area in which they are located. The Conservation Area Character Appraisal notes that:
- a) The scale and character of the buildings and trees along Mile End Road give it the quality of a significant urban boulevard. Its functional importance as a transport route is an important part of its historic character. The main defining characteristic of the road is its large scale. The building lines to the north and south define the continuous corridor and give it its urban quality.
 - b) An important terrace of listed shops exists between 90 and 124 Mile End Road, and this, together with the former Wickham's department store, opposite, offers an important commercial focus to the conservation area.

- c) The former department store is a key asset of the area. The sensitive and appropriate re-use of this building would improve the character of this stretch of Mile End Road.
 - d) The distinctive, monumental tower of the former department store is a key feature in the centre of the conservation area, visible from a long distance. Views of the tower should, in general, be protected and any new development along the road should not detract from the importance and presence of this landmark.
- 8.74 The conservation area and the local townscape are of a strong historic character. There is a large number of listed buildings in the vicinity of the site including the Grade II listed early 19th Century terraced properties at 1 Cleveland Way, 1-11 Bellevue Place, 82-84 and 90-124 Mile End Road (even), 107-113 Mile End Road (odd). A Grade II listed fountain is located within the footway to the south of 99 Mile End Road.

Analysis

- 8.75 The proposal, as originally submitted, involved the demolition of the Spiegelhalter's façade and replacement with sculptural shards of corten steel to create an entrance area to the offices within the building. While it can be argued that the proposal was of some architectural merit, the principle of demolition and total loss of the Spiegelhalter's façade has attracted considerable number of objections from members of the public as well as from amenity societies, Historic England and the Council's Conservation Officers.
- 8.76 Removal of Spiegelhalter's frontage would have resulted in substantial harm to the significance of the non-designated assets and unjustified but less-than substantial harm to the Stepney Green Conservation Area.
- 8.77 The unacceptable harm would mostly arise from the fact that the appearance of the department store today cannot be understood without the façade of the Spiegelhalter's which has been the key influence on the current appearance and layout of Wickham's.
- 8.78 In consultation with the Council's and Historic England's Officers, the applicant has subsequently revised the proposal, to now retain and repair the frontage of the Spiegelhalter's, making it the key feature of the entrance to the office hub. The original and amended proposals are shown below:



Figure 7 - visualisations contrasting the original and the amended proposals

- 8.79 The Spiegelhalter's façade would now be repaired with features reinstated as shown on the below visualisation:



Figure 8 - visualisation showing the retained façade with the office elevation behind.

- 8.80 The hand written reinstatement of the inscription of “Spiegelhalter Bros LTD” would directly reference the history of the site, while the current name of the office hub, “Dept W” makes an indirect reference to the Wickham’s department store.
- 8.81 A historic information interpretation scheme, secured by condition, would tell the story behind the development of the department store and highlight it with public art. This area would form part of the public realm, with the entrance and the new elevation of the office set back about 8m behind the Spiegelhalter’s façade.
- 8.82 The reinstated features of the Spiegelhalter’s elevation have been designed in accordance with the guidance from Historic England and the Council’s Conservation Officers. The works to the façade would significantly improve the appearance of the Spiegelhalter’s and safeguard its future. Subject to above conditions, the works would enhance the significance of this important non-designated heritage asset.
- 8.83 An alternative approach of reinstating the shopfront to create a glazed entrance to the office or indeed to reinstate a retail unit within the frontage has been considered, however, it has been discounted as they would not outweigh the benefits of the current proposal. The options allow for the creation of a generous and functional

lobby, maximises active retail floorspace and provides space for the story of the building to be told through public art and an interpretation scheme.

- 8.84 The proposal is considered to be a sensitive and creative reimagining and repurposing of the Spiegelhalter's frontage. The location of the office entrance would be legible and appropriately relate to the building as a whole, giving more prominence to the retail frontages of the former department store rather than to the new upper floor offices. It also serves to accentuate the contrast between the historic department store and the new office lobby and roof extension.
- 8.85 The most substantial alterations proposed as part of the application are to do with the erection of a new roof extension at 3rd and 4th floor level. The existing poor quality extension at 3rd floor level of the western wing would be demolished with the new roof extension built at a significant set back from the Mile End Road and Cleveland Way elevations. The extension would be of a high quality contemporary appearance, consisting of a lightweight curtain walling system with vertical metal fins or frames surrounding each glazing pane, creating deep reveals and leading to a solid and robust appearance. The metal fins would match the appearance of the metalwork of the existing windows at 1st and 2nd floor of the building, and be spaced at 90cm intervals, to emphasize verticality and give the extension a finer grain than would normally be expected from a glazed elevation.
- 8.86 The extension would be set back by approximately 3m from the Cleveland Way elevation and 7m from the Mile End elevation. The extension would sit immediately behind the base of the monumental tower to minimise the impact on the tower's prominence. While the roof extension would be two storeys high, its visible height would be significantly reduced because of the considerably high existing parapet walls over both wings of the former department store and the substantial extent of the setbacks.
- 8.87 Below is a photograph of the building as existing with a verified wireline showing how much of the extension would be visible from the opposite side of Mile End Road. The verified wireline has been used to confirm the general accuracy of the artist impression visualisation shown further below.



Figure 9 - verified wireline photograph



Figure 10 - visualisation based on the verified wireline

8.88 Longer views have also been provided to illustrate how the perception of the extension would change as the site is approached from various directions. The most relevant views are shown below, also showing the massing of the approved

proposals for the extension of the Al Huda cultural centre & mosque (ref PA/13/00064 granted 22/07/2013).

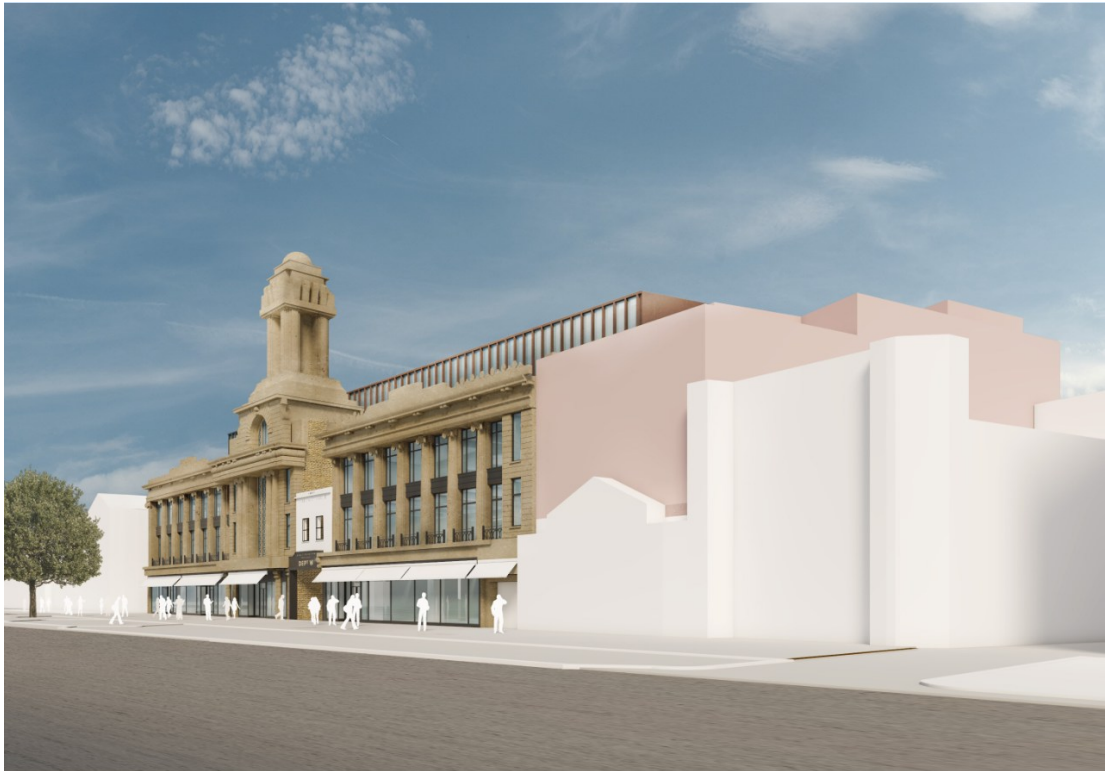


Figure 11 - visualisation showing the view from the corner of Stepney Way and Mile End Road, looking west



Figure 12 - visualisation showing the view from the northern side of Mile End Road close to Anchor Retail Park, looking west

- 8.89 Overall, the extension would appear as subordinate to the former department store and would not undermine the host building's symmetry. To some extent, it would serve to tie together the two wings of the building, leading to a more coherent appearance. Due to the extensive setbacks incorporated and the height of the existing parapet wall, the two storey extension would effectively appear as a single storey extension. It would neither be unduly prominent in local and longer views nor would it dominate the tower or the overall architectural composition of the building. The prominence of the monumental tower and grand columns of the front elevation would be maintained at all times.
- 8.90 Incorporation of large set-backs at rear, would minimise the visibility of the proposal in the context of the Grade II listed Bellevue Place terrace, at rear. The setback in the side elevation would minimise the impact on the setting of Grade II listed 1 Cleveland Way. The works to the front elevation would preserve the setting of the listed buildings on the opposite side of Mile End Road at 82-84 and 90-124 Mile End Road (even), the Grade II listed fountain and the adjoining terrace 107-113 Mile End Road (odd).
- 8.91 With respect of longer views, the deep setback in the front elevation and the fact that the extension would be located just behind the base of the tower, would ensure that the characteristic views of the tower from Whitechapel and Stepney Green are preserved.
- 8.92 While the extension would be more visible and its height more apparent when viewed head-on, from outside the Spiegelhalter's and from the opposite side of Mile End Road, the large setback and careful architectural composition of the glazing and metal frames would ensure that it would not dwarf or significantly overwhelm the two storey Spiegelhalter's façade.
- 8.93 Nonetheless, while overall highly sympathetic, the roof extension with the glazed atrium behind Spiegelhalter's would be a significant intervention to the historic appearance of Wickham's and Spiegelhalter's. This would result in minor, less than substantial harm to the significance of these non-designated heritage assets. In accordance with NPPF, PPG and Historic England Guidance, this minor harm needs to be carefully balanced against the heritage and other planning benefits of the proposal. This balancing exercise is carried out in the conclusion to this section of the report.
- 8.94 The application also involves a number of other works that, cumulatively, would have a significant impact on the appearance and heritage significance of the building.
- 8.95 The following minor works are also proposed:
- a) Replacement of existing shopfronts with new steel framed glazing, re-instatement of awnings

The existing shopfronts and signage significantly detract from the appearance of the front elevation and from the quality of the generous public realm on the northern side of Mile End Road. The proposal provides for replacement of all of the unsightly shopfronts with high quality metal shopfronts, broadly matching the proportions of the original 1920s shopfronts. Awnings would also be reinstated,

contributing to the quality of the frontage and the public realm. Overall, the reinstatement of high quality, coherent and uniform shopfronts with awnings and appropriate signage would have a significant positive impact on the appearance of the building.

b) Making good and repair of the elevations, reinstatement of architectural features

A suitable condition has been included to ensure that all of the elevations would be made good and repaired with the damaged or missing architectural features appropriately reinstated. This would have a significant positive effect on the appearance of the elevations of the building which currently appears dilapidated.

c) Making good, repair and where relevant reinstatement of fenestration

There are areas of crittel and other metal framed fenestration that have been repaired or replaced unsympathetically or are in need of repair. Conditions have been included to ensure appropriate detailing and quality, to safeguard the architectural interest and uniformity within the frontages. These works would also serve to improve the appearance of the building.

d) Replacement of shutters and doors within the Cleveland Way elevation

The ground floor of the Cleveland Way elevation, in particular north of the Tesco unit, is in need of repair with replacement of doors and shutters to the loading bay. Appropriate conditions have been included to ensure suitable detailing and use of materials. The works would have a positive effect on the streetscene of Cleveland Way.

e) Demolition of 3rd floor mansard extension over the western wing

The existing 3rd floor mansard extension is built just behind the parapet of the western wing of the building. It is of a significantly dilapidated appearance and detracts from the symmetry of the building, harming its significance. Its demolition would enhance the local views of the building.

f) Removal of double-height shed structure over the eastern side of the building

The roofs of the eastern side of the building, located entirely behind the parapet, are currently not visible from Mile End Road. The roof structures are not original and their replacement with a purpose built roof extension would improve the view of the application site from the rear.

g) Removal of two existing stair cores within the eastern and north-eastern corners of the building

These stair cores are of no particular interest and their removal would not result in any harm to the heritage value of the building while allowing for creation of improved office layouts. The northern staircase with decorative metalwork would be preserved.

h) Removal of glazed leaded domes

There are currently three decorative, leaded domes within the ceiling of the 2nd floor banqueting suite. The domes are of some heritage value as attractive examples of 1920s metalwork. They are not in a condition which would preclude

sensitive repair. While it would not be appropriate to retain them in the existing locations, it does not appear impossible to relocate the domes and sensitively incorporate them within the new upper storeys of the building. A condition would be attached to ensure that feasibility of retention and relocation is thoroughly investigated. The total removal of the domes would result in minor, less than substantial harm to the heritage value of the former department store, nonetheless, it should be noted that the domes are internal features and, as such, are afforded limited protection.

i) Removal of radio masts

There are a number of radio masts which have been erected at roof level, some of significant height. These masts detract from the appearance of the building and the townscape of the conservation area. The removal of the radio masts would have a positive effect.

Conclusion

- 8.96 Careful consideration has been paid to the refurbishment and extension works, taking into account the different features of the site and its surroundings. The proposal has been amended to address the concerns raised by members of the public, the amenity societies, Historic England and the Council's Conservation Officers.
- 8.97 The development would sympathetically re-imagine and re-purpose Wickham's and Spiegelhalter's to enable overdue restoration works and to safeguard the future of this pair of much loved non-designated heritage assets.
- 8.98 The alterations to the appearance of Wickham's and Spiegelhalter's would be such as to result in an overall positive impact on the setting of the adjoining Grade II listed buildings. The deep setbacks at roof level ensure that the setting of the early 19th century terraces of 1-11 Bellevue Place and the terraced house at 1 Cleveland Way is safeguarded.
- 8.99 Where feasible, the proposals take the opportunity to enhance the asset's significance and reduce risks to the assets' preservation. Office use over the upper floors and retail and other commercial uses at ground and basement are appropriate given the original function of the building as a department store and considered to secure the optimum viable use which is necessary to support the assets' long term conservation.
- 8.100 The proposal has been designed appropriately for the site's context. It would make a positive contribution to the appearance, character quality and local distinctiveness of the surrounding historic environment. The substantial repair and reinstatement of architectural features, retention of Spiegelhalter's and the public art and interpretation scheme would better reveal the significance of the asset and facilitate enjoyment of it by members of the public.
- 8.101 Other significant public benefits of the proposal have been outlined within the Land Use and Amenity sections of this report.
- 8.102 Care has been taken to minimise any adverse heritage impacts but where these occur, they are minor and of a less than substantial significance. These minor adverse effects would be significantly outweighed by the positive alterations as described above. The scheme, overall, would deliver a net benefit to the heritage significance of the Wickham's and Spiegelhalter's non-designated heritage assets. It

would preserve and enhance the character and appearance of the Stepney Green Conservation Area while enhancing and/or preserving the setting of the adjoining Grade II listed buildings.

- 8.103 As such, subject to conditions, the proposal would comply with the aforementioned policies and, overall, benefit the heritage significance of the local designated and non-designated heritage assets.

Amenity

- 8.104 Further to policy 7.6 of the London Plan and SP10 of the Core Strategy, policy DM25 of the Managing Development Document requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure or loss of outlook, unacceptable deterioration of sunlighting and daylighting conditions or overshadowing and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phases of the development.
- 8.105 The below aerial photograph shows the bird's eye view of the application site and illustrates the very close relationship between the adjoining properties and the rear elevation of the department store.

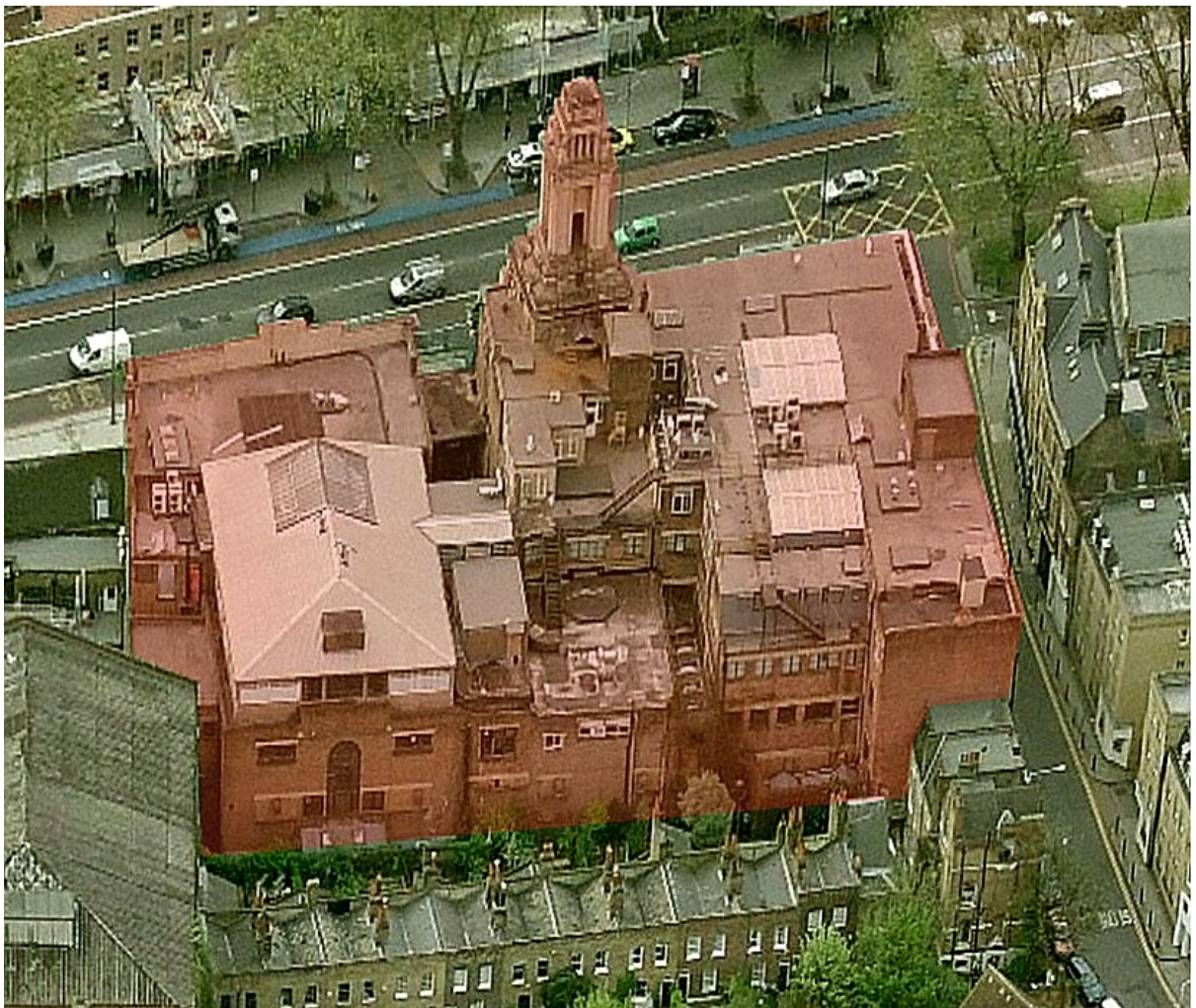


Figure 13 – bird’s eye view of the rear of the application site

Daylight, Sunlight and Overshadowing

- 8.106 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook ‘Site Layout Planning for Daylight and Sunlight’. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probably sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%. For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 8.107 A Daylight and Sunlight Assessment prepared in accordance with BRE guidance has been submitted with the application. The assessment considers daylight, sunlight and overshadowing impacts on all relevant properties and confirms that none of the 112 windows to habitable rooms which have been tested would experience noticeable daylighting reductions - the daylighting impact would be negligible. Similarly, no significant sunlight reductions would occur to habitable rooms and there would be no reduction to Bellevue Place gardens which will receive two hours of sunlight on 21st March. A transient overshadowing has also been carried out for the months of March, April, May and June, comparing the path of the shadow caused by the existing and proposed buildings – the areas where overshadowing would occur would be very minor, any additional overshadowing would also be very brief.
- 8.108 The lack of any significant impacts is the direct result of the way in which the upper storeys of the building have been set back from the rear and side elevations. In some instances, the setbacks are very significant, as illustrated on the below drawing. The setbacks are a direct result of the applicant’s engagement with the residents living to the rear of the site at Bellevue Place as well as along Cleveland Way, as described within the submitted Statement of Community Involvement.



Figure 14 - visualisation showing the upper storey setbacks at rear

Outlook & Sense of Enclosure

8.109 The setbacks shown above would also serve to safeguard the outlook of the residents at rear, ensuring that the offices would not appear overbearing and that sky visibility would not be significantly affected.

Light Pollution, Overlooking & Privacy

8.110 As shown above in Figures 13 and 14, there are existing windows within the rear elevation at 1st and 2nd floor level. New windows would also be created within the setback roof extensions. All of the windows at rear would serve office accommodation. Given the close proximity to the rear elevation of Bellevue Place properties, this could give rise to light pollution, overlooking and privacy intrusion although it is acknowledged that the majority of windows are existing. A condition has been included requesting submission of a scheme to safeguard against light pollution and overlooking – this can include automatic blinds, louvres and/or obscured glazing. Subject to the condition, no undue impacts would occur.

Noise

8.111 The residents of Bellevue Place and properties on Cleveland Way currently face significant disturbance from the operation of the 2nd floor Waterlily banqueting suite. The following adverse impacts occur:

- disturbance arising from general comings and goings;
- disturbance from unauthorised use of Cleveland Way entrance after 8pm;
- servicing outside prescribed hours;
- events taking place outside the prescribed opening times; and
- noise escaping from the venue due to lack of sound limiters and noise insulation, in breach of planning conditions.

- 8.112 The above impacts have been raised in representations to this planning application as well as to the Council's Environmental Health Officers and Planning Enforcement Officers. As summarised in the Background and Planning History section of this report, non-compliance with the Council's enforcement notices is still an issue.
- 8.113 Change of use of the 2nd floor to an office would largely eliminate the above adverse impacts, significantly improving the soundscape of Cleveland Way and Bellevue Place and have a positive impact on the living quality of the local residents.
- 8.114 While D1 and D2 uses are also proposed as part of the flexible use of the basement and the small unit at rear of the ground floor, these units are not suitable to host large banqueting and wedding events and have no windows at rear. The larger units within the basement would be accessed solely from Mile End Road. Conditions have been included to secure appropriate noise and vibration insulation measures. There is potential for A3 and A4 uses within the flexible units accessed from Mile End Road, similarly, noise and vibration measures are dealt with by condition. There would be no A3 and A4 uses within the Cleveland Way frontage or on upper floors. A condition to limit the use of the Cleveland Way frontage for access and egress after 8pm has been included to limit the impacts from comings and goings.
- 8.115 The majority of the uses within the building will require plant for kitchen extracts, general ventilation and air conditioning. The plant areas would be located at rear, within timber enclosures, all set-back from the rear elevations. Suitable conditions would be attached to ensure appropriate acoustic specification to safeguard the amenity of neighbours.
- 8.116 To support its co-working hub function, the 1st floor office currently contains an ancillary 140 seat auditorium which is also available for public hire. The auditorium would be enlarged following the proposed extension works. Full details of the auditorium's capacity, location within the building and a management plan are secured by condition.
- 8.117 Overall, subject to conditions, the proposal is likely to result in an improvement to the local soundscape, to the benefit of the amenity of the adjoining residents.

Construction Impacts

- 8.118 Noise, vibration and air quality impacts would be mitigated through submission of a Construction Management Plan. The plan, to cover both demolition and construction works, would be required to be prepared in accordance with the Council's Code of Construction Practice and limit the construction hours to the Council's standard construction hours of 8am – 6pm Monday to Friday, 8am – 1pm on Saturdays, with no works on Sundays and Bank Holidays.

Impact on Al Huda Cultural Centre & Mosque

- 8.119 Planning permission for the expansion of the cultural centre and mosque which adjoins the application site was granted on 22nd July 2013 (ref PA/13/00064). The permission provides for construction of a six storey building – four storeys at the front, matching the height of the parapet of the former department store, with two set-back storeys toward the rear of the side.
- 8.120 The elevation of the first four storeys would be flush with the existing elevation of the department store, no daylight or sunlight impacts would thus occur from the redevelopment of the Wickham's. The two upper storeys are well set back. At 4th floor

level would be a library and IT suite, however, its windows would be within the western part of the front elevation, away from the proposed roof extension of the Wickham's department store. The daylight and sunlight to this room would not be affected to any significant extent due to the separation distance, setback of the extension at Wickham's and the small difference in height. There would also be a number of rooflights at 5th floor level – for the reasons given above these would also not be affected by the proposal.

- 8.121 A number of responses to the public consultation have raised an issue with the proposed flexible uses within the basement, arguing that these could affect the operation of the cultural centre & mosque, mainly because the sites share a party wall. A condition has been included to require submission of a scheme of sound insulation for any A3, A4, D1 or D2 uses to ensure that the functioning of the adjoining premises is not affected.
- 8.122 Some objectors have also raised an issue about general disturbances which could occur as a result of the flexible uses. As described in the Land Use section of this report, all of the proposed uses are considered to be appropriate in this location and no unacceptable effects would occur on either the existing or the redeveloped cultural centre & mosque. As described within the Noise subsection above, appropriate conditions have been included to safeguard against any unacceptable amenity impacts.

Conclusion

- 8.123 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining occupiers while, in some instances, such as with regard to noise disturbance, it is likely that the living conditions of nearby residents would improve significantly. Appropriate conditions have been included to mitigate any impacts, as requested by the Council's Environmental Health Officer.

Highways, transportation and servicing

- 8.124 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel.
- 8.125 Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by policy DM20 of the Managing Development Document.
- 8.126 Policies 6.3 of the London Plan and DM22 of the Managing Development Document set standards for bicycle parking for staff and visitors while policies SP05 of the Core Strategy and DM14 of the Managing Development require provision of adequate waste and recycling storage facilities.
- 8.127 Mile End Road (A11) forms part of the Transport for London while Cleveland Way is an LBTH adopted highway. The site benefits from very good public transport accessibility (PTAL of 5/6a) as it is within walking distance of Whitechapel, Bethnal Green and Stepney Green Underground Stations and there are numerous bus routes running along Mile End Road and Cambridge Heath Road. Cycle Superhighway CS2 runs along the A11 corridor and there are numerous TfL cycle hire docking stations nearby, including one immediately outside the former department store.

- 8.128 The completion of the development is likely to take place following the commencement of Crossrail services at Whitechapel in late 2018. Giving the high accessibility of the site and proximity to a large number of stations, the additional trips associated with the proposal would be spread widely and distributed across the different routes and transport modes without undue effect on the operation of public transport networks in the vicinity.
- 8.129 Depending on the final mix of flexible uses, in accordance with the Use of Planning Obligations in the Funding of Crossrail SPG and at TfL's request, any additional public transport demand would be mitigated by the Crossrail top-up financial contribution.
- 8.130 In accordance with policy, there would be no car parking provided and, as the vicinity of the site is within a controlled parking zone and the site benefits from very good accessibility, it is unlikely for many office workers to commute by car.
- 8.131 A draft Travel Plan has been developed in order to promote sustainable travel amongst staff at the development. A condition requiring submission of a final version, tailored to the future occupants, has been included.
- 8.132 In order to manage the impact of deliveries and servicing of the development, in accordance with the Transportation & Highway Officer's recommendation, a condition is included requiring submission of a Delivery and Servicing Management Plan. The plan would be required to ensure that the majority of servicing occurs from the new loading bay on Mile End Road rather than Cleveland Way and that the existing loading bay on Cleveland Way is used for waste storage and collection only. The new off-peak loading bay is currently being delivered as part of the on-going Cycle Superhighway CS2 upgrade works. The new bay would also allow time-limited parking for Blue Badge holders in close proximity to the site.
- 8.133 The footway along Cleveland Way requires improvement, including removal of redundant crossovers. In accordance with Transportation & Highway Officer's recommendation, a condition is included requiring submission of a scheme of highway improvement works. Such works would be delivered under S278 of the Highway Act.
- 8.134 120 cycle parking spaces for the office use are proposed along with showers and changing facilities. This is welcome and in accordance with the relevant policies. A condition to secure the delivery has been included. A separate condition has been included to require submission of details of cycle storage facilities for the flexible uses.
- 8.135 To mitigate the highway & transportation impacts during the construction phase, submission of a Construction Logistics Plan has been reserved by condition.
- 8.136 The waste storage arrangements have been confirmed as acceptable by the Waste Strategy Officer. A condition requesting submission of a Waste Management Plan has been included.
- 8.137 Overall, subject to conditions and the Crossrail S106 planning obligation, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts. It is noted that neither the Council's Highways & Transportation Officer nor TfL have raised an objection to the proposal.

Sustainability and Energy Efficiency

- 8.138 The Managing Development Document policy DM29 includes the target for developments to achieve reductions in CO2 emissions through the cumulative steps of the Energy Hierarchy. The policy states that the sustainable retrofitting of existing development with provisions for the reduction of carbon emissions will be supported.
- 8.139 The proposals follow the London Plan energy hierarchy of Be Lean, Be Clean and Be Green. A 45% reduction in CO2 emissions for the new build elements would be delivered in accordance with policy requirements. In addition, the refurbishment proposals are anticipated to deliver a reduction in over 70 tonnes of CO2 per annum.
- 8.140 The office accommodation would be delivered to a BREEAM Excellent standard.
- 8.141 Conditions to secure the delivery of the energy & sustainability proposals and achievement of BREEAM Excellent together with submission of the specification of the proposed PV array and the proposed sustainable drainage measures have been included as requested by the Council's Energy Efficiency & Sustainability Officer.

Biodiversity

- 8.142 Policies 7.19 of the London Plan, SP04 of the Core Strategy and DM11 of the Managing Development Document seek to protect and enhance biodiversity value in order to achieve an overall increase in biodiversity.
- 8.143 The site has no existing biodiversity value. The proposed green roof could be a significant benefit to biodiversity if best practice guidance is followed in its detailed design. A condition to this effect has been included in accordance with the recommendation of the Council's Biodiversity Officer.

Planning Obligations

- 8.144 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's draft Planning Obligations SPD (2015) sets out in more detail how these impacts can be assessed and what the appropriate mitigation could be. The Council adopted a Borough-level Community Infrastructure Levy on April 1st 2015. Consequently, planning obligations are much more limited than they were prior to this date.
- 8.145 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Fairly and reasonably related in scale and kind to the development.
- 8.146 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.147 The applicant has agreed to meet the entire financial obligation requirements calculated in accordance with LBTH and GLA guidance. These are:
- £7,756.00 towards construction phase skills and training;
 - £78,418.00 towards end user employment skills and training;

- Crossrail CIL top-up contribution of between £0.00 and £73,126.00 depending on what uses are implemented within the flexible units; and
 - Monitoring fee equivalent to £500 per each Head of Terms in the Legal Agreement.
- 8.148 The total financial contribution would be at between £86,174 and £159,300.00 depending on the final amount of Crossrail contribution, plus monitoring contribution.
- 8.149 The non-financial obligations include:
- Reasonable endeavours to ensure 20% of the construction phase workforce are residents of the Borough;
 - Reasonable endeavours to ensure 20% of goods/services during construction are procured from businesses in Tower Hamlets;
 - Reasonable endeavours to ensure 20% of the end-user phase workforce are residents of the Borough; and
 - Apprenticeships and work placements during construction and end user phase of the development.
- 8.150 All of the above obligations are considered to be in compliance with aforementioned policies and the NPPF and Regulation 122 tests.

Financial Considerations

- 8.151 Section 70(2) of the Town and Country Planning Act 1990 (as amended) 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.
- 8.152 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.
- 8.153 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor’s Community Infrastructure Levy.
- 8.154 The Tower Hamlets CIL liability would be nil because the proposed uses, including offices (outside of City Fringe), are zero-rated in the Council’s CIL Charging Schedule (2015).
- 8.155 The Mayor of London CIL liability would be £67,865.
- 8.156 These financial benefits are material considerations of some weight in favour of the application.

Health Considerations

- 8.157 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.158 The proposal raises no unique health implications and would not prejudice the opportunity of neighbours or members of the public to benefit from appropriate living conditions and lead healthy and active lifestyles.

Human Rights Considerations

- 8.159 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights. The relevant rights include:
- 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".
- 8.160 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 a local planning authority.
- 8.161 Members need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

Equalities Act Considerations

- 8.162 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. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the Committee must pay due regard to the need to:

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







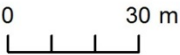
10.0 CONCLUSION

10.1 All other relevant policies and considerations have been taken into account. It is recommended that full planning permission should be GRANTED.

11.0 SITE MAP

11.1 Please refer to the next page of this report.



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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 6.4

Committee: Development	Date: 25 th November 2015	Classification: Unrestricted	Agenda Item:
Report of: Corporate Director of Development and Renewal		Title: Full and Listed Building Planning Permission Application	
Case Officer: Christina Gawne		Ref No: PA/15/02554 (Full Planning Permission & PA/15/02555 (Listed Building Consent)	
		Ward: Lansbury	

1.0 APPLICATION DETAILS

1.1 **Location:** Balfron Tower, 7 St Leonards Road, London, E14 0QR

1.2 **Existing Use:** Residential

1.3 **Proposal:** Full Planning Permission and Listed Building Consent for:

External and internal physical alterations and refurbishment works to Balfron Tower, including:

- New fenestration
- Alterations to flat layouts
- Re-instatement of cornice at the top of the building
- Replacement of boiler house flues
- Alterations to car parking
- Cycle parking and refuse storage arrangements
- Lighting
- Hard and soft landscaping and associated works.

1.4 **Documents:** Design and Access Statement (Sections 00-02, 03 Part 1, 03 Part 2, Section 04, Section 05 Part 1, Section 05 Part 2, Section 05 Part 3, Section 06 and Sections 07-09)

Flood risk assessment

Transport Statement

Planning Statement

Heritage Statement (Parts 1 and 2)

Arboricultural Impact Assessment

Statement of Community Involvement (Segments 001 and 002)

Sustainability statement

1.5 **Drawing Nos:**

Site drawings

0209_SEW_BT_0003 rev 04

Existing drawings

0209_SEW_xx_0100 rev 01, 0209_SEW_xx_0101 rev 01

0209_SEW_xx_0102 rev 01, 0209_SEW_xx_0103 rev 01

0209_SEW_xx_0107 rev 01, 0209_SEW_xx_0108 rev 01

0209_SEW_xx_0109 rev 01, 0209_SEW_xx_0116 rev 01,

0209_SEW_xx_0117 rev 01, 0209_SEW_xx_0128 rev 01,

0209_SEW_xx_0129 rev 01, 0209_SEW_xx_0130 rev 01,

0209_SEW_xx_0131 rev 01, 0209_SEW_xx_0201 rev 01,
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0209_SEW_xx_0400 rev 01, 0209_SEW_xx_0401 rev 01,
0209_SEW_xx_0402 rev 01, 0209_SEW_xx_0403 rev 01,

Strip-out drawings

0209_SEW_xx_3100 rev 01, 0209_SEW_xx_3101 rev 01,
0209_SEW_xx_3102 rev 02, 0209_SEW_xx_3103 rev 02,
0209_SEW_xx_3107 rev 01, 0209_SEW_xx_3108 rev 01,
0209_SEW_xx_3109 rev 01, 0209_SEW_xx_3116 rev 01,
0209_SEW_xx_3117 rev 01, 0209_SEW_xx_3128 rev 01,
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0209_SEW_xx_3131 rev 01, 0209_SEW_xx_3201 rev 01,
0209_SEW_xx_3202 rev 01, 0209_SEW_xx_3203 rev 01,
0209_SEW_xx_3301 rev 01, 0209_SEW_xx_3302 rev 01,
0209_SEW_xx_3303 rev 01, 0209_SEW_xx_3304 rev 01,

Proposed general arrangement drawings

0209_SEW_xx_1100 rev 01, 0209_SEW_xx_1101 rev 10,
0209_SEW_xx_1102 rev 07, 0209_SEW_xx_1103 rev 05,
0209_SEW_xx_1104 rev 05, 0209_SEW_xx_1105 rev 05,
0209_SEW_xx_1106 rev 05, 0209_SEW_xx_1107 rev 05,
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0209_SEW_xx_1112 rev 01, 0209_SEW_xx_1113 rev 01,
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0209_SEW_xx_1307 rev 04, 0209_SEW_xx_5300 rev 01,
0209_SEW_xx_5301 rev 01, 0209_SEW_xx_5302 rev 01,
0209_SEW_xx_5303 rev 01,

Apartment type drawings

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0209_SEW_xx_4104, 0209_SEW_xx_4105,
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0209_SEW_xx_4108, 0209_SEW_xx_4109,
0209_SEW_xx_4110, 0209_SEW_xx_4111,
0209_SEW_xx_4112, 0209_SEW_xx_4113,
0209_SEW_xx_4114, 0209_SEW_xx_4115,

Detailed drawings

0209_SEW_xx_6301 rev 01, 0209_SEW_xx_6302 rev 01,

0209_SEW_xx_6303 rev 01, 0209_SEW_xx_6350 rev 00,
0209_SEW_xx_6351 rev 03, 0209_SEW_xx_6352 rev 03,
0209_SEW_xx_6353 rev 03, 0209_SEW_xx_6354 rev 03,
0209_SEW_xx_6355 rev 03, 0209_SEW_xx_6356 rev 03,
0209_SEW_xx_6357 rev 03, 0209_SEW_xx_6358 rev 03,
0209_SEW_xx_6359 rev 02, 0209_SEW_xx_6360 rev 03,
0209_SEW_xx_6361 rev 03, 0209_SEW_xx_6362 rev 00,
0209_SEW_xx_6370 rev 00, 0209_SEW_xx_6371 rev 00,

Landscape drawings

0209_SEW_xx_7000 rev 05, 0209_SEW_xx_7001 rev 03,
0209_SEW_xx_7201 rev 01, 0209_SEW_xx_7202 rev 01,
0209_SEW_xx_7203 rev 01, 0209_SEW_xx_7204 rev 01,
0209_SEW_xx_7205 rev 01, 0209_SEW_xx_7206 rev 01,

- 1.6 **Applicant:** Balfron Tower Developments LLP
- 1.7 **Owner:** Poplar HARCA
- 1.8 **Historic Building:** Grade II* Listed.
- 1.9 **Conservation Area:** Balfron Tower

2. EXECUTIVE SUMMARY

- 2.1. The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010), The London Borough of Tower Hamlets Managing Development Document (2013) the London Plan (2015) and National Planning Policy Framework (2012) and has found that:
- 2.2. The proposed refurbishment works have been sensitively designed, taking into account advice from Historic England and the boroughs Listed Building Officer. An acceptable balance has been achieved with the heritage needs to preserve the special character, historic significance and appearance of the grade II* listed Balfron Tower along with the requirements to bring the building up to modern standards.
- 2.3. Furthermore, the re-instatement of the original features such as the roof cornice, concrete boiler flues, internal corridors and the front entrance offsets any harm caused by the replacement of the existing windows and internal flat layouts.
- 2.4. In accordance with the Arrangements for Handling Heritage Applications Direction (2015), Historic England have directed the Council to determine the listed building consent application. The direction requires that if the Council is minded to grant listed building consent it should do so, subject to conditions requested by Historic England. The direction has been endorsed by the Secretary of State (via the National Planning Casework Unit) who have confirmed the applications do not need to be referred to them (Secretary of State).

3. RECOMMENDATION

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

1. Compliance with plans
 2. Time limit
 3. Written notification of the start of the works to Historic England
 4. Mock-up section of the proposed fenestration to be installed at low level on site
 5. Sample panel for the patching of the external bush hammered concrete to be tested on site
 6. Cornice materials
 7. Details and samples of all materials for all doors, windows for all elevations, lobbies, access galleries, tiles, details of colours etc.
 8. Full schedule of works including concrete repairs + requirement to advise Council if new repairs required
 9. Electric charging points
 10. Landscaping and community allotment gardens
 11. Arboricultural Method Statement(AMS)
 12. Full Tree Protection Plan (TPP)
 13. Details of lighting and lighting assessment
 14. CCTV
 15. Design and materials of communal areas
 16. SUDs
 17. Waste
- 3.2. Any other conditions(s) and informatives considered necessary by the Corporate Director Development & Renewal.
- 3.3. That the Committee resolve to grant Listed Building Consent subject to conditions relating to:
1. Compliance with plans
 2. Time limit
 3. Written notification of the start of the works to Historic England
 4. Mock-up section of the proposed fenestration to be installed at low level on site
 5. Sample panel for the patching of the external bush hammered concrete to be tested on site
 6. Cornice materials
 7. Details and samples of all materials for all doors, lobbies, access galleries, tiles, details of colours etc.
 8. Full schedule of works including concrete repairs
- 3.4. Any other conditions(s) and informatives considered necessary by the Corporate Director Development & Renewal

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The applicant seeks full and listed building planning permission to undertake external and internal physical alterations and refurbishment to Grade II* listed Balfron tower. This includes the following:
- New windows on all elevations
 - Alterations to flat layouts
 - Re-instatement of Cornice to top of the building.
 - Replacement of boiler house flues
 - Alterations to car parking

- Provision of cycle parking
- Alterations to refuse storage arrangements
- Lighting
- Hard and soft landscaping.

4.2. The proposal does not seek the loss or gain of any residential units.

4.3. The applicants have stated that the works are to ensure Balfron Tower is updated to meet today's living standards, securing the long term viable future of this heritage asset.

Site and Surrounds

4.4. Balfron Tower is located the Lansbury ward. And is located within the Balfron Tower Conservation Area, designated in 1998.

4.5. The tower was built between 1965-1967 and was designated as Grade II listed in 1996. The tower's historic listing has been recently upgraded to Grade II* on 15 October 2015.

4.6. The listing for Balfron Tower was upgraded due to the following principal reasons:

- Authorship: designed and planned by Ernő Goldfinger, a major exponent of the European Modern Movement in Britain and an architect of international standing;
- Architectural interest: strikingly sculptural, precursor and model for Goldfinger's modernist high-rise towers, and a manifestation of the architect's rigorous approach to design and of his socialist architectural principles;
- Materials and construction: concrete aggregate, exceptionally fine bush-hammered concrete finishes and precise joinery, establishing a consistency in planning, palette of materials and aesthetic applied across the estate;
- Planning interest: Corbusian-inspired interlocking arrangement of flats and maisonettes, including community facilities, sports and hobby rooms;
- Degree of survival: a little-altered building with a particularly strong planning, visual and aesthetic relationship with Carradale House and Glenkerry House;
- Social and historic interest: phase one of an LCC mixed development, principally of high rise blocks, designed to re-house a local community within a carefully planned integrated landscape;

Group value: Balfron Tower has strong group value with the low-rise and high-rise elements of the estate, most notably with Carradale House, and the space within which it stands.

4.7. Balfron Tower is part of the larger Brownfield Estate (originally known as the Rowlett Street Estate). This comprises of Carradale House and Glenkerry House, amongst others. Carradale House, located to the north of Balfron Tower is Grade II listed.

4.8. Balfron Tower sits between Carradale House to the north and a low rise elderly housing block to the south. An associated community building and shop are located to the west of Balfron Tower.

4.9. The site is located in close proximity to the A12 Blackwall Tunnel approach to the East and the A13 to the South. It is within walking distance of Chrisp Street Market to the West and Jolly's Green to the North.

4.10. The Brownfield Site was originally owned by LBTH but ownership was transferred to Poplar HARCA in 1998. Poplar HARCA is a registered social landlord with around 8,500 homes in Poplar, East London.

5. PLANNING HISTORY

- 5.1. Balfroon Tower has an extensive planning history, relating to various works that have taken place over the last 30 years. The most recent applications are listed below.

PA/13/01881 and PA/13/01883

- 5.2. Erection of a transmission/reception aerial on the south-east corner of the roof level of Balfroon Tower.
Permitted on 03/10/2013

PA/11/00795 and PA/11/00796

- 5.3. Installation of three new externally fitted vertical gas riser services to the west face of Balfroon Tower.
Permitted on 01/06/2015

PA/08/00309

- 5.4. Submission of details pursuant to condition 2 (Materials) of planning permission dated the 5th of February 2008 ref; PA/07/03229.
Permitted on 11/06/2008

PA/08/01132 and PA/08/01133

- 5.5. Refurbishment and repair affecting 234 dwellings.
Withdrawn on 03/09/2008

PA/08/01054

- 5.6. Modify steel doors leading from the top floor stairwell to the roof and tank room, provide new locking mechanisms and covert CCTV cameras to enclosed areas of stair access.
Permitted on 14/08/2015

PA/07/03229

- 5.7. Repair works to listed building.
Permitted on 05/02/2008

6. POLICY FRAMEWORK

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

Government Planning Policy Guidance/Statements:

National Planning Policy Framework (2012) (NPPF)

- Section 7 – Requiring Good Design

- Section 12 – Conserving and Enhancing the Historic Environment

National Planning Policy Guidance (2014) (NPPG)

Spatial Development Strategy for Greater London (2015)

5.4 – Retrofitting

5.10 - Urban greening

5.11 – Green roofs and development site environs

5.13 – Sustainable drainage

5.17 - Waste capacity

7.4 – Local character

7.5 – Public realm

7.8 – Heritage assets and archaeology

7.15 - Reducing Noise and Enhancing Soundscapes

Core Strategy Development Plan Document 2025 (2010)(CS):

- SP03 - Creating Healthy and Liveable Neighbourhoods
- SP05 – Dealing with waste
- SP09 – Creating attractive and safe streets and spaces
- SP10 - Creating Distinct and Durable Places
- SP11 – Working towards a zero-carbon borough

Managing Development Document (2013)(MDD):

- DM4 – Housing standard and amenity space
- DM11 – Living buildings and biodiversity
- DM13 – Sustainable drainage
- DM14 – Managing waste
- 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

Supplementary Planning Guidance:

- Local Biodiversity Action Plan
- Balfron Tower Conservation Area Appraisal and Management Guidelines
- Balfron Tower Historic Listing - 1334931

7. CONSULTATION

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

LBTH Transport & Highways

- 7.3. Highways welcome the proposal to reduce number of car parking spaces within the development.
- 7.4. Highways suggest that the applicant should try to meet the cycle space requirement stated in the Further Alteration to London Plan (FALP). According to FALP the applicant should provide total of 248 cycle spaces for this proposal.
- 7.5. A further reduction in the car parking spaces will be welcomed to accommodate the additional cycle parking spaces.
- 7.6. In addition, the applicant could provide some active and passive provision for electric vehicle charging facilities instead of large number of standard car parking spaces.
- 7.7. *(Officer Comment: the impact of the proposal on highways matters is discussed within the material planning considerations section of this report.)*

LBTH Waste Policy & Development

- 7.8. The Council's Waste Officer has advised that LBTH will shortly be adopting new capacity guidelines and these will be required for all existing and new developments. The current proposal does not meet the new guidelines.

- 7.9. It is therefore requested that the developer considers the new guidelines to future proof the development and that these details are secured via condition.
- 7.10. The applicant has agreed to a condition.
- 7.11. The Waste Officer also noted that many new developments in the Borough have been approved with internal chute systems (along with the tri-separator that is already proposed in Balfron Tower). The Officer recommends the applicant reviews the decision not to replace the entire chute system flue to instate tri-separation hoppers at every level of Balfron Tower whilst they have the opportunity, as a newer design should prove successful in helping residents to separate their waste for recycling.
- 7.12. The above can be considered within an overall waste condition for the site.
- 7.13. All other considerations seem to have been made to ensure waste management is conducted to policy.

(Officer Comment: the impact of the proposal on waste matters is discussed within the material planning considerations of this report).

LBTH Design & Conservation

- 7.14. The proposal has been the subject of much pre and post application discussion involving the architects, relevant consultants and Historic England. The proposals have evolved throughout this process.
- 7.15. The reinstatement of lost architectural features on the exterior is very welcome as is proposed work to the external landscape areas.
- 7.16. Much of the pre and post application discussion has centred on changes to fenestration which has been subject to very detailed design development addressing the concerns of the Council and Historic England. In particular the proposed fenestration on the key west facing elevation has been the subject of many design iterations. Overall the changes to the fenestration are now considered acceptable subject to further detailed design to be secured through condition.
- 7.17. The works to sensitively upgrade communal areas are considered acceptable in principle subject to detailed design secured through condition.
- 7.18. The proposal to retain and restore one of each of the original flat types is welcome.
- 7.19. The proposed conditions from Historic England are welcome but detailed conditions will be necessary with regard to each aspect of the overall proposal.
- 7.20. Overall it is considered that the architects have managed to balance the necessity of upgrading whilst maintaining the essential architectural character of this mid-20th century building.
- 7.21. The existing windows are of some significance in terms of the overall architectural composition of the building but are generally in poor condition and no longer meet modern Building Regulation requirements. There has been prolonged discussion with regard to the proposed changes to the external fenestration including with regard to materiality, colour and glazing bar pattern.

- 7.22. The initial proposal put forward by the architects for the west elevation excluded the twin transoms. Revisions were sought and as now proposed, the window design balances the needs of the buildings users with the requirement to sit within Goldfinger's masterly composition.
- 7.23. The fenestration on the other elevations have been subject to greater change over the years; some of it harmful to the overall appearance of the listed building. As proposed, the windows are fit for purpose but reflect the spirit of the original architecture.

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

Historic England

- 7.24. (Summarised second letter from HE following the upgrading of Balfron Tower on the 15th of October 2015)
- 7.25. Historic England has advised, that the overall significance of this important listed building would be sustained through the proposed works.
- 7.26. Historic England continue to welcome the much-needed repair work to the Tower and investment in the Conservation Area, which we consider would raise the profile of the historic environment and provide the Tower with a sustainable and long-term future use.
- 7.27. As such, Historic England are therefore minded to direct as to the granting of the listed building consent.
- 7.28. In light of recent upgrading, Historic England considers it necessary to exercise greater control over the scheme via conditions. These relate to fenestration and concrete repairs to the exterior.
- 7.29. (Officer comment: the impact of the proposal on heritage matters is discussed within the material planning considerations of this report. The applicant has also responded to the above comments which are included below).

20th Century Society (20th C)

- 7.30. The 20th Century Society has made the following comments in relation to this application.

Fenestration

- 7.31. In relation to fenestration, the 20thC oppose the proposed fenestration pattern and materials in particular the use of brown aluminium. 20th C's committee takes the view that this change is particularly sensitive as it affects not only the appearance of the historic building, but also the geometric patterning both from close up and afar, as well as the visual continuity of the building as part of the wider estate. They also believe the proposed changes have not been justified by applicants.

Access corridors

- 7.32. In relation to the access corridors, the 20thC also believe the existing configuration should be retained as part of the historic plan form of the building and the original quarry tiles and finishes of the corridor floors should also be retained as these contribute to the character of the building.

Internal layout

- 7.33. The society also state that the proposed changes to internal plan form of the individual flats requires further justification as these are intrinsically to the history and use of the

building. Original fittings should be retained or at least recorded.

Concrete repair and reinstatement

7.34. The Society supports the concrete repairs and the re-introduction of the concrete cornice on top of the tower.

7.35. *(Officer Comment: the impact of the proposal on heritage matters is discussed within the material planning considerations of this report).*

8. LOCAL REPRESENTATION

8.1. A total of 341 neighbouring addresses were consulted by letter. Three site notices were posted around the site on the 23/09/2015 and the application was published in the East End Life on the 28/09/2015. The number of representations received in response to notification and publicity of the application were as follows:

No of individual responses:	35	Objecting: 35 (full and part)
		Supporting: 2 (part)
		No position: 1

No of petitions received: 1 containing 2825 signatories. The petition organiser has stated that 232 of the signatories have Tower Hamlets addresses with the remaining coming mostly from London and others from international locations.

8.2. It is important to note that the majority of the above objecting comments relate to the tenure and ownership of the building, with 5 objections relating to the proposed refurbishment and associated works which are proposed within these applications.

Representations Objecting

8.3. The following issues were raised in objection to the proposal and those which are material planning considerations will be addressed in the next section of this report:

Design and Heritage

Objections have been raised with regards to the various alterations proposed including:

- Changes to entrances
- Reconfiguring the core and loss of refuse chute
- Community uses and spaces suggested not in keeping with original uses
- Reconfiguration of flats for 'modern living' as an open-plan
- Replacement windows i.e. materials and colour which do not reflect the original design
- New entrance door not in keeping with original, proposed too modern
- Reshaping the recesses off the access galleries
- Loss of boilers at top of circulation tower and the tanks rooms removed from the tower so that the 'gargoyles' will no longer have any function
- Glazed balustrade proposed between the roof cornice and the parapet of the proper roof below

Officer comment: the impact of the proposal on heritage and design matters is discussed within the material planning considerations of this report.

8.4. Landscaping works

Opposition and concerns were raised with regards to the following:

- Greening the external concrete
- Changes to car access ramp

- Community orchard
- Should maintain existing trees
- Alterations to concrete paving flags
- Alterations to sunken play area
- Elaborate landscaping scheme
- Closure of the circuit service road

Officer comment: the impact of the proposal on external matters is discussed within the material planning considerations of this report.

8.5. Social Housing, Tenure and Ownership

Concerns, comments and objections were raised with regards to the following:

- Failure to meet statutory affordable housing types with a concern that the application does not include information on the future tenure of the 146 flats, potentially resulting in the loss of social housing.
- Insufficient consultation.
- Poplar HARCAs obligations to existing tenants have not been fulfilled i.e. 'no resident will lose their home involuntarily' and 'there will be no loss of homes for rent on the Brownfield Estate'.

Officer comments:

- 8.6. *In relation to the issues relating to Social Housing, Balfron Tower is currently owned by Poplar HARCA. Ownership of Balfron Tower was passed from LBTH to Poplar HARCA in December 2007 under the East India stock transfer.*
- 8.7. *Historically, the only controls on the tenure of Balfron Tower were those imposed under the Housing Acts with the Homes and Communities Agency acting as regulator.*
- 8.8. *On the 15th of December 2014, the Homes and Communities Agency, exercising its discretion under s133 of the Housing Act 1985, authorised Poplar HARCA to dispose of its interest in Balfron tower. There is now nothing to prevent Balfron Tower from being transferred into private ownership.*
- 8.9. *Notwithstanding the above, the tenure of Balfron tower is not, and has never been, controlled under the planning regime. There is no s106 agreement or planning conditions requiring the building to be provided as social housing in perpetuity as would be the case for major new builds today. The building is not classified as social housing either in planning terms or housing law terms and planning permission is not required to transfer flats within Balfron Tower into private ownership.*
- 8.10. *The applicant has stated that there have been many tenure changes over time to individual flats with Balfron Tower. These have never required planning permission and were generally done under right to buy schemes.*
- 8.11. *As such, matters relating to social housing, tenure and ownership will not be assessed under the current applications for refurbishment.*
- 8.12. *Also, it is considered that the application has undergone adequate consultation with three site notices posted; all consultation responses received both during and after the standard 21 day period had closed. With regards to consultation undertaken by the applicants, this is also considered sufficient and above what is required for a 'minor' application.*

8.13. Planning application process

Concerns and comments were also made with regards to the following:

- Inability to access information on the website, time extension for comments
- Consultation carried out by applicants was not good enough i.e. should have been face-to-face meetings inviting leaseholders and all interested stakeholders to explain the process, the diagrams and the technical details of the application as per the expected standards of transparent and high level governance consultation
- Design and Access statement is not representative of the situation at Balfron Tower i.e. piecemeal alterations that have taken place are due to the site's managers, Poplar HARCA, rather than residents
- Failure to show any awareness of, or respect for, the exemplary Conservation Management Plan (CMP) commissioned by the Council from Avanti Architects in 2007-8 to guide it on conservation matters in relation to Goldfinger's work.

Officer comments:

8.14. It is noted that several comments have stated that the LBTH website is difficult to use and the information regarding the application is not well accessible. Several objectors raised this directly with the case officer and help was provided with how to view relevant documents etc. It was therefore not deemed necessary to extend the consultation period as all issues directly raised were dealt with. It should also be noted that all late comments were accepted.

8.15. As the application is not a major application, extra consultation is not required of the applicants. However, a Statement of Community Involvement was submitted with the application which shows the applicants had consulted with a range of stakeholders before submitting the applications. This is considered appropriate in relation to the size of the scheme.

8.16. It is not considered appropriate to comment on the piecemeal alterations that have taken place at Balfron Tower with regards to who undertook the works i.e. LBTH or tenants. The application is assessed only against the condition of the building in relation to the proposal and the relevant policies and guidelines.

8.17. The applicants submitted a detailed Design and Access Statement and Heritage Statement in line with National and LBTH requirements. The Conservation Management Plan has been used along with the other below listed policies and other guidelines to assess the application.

Representations Supporting

8.18. The representations in support of the application have been made in support of the following aspects of the proposal:

- Landscape proposals to mitigate noise from the nearby A12
- Use of 'social rooms'
- Support replacement of roof cornice
- Support replacement of entrance doors to original style
- Support irrigation system to planter boxes

8.19. A condition has also been requested limiting works to Monday to Friday 8am – 5pm and no works on Saturday, Sunday or Bank Holidays

Officer comment: the above will be discussed within the material planning considerations of this report.

9. MATERIAL PLANNING CONSIDERATIONS

9.1. The main planning issues raised by the application that are to be considered are:

1. Design and Heritage
 - Refurbishments and repairs to exterior of building
 - Internal refurbishments
 - External upgrades
2. Sustainability
3. Flooding

Design and Heritage impact

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

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

9.4. Policy SP10 of the CS and DM23 and DM24 of the MDD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality and sustainable.

9.5. As Balfour Tower is a 27 storey Grade II* listed building and is within the Balfour Tower conservation area, additional policies relating to heritage matters are also relevant.

9.6. Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:

“desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness.”

9.7. Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at part 2 of the policy that the borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the boroughs heritage assets, their setting and their significance.

9.8. Policy DM27 part 2 of the MDD provides criteria for the assessment of applications which affect heritage assets, including both building's within conservation areas and listed buildings. Firstly, developments will be required to protect and enhance the borough's assets, their setting and their significance.

9.9. Secondly, development should:

- Not result in an adverse impact on the character, fabric or identity of a heritage asset or its setting
- Be appropriate in terms of design, scale, form, detailing and materials in its

local context

- Enhance or better reveal the significance of the asset and its setting
- Seek opportunities to mitigate or adapt to climate change.

Balfroon Tower

- 9.10. Balfroon Tower is a 27 storey grade II* listed residential building which is located in Poplar. The building contains 146 residential units (136 flats and 10 maisonettes). The building is an iconic symbol of 'Brutalist' architecture designed by the celebrated architect Erno Goldfinger in the 1960s to rehouse displaced residents from nearby road works.
- 9.11. Balfroon Tower has a distinctive silhouette with its separate utility tower joined to the main building by nine access bridges. This configuration allows for the noisy functions, such as the boiler room and lifts, to be kept away from the residential accommodation in the main building. The stacked typology allows for more than two thirds of the flats to be dual aspect.
- 9.12. Vehicular and pedestrian accesses are separated, a common design feature of Erno Goldfinger.
- 9.13. The application includes both internal and external alterations which will be discussed separately below.

Refurbishments and repairs to exterior of building

Windows

- 9.14. The windows are a key part of the overall design of Balfroon Tower and concerns around their replacement has been raised by those objecting to the application in relation to both proposed design and materials.
- 9.15. The original design of the windows represents a finely balanced composition of horizontal and vertical elements. This includes the intricate pattern of transoms and mullions which create a finer grain and augments the strength of the surrounding exposed concrete. Each façade of the tower has a different window pattern which will be discussed below.
- 9.16. The Eastern and Southern facades have seen their original window replaced with white Upvc. It is proposed that the horizontal transoms and 6 panel bays will be retained but the high level windows will be removed. The grey spandrel panel will also be replaced with a perforated corrugated panel which will conceal the acoustic vents required to bring the tower up to modern standards. Dark coloured window frames are also proposed in place of the existing white frames. The applicant has advised that the white window frames have been more susceptible to a change in appearance from nearby road pollution.
- 9.17. Also, on the southern elevation of the ground level and level 1 fully glazed winter gardens are proposed for safety concerns.
- 9.18. The proposal also seeks the removal of the non-original vents on these elevations.
- 9.19. The Western façade contains the only original fenestration that can be seen on Balfroon Tower. These windows are characterised by flush glazing and recessed balconies. The alignment of the concrete planters and horizontal transoms is most apparent on this

façade.

- 9.20. The proposed fenestration will maintain the existing pattern with recesses, transoms and mullions but will utilise dark coloured aluminium frames in place of existing timber windows. All low level casements will be fixed and the original side hung door and sliding sash window will be replaced with a sliding sash door.
- 9.21. The existing windows on the northern elevation of the utility tower will be maintained with steel frames along with the introduction of some louvered windows. The applicant has stated that these louvers are required for two reasons being to provide smoke extraction in case of a fire and fresh air intake and extract for the heating and cooling of the communal rooms. A small number of louvers are also required for toilet extracts in the communal areas. The applicant has stated that they believe this to be an appropriate design as the louvers are a design feature of the original north façade. This is considered appropriate.
- 9.22. Balfron Tower is characterised by the architect's attention to detail and the window pattern is notable for its uniformity and detailing, including the transom and mullions of the windows which contrast with the surrounding exposed concrete.
- 9.23. The Councils Listed Building officer has noted that whilst the existing windows are of some significance in terms of the overall architectural composition of the building, they are generally in poor condition and do not meet modern Building Regulations. Extensive discussions have taken place over the replacement windows which have been considered acceptable given the proposed windows will appear as uniform on each side and the overall design will reflect the spirit of the original architecture which was noted for its uniformity and attention to detail.
- 9.24. As proposed, the windows are fit for purpose but reflect the spirit of the original architecture. The applicants have stated that re-unifying the windows is a key act of restoration and is in line with Historic England's advice regarding post-war listed housing which states that tall blocks can more easily withstand the impact of new glazing because it is more subsidiary to the impact of the overall design.
- 9.25. Historic England have also required a condition of a mock-up section of the proposed fenestration system comprising glazing, framing and perforated panelling which will be required to be prepared and presented on site. The sample will be installed at low-level next to the existing fenestration and shall present an accurate full-scale representation of the proposed system.
- 9.26. In summary, it is considered that the proposed alterations to the windows are acceptable in relation to the Grade II* listing of the building and the relevant policies mentioned above.
- 9.27. Details of the materials of the windows, doors and planters will be required by condition.

Concrete repairs

- 9.28. A main feature of Balfron Tower is its exposed concrete facades and exceptionally fine bush-hammered concrete finishes, important details noted within the reasons for the building's Grade II* status. Repairs and cleaning are required both in-situ and in precast elements at different parts of the building.
- 9.29. Given the importance of the concrete both structurally and aesthetically, Historic England have requested a condition which would require a sample panel for the patching of the

external bush hammered concrete showing the proposed proportions of mix, colour and texture on site at a low level., this is recommended to be accompanied with a full schedule of works relating to the repairs and cleaning. The condition would also require notification of any further defective areas during the course of the refurbishment.

Cornice

9.30. Balforn Tower originally had a cornice at roof level which was removed for safety reasons in the 1990s.

9.31. The applicant is seeking to re-instate the cornice. However, in order to overcome concerns over the weight of the concrete, the cornice is proposed to be constructed with a more lightweight glass reinforced concrete construction. This is considered appropriate given the final design will be similar in appearance to the original.

9.32. Reinstating the cornice as per the original design is welcomed by the Council and several of those who commented on the application.

Flues

9.33. Four flues can be prominently seen on the side of the utility tower. This feature is also seen on another of Goldfinger's designs, Glenkerry House. These were originally constructed in concrete but were later replaced with stainless steel flues which are in place today.

9.34. The applicant is seeking the re-instatement of these flues in concrete and this is supported by officers. A condition is recommended to ensure the design and appearance of the flues is appropriate on the listed building.

Summary

9.35. Overall, the above detailed proposals are acceptable in principle in relation to the current policies and guidelines including SP10, DM 24 and DM27 and the Conservation Area management guidelines, subject to detailed materials and designs. Whilst the proposed changes to the windows will materially alter the building, it is considered that as the design promotes uniformity and high quality materials as well retaining the character of the building that the careful balance between the windows and the surrounding concrete will be retained and are as such acceptable. The replacement cornice, flues and concrete repairs are also supported and will be subject to conditions.

Internal refurbishments

Flat layouts

9.36. The building contains 146 residential units (136 flats and 10 maisonettes). These range from 1 to 4 bedrooms and despite changes since they were first built, many of the flats retain the general original layout.

9.37. As stated within the Design and Access statement, there have been many innovations and changes made to the way houses are designed today in comparison to when Balforn Tower was built in the 1960s. This includes open plan living, larger kitchens, non-natural ventilated bathrooms and kitchens, better noise and thermal insulation etc.

9.38. The proposal seeks to alter the internal layout of the flats within Balforn Tower, whilst not losing any units. Key changes include removing partition walls between kitchens and living rooms to create open plan flats, removing hallway walls, integrating the currently separate W.C.s within the main bathroom and upgrading the performance of the building

i.e. acoustic and thermal. Some additional ensuites have been provided within the larger flats.

9.39. The proposal includes 7 types of flats which are outlined below:

- Type A (1B, 2P)
- Type B (2B, 4P, duplex)
- Type C (2C, 4P)
- Type D (2B, 4P, duplex)
- Type E (2B, 6P, duplex)
- Type F (3B, 6P, duplex)

9.40. In order to ensure the original plan form as designed by Erno Goldfinger is not lost, the applicant is seeking to retain one example of each of the original typologies. This includes 6 different flat layouts ranging from single level 1 bedroom flats to 4 bedroom flats.

9.41. A number of key details such as the architrave light switch and the demountable balustrades will be used throughout all flat types bringing a sense of consistency to the building in line with the original design. Original details such as the metal architraves and incorporated light switches, sanitary ware and stair balustrades will be retained within the heritage flats.

9.42. The reinstated flats will need some modifications such as dropped ceiling zones, larger kitchens and changes to the layouts to accommodate the sustainability performance upgrades. This includes heat recovery units, under floor heating, acoustic and thermal insulation etc. The proposed fenestration changes described above will also result in some minor modifications to the layouts.

9.43. One of the heritage flats to be retained will be flat 130 where the architect, Erno Goldfinger, lived soon after the completion of the tower.

9.44. As the building is Grade II* listed, maintaining the spirit of the Goldfinger design is integral to the application. Policy DM27 of the MDD states that firstly, developments will be required to protect and enhance the borough's assets, their setting and their significance.

9.45. The above mentioned changes to the flat layouts are not considered to detract from the significance or character of the Grade II* listed building given the number of units remains the same, and the overall layout is very similar i.e. number of bedrooms, duplex character and orientation of bedrooms, kitchens etc. The changes reflect modern living standards and will ensure the listed tower will continue to make a positive contribution to the wider conservation area whilst allowing for much needed sustainability upgrades to ensure a good standard of accommodation.

Access galleries, corridors + lobbies

9.46. The existing timber front entrance door on site is not original. The proposal seeks to reinstate the original fully glazed entrance with a glass door and surrounds as well as reinstating the mosaic surround. The door handle would be timber and brass balustrades would be either side of the door.

9.47. The proposal also seeks to retain and extend the original materials within the entrance lobby which includes green Tinos marble, Iroko wood, concrete and Alta Quarzite stone. The proposal also seeks a concierge area in the original refuse chute room. The concierge desk is proposed with materials that reference the original lobby materials. Full details are to be secured via condition.

- 9.48. The access ways and corridors of Balfron originally had coloured tiled walls, some of which remain but are generally in poor condition. The original tiles are very thin and in specific shades. The applicant has advised that these are no longer available, or would be extremely expensive to recreate. As such, standard tiles in the same size are proposed within colours as close to the original as possible i.e. white, yellow, green, blue, grey etc. The colours on each access way are different to enable users to differentiate between floors.
- 9.49. The above mentioned colour coding will also be reinstated within the lift lobbies. Mail boxes will also be located in these spaces.
- 9.50. Kitchen windows from flats also faced out onto the communal access ways with clear glass that was designed to promote social interaction. The applicant has stated that many of these windows have been covered within netting and curtains and as such, it is proposed to replace these windows with a privacy film over a portion of the window to provide obscure glazing. The windows are proposed to be powder coated aluminium.
- 9.51. The original entrance doors to the flats were steel and these are proposed to be replaced with new steel doors. It is proposed that all doors will be painted to reflect the coloured tiles of each respective floor.
- 9.52. To enable to the installation of insulation and waterproofing, the floors of the corridors will need to be lifted. The falls which were once required due to the open nature of the access galleries will be removed. The materials proposed for the floors are a soft material, not yet known, which would replace the original quarry tiles.
- 9.53. The separating walls within the access galleries are also proposed to be re-built with the wall being set back at the entrance doors to create a wider space.
- 9.54. The existing lifts will also be modernised with upgraded materials, which reflect the original, and will be made larger.
- 9.55. Subject to material samples being provided via condition for the tiles, walls, floors, doors and windows, the above is acceptable as it is considered that the proposal maintains the original style of the areas and attention to detail such as colours, use of materials and dimensions.

Communal rooms

- 9.56. The original design included communal rooms that were designed to facilitate social interactions within the tower.
- 9.57. The communal rooms were located within the side utility tower and original uses included hobby room, drying room, jazz/pop room, table tennis rooms etc. Several spaces within the utility tower housed tanks which are no longer used and are therefore proposed to be made communal. The proposed uses for these spaces include cinema room, hobby room, jazz/pop room, yoga room, library, cookery room, dining room and play rooms.
- 9.58. Upgrades to these rooms are also required such as thermal insulation and heating.
- 9.59. The proposal to sensitively upgrade these communal areas is considered acceptable in principle, subject to detailed design and materials which are recommended to be secured through condition.

Access (within homes)

- 9.60. The London Plan requires that all new homes are built to Lifetime home Standards. These do not apply in this instance as the proposals are for refurbishment only and no new units are proposed.
- 9.61. The applicants have stated that even though they are not required to meet Lifetime Home Standards, the revised housing typologies and communal areas will be notably more accessible and generally can be deemed to meet the overall original objectives.

Summary

- 9.62. Overall, the above detailed proposals are acceptable in principle in relation to the current policies and guidelines including SP10, DM 24 and DM27 and the Conservation Area management guidelines, subject to detailed materials and designs. It is considered that the proposals will not only raise the living standards within the building and restore many physical parts of the building in line with the original design but the proposal will also reinstate many of the original social uses and functions of the building that are integral to the design and spirit of the building.

External upgrades

Landscaping

- 9.63. Core Strategy policy SP10 section 4 seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. This includes using high quality urban and landscape design.
- 9.64. Policy DM11 states that existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 9.65. The original landscaping on site was designed with input from the architect, Erno Goldfinger. Goldfinger's ambition for the landscape was to create external spaces that were supervised and animated through a different series of different play facilities for all ages.
- 9.66. The palette of hard landscaping materials used includes British Standard concrete paving flags, concrete kerbs, brick plants and deterrent cobble detail.
- 9.67. The soft landscape palette is limited to grass, a mixture of native and non-native trees and some structural planting along the A12 boundary. Trees were originally planted in the lawn to the right of the main structure but they have since been removed.
- 9.68. The landscaping today is characterised by being poorly lit, under used, low quality concrete paving with limited seating opportunities and a lack of good quality planting. A belt of mature trees and a sloping lawn provides a leafy setting for the tower near the A12.
- 9.69. A community garden also exists on site and a purpose built play area for children under the age of 5 which the applicant states is not well used due to its high walls and low quality paving.
- 9.70. The proposed landscaping approach is to create a diverse and vibrant landscape that can be enjoyed whilst also contributing to biodiversity and other environmental benefits

i.e. noise minimisation, sustainable drainage etc.

9.71. The proposed landscaping has the following 15 components:

1. Woodland setting/understory (bulb planting)
2. Sound garden (to block noise from the A12)
3. Vertical garden (planting strip along edge of car park ramp with trailing plants trained to tensile wire system)
4. Hedge garden (herbaceous and ornamental grass planting)
5. Sensory play garden (defensible planting introduced to ground floor gardens)
6. Community orchard (fruit trees)
7. Sustainable Drainage garden
8. Allotment garden
9. Patio garden (small multi stem trees)
10. Approach planting
11. Wildflower garden
12. Community centre garden
13. Carradale play area
14. Herb garden
15. Roof garden

9.72. The proposed landscaping was assessed by LBTHs Biodiversity officer who has advised that the proposal is considered varied, innovative and exciting and is a very welcome change to the usual low-maintenance evergreen shrubbery. It will be far better for biodiversity than the existing landscaping, and will contribute to a number of objectives and targets in the Local Biodiversity Action Plan. These include new orchard, new meadow, enhanced woodland, perhaps enhanced grassland, and new nectar-rich planting. Overall, the landscaping is extremely good for biodiversity.

9.73. Following advice from the Councils Biodiversity officer a condition is recommended for further details on the selection of flora and further details of the open space. This has been accepted by the applicant.

9.74. An arboricultural impact assessment was submitted with the application which states that 8 individual trees and four groups of trees are required to be removed to enable the above proposed landscaping. These are not subject to tree protection orders but are protected under the Balfron Tower conservation area. All trees to be removed have been deemed low quality and no objection is raised to their loss based on replacement plantings and overall landscaping proposals.

9.75. As stated within the Arboricultural Impact Assessment, an Arboricultural Method Statement (AMS) and a full Tree Protection Plan (TPP) will be required prior to the implementation of the refurbishment works to ensure tree protection measures are fully specified and to provide a methodology for the works within retained trees root protection areas. These will be required via condition.

9.76. In summary, it is considered that the landscaping proposals meet Policies SP10 and DM11.

Transport Impacts

9.77. The applicant provided a Transport Statement (TS) in support of their applications.

9.78. Balfron tower is located in a prominent position adjacent to the strategic Blackwall Tunnel Northern Approach (A12), close to the interchange with the east-west running

A13, but is served by a local road network via Chrisp Street.

- 9.79. The TS notes that as the proposal is to refurbish the building, with no floor space or units being added or lost, the travel demands of the building will not be noticeably different as a result of the proposals.
- 9.80. The PTAL rating onsite is 2, which is low. However, the site is located close to several bus stops and DLR stations such as Langdon Park and All Saints, which provide direct access to the Poplar interchange point and Canary Wharf.
- 9.81. The original car park in the lower ground floor was originally arranged as a number of individual garages. By modern standards, the car parking spaces are too small.
- 9.82. Over time the applicant has advised that the car park has deteriorated with water ingress in a number of areas. The inadequate lighting and poor sightlines created by the closed in nature of the garages have made the car park an uncomfortable space to use. As a result, the car park has seen subject to anti-social behaviour and was eventually closed permanently.

Car parking

- 9.83. There are currently 66 car spaces onsite, none of which are wheelchair accessible car spaces.
- 9.84. The proposal seeks to lower this figure from 66 to 46 with 6 accessible spaces for a total of 52. None of the car parking spaces will have their own garages as some do currently.
- 9.85. LBTH Highways welcomed the reduction in car parking spaces and recommended that further reductions in parking were made along with the provision of electric car charging points and additional cycle parking. Given there are no additional units proposed, and there is already a reduction in car parking, it is considered unreasonable to seek a further reduction for the purpose of providing cycle spaces.
- 9.86. In supplementary information provided, the applicants have indicated that two electric car charging points can be introduced onsite which would remove two spaces from the currently proposed 52. These would not be in place of wheelchair accessible spaces and would keep the total at 52. This is supported and will be secured via condition.
- 9.87. Overall, it is considered that this aspect of the scheme meets policies SP09 of the Core Strategy and DM 22 of the Managing Development Document.

Cycle spaces

- 9.88. There are currently no formal cycle spaces provided within the site. The proposal seeks to introduce a total of 152 spaces which includes 110 single tier cycle spaces, 36 two tier cycle space and six wheelchair accessible spaces.
- 9.89. Whilst Highways have requested the cycle parking to be increased to FALP standards, given this is not a new build, there is not policy justification to demand this.
- 9.90. As the proposal is raising the total formal cycle parking spaces from 0 to 152 and coupled with the reduction of car parking spaces, it is considered the proposal meets policies SP09 and DM22.

Refuse storage

- 9.91. CS Policy SP05 and MDD Policy DM14 set out the Borough's framework for how it will manage waste in a sustainable manner. DM14 states that development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling.
- 9.92. The original waste strategy on site consisted of a refuse chute located in the utility tower with a hopper at every access level. The chute did not have the capability to deal with segregated waste i.e. waste and recycling, therefore recycling had to be dealt with using bins located at street level.
- 9.93. The existing refuse chute is no longer functioning and the existing waste strategy relies on an open air skip and 6 recycling bins in two locations, one near the disused car park entrance and one at the base of the chute. These are both visible from the main approach to the building.
- 9.94. The proposed strategy will conceal all waste storage within the building. The refuse will be separated into general waste, recycling and compostable waste.
- 9.95. The original chute will not be used and instead residents will use a small hopper and chute at the entrance lobby where a tri-separator will separate the waste into general, recycling and compostable.
- 9.96. A total of 15 110L waste, 9 1280L dry recycled and 14 240L compostable bins are proposed on site. 14sqm is also provided for bulky storage.
- 9.97. LBTHs Waste Policy and Development officer was consulted on the application and advised that LBTH will shortly be adopting new waste storage which the development has the capacity to meet but is not currently catered for in the current proposal. The new standards will be required for all existing and new developments.
- 9.98. The officer recommended that a condition for further waste details be applied. This has been agreed by the applicant.
- 9.99. The officer also recommended that the applicants should reconsider the decision to not replace the entire chute system. This can also be investigated through the waste condition mentioned above.
- 9.100. In summary, it is considered that the scheme generally meets policies SP05 and DM14 however the above conditions will be applied to ensure the scheme is future proofed to meet the new refuse standards.

Lighting

- 9.101. Presently, the Tower is not well-lit. Originally the tower was lit by mercury vapour lamps in special reflector units integrated into the roof cornice that shone down onto the public realm eliminating the need for lamp posts. However, this type of lighting creates significant light pollution and would not be considered effective by today's standards.
- 9.102. The proposed lighting seeks to emphasise key features of the building including the entrance, bridges, arrow slit windows, chimneys and the cornice. The proposal also seeks to light the surrounding landscaped area on accordance with secure by design principles.
- 9.103. No specific details of lighting have been provided in the Design and Access Statement or on plans and as such, details of these will be required by condition. A lighting

assessment will also be required.

CCTV

- 9.104. A complete Internet Protocol CCTV system is also proposed to be installed to provide coverage to all external doorways, walkways, and passages to monitor personnel and vehicular access into the building. Additional cameras would also be installed internally to monitor the interior of these doors, entrances and bike stores etc.
- 9.105. The cameras are proposed to be full colour, digital HD cameras that are capable in low light conditions. The applicant anticipates that the majority of the cameras will be mounted on the building structure with cabling and containment concealed.
- 9.106. Given the building is Grade II* listed, a condition will be requiring details of the amount, position and size of the cameras as well as how they will be fixed to the building.

Sustainability

- 9.107. CS Policy SP11 in part 6 seeks to maximise energy efficiency of existing housing stock by working with housing providers to ensure regeneration of existing housing stock and redevelopment promotes carbon emissions reductions and is adapted for climate change.
- 9.108. This theme is reiterated in Policy 29 of the MDD which supports sustainable retrofitting of existing development with provisions for the reduction of carbon emissions.
- 9.109. A sustainability statement was submitted with the application. Given the building is Grade II* listed and the proposals are refurbishments, there is a limitation on how the extent to which the building can be retrofitted.
- 9.110. Within the Design and Access statement, it is stated that it is predicted that the dwellings in Balfron Tower have a carbon footprint of 4-5 times what would be allowable under the prevailing Building Regulations, and a heating demand of 2-3 times the allowable maximum. The current design proposals are predicted to halve the heating demand of the dwellings and reduce the carbon footprint to the minimum standard expected of a new build dwelling.
- 9.111. The statement states that the following sustainability standards and targets have been adopted by the project:
- Improve the energy efficiency performance of the building to new build standards so that all homes achieve an EPC 'C' rating
 - All dwellings to achieve a minimum 'Very Good' rating under BREEAM Domestic refurbishment
 - Where possible, improve the water efficiency of each dwelling to new build standards
 - No increase in surface water runoff from that of the pre-refurbishment site
 - Net gain in biodiversity
 - Net gain in urban greening
 - Improve the internal living environment of each apartment
 - Best practice construction site management procedures
 - Target exemplary performance under the Considerate Constructors Scheme.
- 9.112. The Council welcomes to retrofitting of the building in relation to above mentioned

policies SP11 of the adopted Core Strategy and policy DM29 of the Managing Development Document.

Flooding

9.113. The site is located within Flood Zones 2 and 3, at risk of flooding from the tidal River Thames.

9.114. As the application does not propose a change of use or any extensions to the existing building, it is considered that any incidence of flooding will be no greater than the existing situation for all the units within this locality. The proposal would not result in any significant increase in the incidence of flooding for future occupiers, which accords with policy SP04 of the Core Strategy (2010).

Human Rights Considerations

9.115. 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:-

9.116. 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".

9.117. 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.

9.118. 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.

9.119. 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.

9.120. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

Equalities Act Considerations

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

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

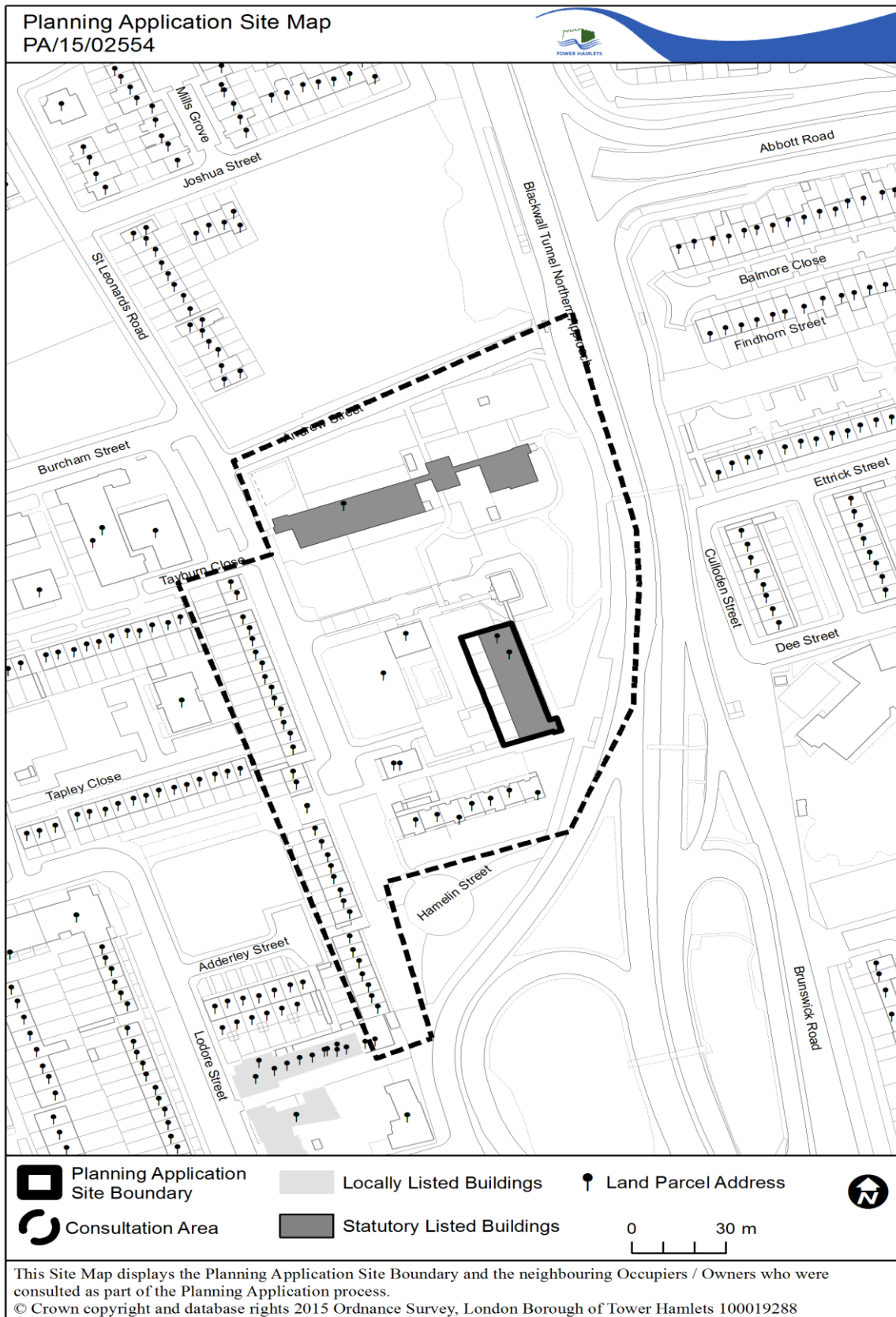
9.122. Officers are of the view that this proposal would accord with the Equalities Act.

CONCLUSIONS

10.1. The proposed internal and external refurbishments to the Grade II* Listed Balfron Tower and surrounding landscapes and parking areas would not harm the character, setting or fabric of the host building or the surrounding Balfron Conservation Area, subject to further details which will be required via condition i.e. materials, detailed design etc. The proposals will carefully restore many external parts of the building including the cornice, flues, concrete facades, internal hallways etc. whilst upgrading the internal spaces of the 146 units and communal spaces for modern living.

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

Appendix 1- Site Map



Agenda Item 6.5

Committee: Development Committee	Date: 25 th November 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Adam Williams	Ref No: PA/15/02156
	Ward: Spitalfields & Banglatown

1. APPLICATION DETAILS

Location: Attlee House, Sunley House, Profumo House and College East, 10 Gunthorpe Street, London

Existing Uses: Offices, Residential, HMO, Toynbee Advice Services

Proposal: Demolition of Attlee House, Sunley House and College East (Excluding part facade retention of College East) and construction of ground, basement plus part 3, part 4 and part 5 storey buildings providing 63 Class C3 residential units and 264 sq m (GIA) Class B1 office floorspace. Demolition of Profumo House and construction of a new building comprising basement, ground and 4 storey building comprising 990 sq m (GIA) Class B1 office floorspace 418 sq m (GIA) Tonybee advice services. Provision of car and cycle parking, amenity and play space, with associated plant and works.

Drawing and documents: Drawings:
001 (Rev A);
010 (Rev A);
011 (Rev B);
012 (Rev B);
013 (Rev B);
014 (Rev B);
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020 (Rev A);
021 (Rev A);
022 (Rev A);
023 (Rev A);
024 (Rev A);
025 (Rev A);
026 (Rev A);
030 (Rev A);
031 (Rev A);
032 (Rev A);

050 (Rev A);
100;
101 (Rev B);
102 (Rev A);
103 (Rev A);
104 (Rev A);
105 (Rev A);
106 (Rev A);
107 (Rev A);
400 (Rev B);
401 (Rev B);
402 (Rev A);
403 (Rev A);
404 (Rev A);
405 (Rev A);
406 (Rev A);
407 (Rev B);
408 (Rev B);
409 (Rev B);
C0018 L.100 (Rev Z);
C0018 L.101 (Rev A);
C0018 L.200 (Rev A);
C0018 L.250 (Rev A);
C0018 L.280 (Rev A);
C0018 L.300 (Rev A);
C0018.L.401;
C0018.L.402;
C0018 L.502;
C0018 L.504;
C0018 L.505;
C0018 L.506;
C0018 L.510.

Documents:

Design and Access Statement, prepared by Platform 5 Architects, dated July 2015;
Planning Impact Statement, prepared by CBRE, dated July 2015;
Landscape Design and Access Statement, prepared by Cameo & Partners, dated 30 July 2015;
Biodiversity Summary, including Landscape Biodiversity Enhancements, prepared by Cameo & Partners, dated 7 September 2015;
Arboricultural Report & Impact Assessment, prepared by Crown Consultants, dated 29 July 2015;
Heritage Statement, prepared by K M Heritage, dated July 2015;
Toynbee Hall: Statement of Community Involvement, prepared by Four, dated July 2015;
Daylight / Sunlight and Overshadowing Report, prepared by Point 2 Surveyors, Version 2, dated July 2015;
Letter from Oli Westlake of Point 2 Surveyors, dated 28 October 2015;
Site Suitability Noise Assessment, prepared by WSP/Parsons Brinckerhoff, dated 9 July 2015;

Transport Statement, prepared by WSP/Parsons Brinckerhoff, dated July 2015;
Air Quality Assessment Report, prepared by WSP/Parsons Brinckerhoff, Revision 2, dated 29 July 2015;
Energy Strategy, prepared by Desco, Issue 5, dated 2 November 2015;
Sustainability Statement, prepared by Hilsdon Holmes Limited, Version 2, dated July 2015;
BREEAM Pre-assessment, prepared by Hilsdon Holmes Limited, Version 2, dated July 2015.

Applicant:	London Square and Toynbee Hall
Ownership:	Toynbee Hall Artsadmin One Housing Group London Borough of Tower Hamlets
Historic Building:	Site adjacent to Toynbee Hall (Grade II Listed)
Conservation Area:	Site adjacent to the Wentworth Street Conservation Area and the Brick Lane and Fournier Street Conservation Area

2. EXECUTIVE SUMMARY

Officers have considered the particular circumstances of this application against the Council's Development Plan policies in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2015) and the relevant Government Planning Policy Guidance including National Planning Policy Framework and National Planning Practice Guidance and has found that:

- 2.1. The proposed development would result in a 3,522sqm uplift in Use Class C3 residential floorspace, a 87sqm uplift in Use Class B1 office floorspace including the provision of smaller workspaces suitable for Small and Medium Enterprise (SME) occupiers, together with the provision of 418sqm of floorspace for use by Toynbee Advice Services, which is supported in line with adopted policy. The proposals also involve the loss of 1,215sqm of existing HMO (Sui Generis) floorspace within Attlee and Profumo Houses, which is considered to be acceptable on the basis that policy does not seek to protect HMO use. As such, the proposals are acceptable in principle in land use terms.
- 2.2. In terms of housing provision, the site currently includes 18 affordable and 28 private studio and 1 bed flats. The existing accommodation is of poor quality in terms of size, layout, accessibility and lack of amenity space. The proposed redevelopment of the site includes a total of 63 residential units, providing 31% affordable housing when calculated as a stand-alone scheme and 25% affordable housing when calculated on the uplift in housing. This offer has been independently viability tested and is considered to maximise affordable housing levels, in accordance with relevant policy. In addition, the residential mix and tenure split generally accord with adopted policy and are considered to be acceptable.
- 2.3. The residential density of the scheme sits within the target density ranges within the London Plan and is considered to be generally appropriate for this site. The proposed residential units are well designed and include adequate internal space so as to provide an appropriate living environment for future residents. Each unit also includes a policy

compliant level of private amenity space, whilst communal amenity space and child play space for under 5 year olds is also provided on site.

- 2.4. The proposals involve the demolition of Attlee House, Sunley House, College East and Profumo House, which are poor quality buildings dating from the 1960s and are of no architectural merit in and of themselves. The proposed replacement buildings rise to between 5-6 storeys in height and have been well designed, incorporating a number of key elements of the 'New London Housing Vernacular', including residential doors on the street with defensible spaces, balconies above and the use of brick as a facing material.
- 2.5. It is considered that the replacement buildings sit comfortably within the context of the surrounding built form and public realm and would protect the setting of nearby heritage assets, including the Grade II listed Toynbee Hall and the Wentworth Street and Brick Lane and Fournier Street Conservation Areas.
- 2.6. As the replacement buildings are between one and two storeys taller than the existing buildings, the development would result in some reductions to the daylight and sunlight levels at neighbouring properties. However, on balance it is considered that these impacts are acceptable.
- 2.7. The scheme would retain the existing basement car park, which would provide 7 disabled car parking spaces for the wheelchair adaptable/accessible units within the scheme. No other car parking is proposed, which is supported given the high level of public transport accessibility. The development would be secured as 'permit free' in accordance with policy. In addition, a policy compliant quantum of cycle parking would be provided at basement and ground level and appropriate waste storage facilities are provided on site.

3. RECOMMENDATION

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

Financial Obligations:

- a) A contribution of £32,172 towards construction phase employment, skills, training and enterprise.
 - b) A contribution of £46,900 towards end user phase employment, skills and training.
 - c) A contribution of £5,040 towards carbon offsetting.
 - d) A contribution of £5,500 towards monitoring.
- Total Contribution financial contributions £89,612.

Non-financial contributions

- e) Delivery of 31% Affordable Housing comprising of 10 social rented units and 4 shared ownership units.
- f) 20% local employment during the construction and operational phases.
- g) 20% of procurement from local business during the construction phase
- h) 9 apprenticeships during construction & end user phases
- i) Reinstatement of Mallon Gardens
- j) Car and Permit Free Agreement
- k) Travel Plan
- l) Compliance with the Code of Construction Practice

- 3.3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.4. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- 3.5. **Conditions**
1. Time limit
 2. Development in accordance with plans
 3. Details of wheelchair homes
 4. Details and samples of facing materials and detailed drawings
 5. Methodology for retaining 19th century facade
 6. Details of landscaping, including child play space
 7. Secure by Design Statement
 8. Noise insulation for residential units
 9. Details of mechanical ventilation and NOx filtration
 10. Contaminated land scheme
 11. Retention of disabled parking
 12. Details of cycle parking
 13. Construction Environmental Management Plan
 14. Construction Logistics Plan
 15. Delivery and Servicing Management Plan
 16. Details of waste storage
 17. Surface water drainage scheme
 18. Site Drainage Strategy (Thames Water)
 19. Piling Method Statement (Thames Water)
 20. Biodiversity enhancement measures
 21. Details of heat network
 22. Details of photovoltaic array
 23. Final BREEAM certificates
 24. Final energy calculations
- 3.6. **Informatives**
1. Subject to s106 agreement
 2. Subject to s278 agreement
 3. CIL liable
 4. Thames Water informatives
- 3.7. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.
- 3.8. 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 consent.

4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

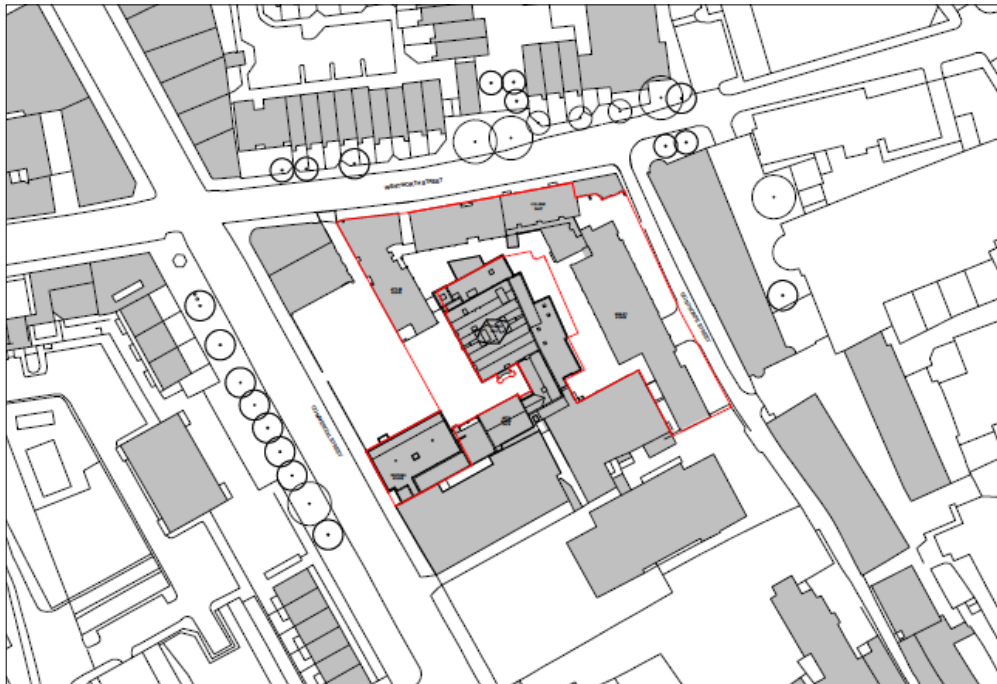
Proposal

- 4.1. The proposals are for the demolition of Attlee House, Sunley House, College East and Profumo House and the erection of three new buildings ranging from 5 to 6 storeys in height to provide 63 new residential units (Use Class C3), 1,254sqm of office floorspace (Use Class B1), 418sqm of floorspace for Toynbee Advice Services and 779sqm of ancillary floorspace at basement level (including plant, car and cycle parking). The proposals include associated hard and soft landscaping, including the provision of on-site child play space and communal amenity space.

Site and Surroundings

- 4.2. The application site comprises Attlee House, Sunley House, Profumo House, including adjacent environs, which form part of the Toynbee Hall Estate, together with the College East residential block. The site is bounded by the public highway on Wentworth Street to the north, by the public highway on Gunthorpe Street to the east, by the East London College / Toynbee Theatre and the East One Building at 22 Commercial Street to the south and by the public highway on Commercial Street to the west.

Site Location Plan:



- 4.3. The existing buildings within the application site accommodate a mix of uses, including residential, office, housing in multiple occupation (HMO) and Toynbee Hall Advice Services. The buildings themselves date from the 1960s to 1980s, and with the exception of the retained facade to the College East building, the buildings are of utilitarian design and appearance, being faced in brick and ranging between three and five storeys in height.
- 4.4. The site lies within the Spitalfields and Banglatown Ward on the western side of the Borough.

- 4.5. The surrounding area is mixed use in character, with Commercial Street including a range of retail, commercial, leisure and residential uses. The site lies to the east of the Holland Estate, which is a large housing estate, part of which has recently been redeveloped to provide a mix of private and affordable housing, together with commercial uses. The site lies immediately to the north of the East London College and to the west of Barlett House and McAuley House, which include sheltered / hostel accommodation.
- 4.6. The site benefits from excellent access to public transport, being located 110 metres to the north of Aldgate East Underground Station. In addition, there are a number of bus routes operating in the vicinity of the site, operating on Commercial Road and Whitechapel High Street. As a result the site has a Public Transport Accessibility Level (PTAL) of 6b, on a scale from 1a to 6b where 1a is very poor and 6b is excellent.
- 4.7. The A1202 Commercial Road is a Transport for London Road Network (TLRN) road, also known as a 'red route', for which Transport for London are the relevant Highway Authority.

Designations

- 4.8. The site lies within both the Central Activities Zone and the City Fringe Opportunity Area, as designated in the London Plan (2015).
- 4.9. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.10. The site is located within the protected vista of London Views Management Framework (LVMF) viewpoint 25A.1, which is the view of the Tower of London UNESCO World Heritage Site looking northwards from the Queen's Walk, adjacent to City Hall.
- 4.11. The site lies within the 'Central London' Crossrail Charging Zone.
- 4.12. Whilst the site itself is not within a Conservation Area, the site lies immediately to the south-east of the Wentworth Street Conservation Area and immediately to the west of the Brick Lane and Fournier Street Conservation Area.
- 4.13. The Toynbee Hall building, which sits within the centre of the urban block, is Grade II listed.
- 4.14. The south-east corner of the site lies within an Archaeological Priority Area.

Relevant Planning History on the application site/surrounding area

Attlee House

PA/02/01356

- 4.15. On 27th February 2003 planning permission was **granted** for the retention of lift to inserted into stairwell at rear of building.

Sunley House

PA/06/00591

- 4.16. On 3rd July 2006 planning permission was **granted** for change of use allowing current basement car park to be used for storage purposes.

Toynbee Hall and associated Estate (including Profumo House)

PA/02/00723

- 4.17. On 21st May 2003 planning permission was **granted** for the infilling of colonnade to courtyard south of building to create additional community offices and replacing ground floor facades on north and west elevations, together with the installation of three floodlights on north elevation.

PA/03/01024

- 4.18. On 30th September 2003 planning permission was **granted** for the hard surfaced area facing Gunthorpe Street, between 78 Wentworth Street and Sunley House to be enclosed with 1.7m railings and gate (including re-use of railings currently at rear of site) to create a secure bin-store area.

PA/03/01753

- 4.19. On 1st December 2004 listed building consent was **granted** for internal alterations to cafe and lobbies at ground floor and basement levels. External refurbishment including overhaul of slate roof and replacement of flat roof. Creation of new entrance foyer to cafe and studios by removing brick infill from arches and installing new timber and glass screens, doors and access ramp. Light-box/sign above entrance and kitchen flue at rear.

PA/10/02085

- 4.20. On 9th December 2010 planning permission was **granted** to relocate the existing side entrance reception to the ground floor office space and create a new shopfront style reception on Profumo House at 28 Commercial Street, London E1 with a new shopfront doorway opening from Commercial Street into a new reception area that will include a small waiting area for service users.

PA/14/01577 & PA/14/01578

- 4.21. On 19th March 2015 planning permission and listed building consent was **granted** for Various works to the Toynbee Hall Estate including the following:
- Internal alterations to the listed Toynbee Hall and removal / replacement of extensions to the rear and side
 - Provision of a new five storey (with set back top floor and basement) office block at 36 Commercial Street
 - Reconfiguration and re-landscaping of Mallon Gardens
 - Two storey (with set back top floor) roof extension to Profumo House along with ground level infill extensions and change of use of existing HMO units to office space.
 - Partial demolition and rebuilding of the southern end of Attlee House

5. POLICY FRAMEWORK

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

- 5.2. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (2012) (NPPF)
National Planning Policy Guidance (Online)

- 5.3. **London Plan - Consolidated with Alterations Since 2011 (2015)**

2.1 London

- 2.9 Inner London
- 2.10 Central Activities Zone
- 2.13 Opportunity Areas and Intensification Areas
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People’s Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual and Mixed Use Schemes
- 3.16 Protection and Enhancement of Social Infrastructure
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed Use Development and Offices
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Transport
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.4 Enhancing London’s Transport Connectivity
- 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London’s Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.9 Heritage-led Regeneration
- 7.11 London View Management Framework
- 7.12 Implementing the London View Management Framework
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Protecting Local Open Space and Addressing Local Deficiency
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodland
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy (CIL)

5.4. **Tower Hamlets Core Strategy (2010) (CS)**

- SP01 Refocusing on our Town Centres
- SP02 Urban Living for Everyone
- SP03 Creating a 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 and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering Placemaking
- SP13 Planning Obligations

5.5. **Managing Development Document (2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM1 Development within the Town Centre Hierarchy
- DM3 Delivering Homes
- DM4 Housing Standards and Amenity Space
- DM8 Community Infrastructure
- DM9 Improving Air Quality
- DM10 Delivering Open Space
- DM11 Living Buildings and Biodiversity
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM15 Local Job Creation and Investment
- DM20 Supporting a Sustainable Transport Network
- DM21 Sustainable Transportation of Freight
- DM22 Parking
- DM23 Streets and the Public Realm
- DM24 Place-sensitive Design
- DM25 Amenity
- DM27 Heritage and the Historic Environment
- DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
- DM30 Contaminated Land

5.6. **Supplementary Planning Documents include**

- Draft Planning Obligations Supplementary Planning Document, LBTH (2015)
- Designing Out Crime Supplementary Planning Guidance, LBTH (2002)
- Draft Affordable Housing Supplementary Planning Document, LBTH (Engagement Version May 2013)
- Housing Supplementary Planning Guidance, GLA (2012)
- London View Management Framework Supplementary Planning Guidance, GLA (2012)
- Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance, GLA (2012)
- Use of Planning Obligations in the Funding of Crossrail Supplementary Planning Guidance, GLA (2013)
- Sustainable Design and Construction Supplementary Planning Guidance, GLA (2014)

5.7. **Tower Hamlets Community Plan**

- The following Community Plan objectives relate to the application:
 - A Great Place to Live
 - A Prosperous Community
 - A Safe and Supportive Community

A Healthy Community

5.8. **Other Material Considerations**

London Borough of Tower Hamlets Strategic Housing Market & Needs Assessment, DCA (2009)

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)

The Setting of Heritage Assets, English Heritage (2011)

Air Quality Action Plan, LBTH (2003)

Clear Zone Plan 2010-2025, LBTH (2010)

Tower Hamlets Tenancy Strategy, LBTH (2013)

District Heating Manual for London, GLA (2013)

6. **CONSULTATION RESPONSE**

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

6.2. The following were consulted regarding the application:

Internal Consultees:

LBTH Surface Water Run-off Team

6.3. A detailed surface water drainage scheme will need to be submitted to Council prior to works commencing, which should be secured by condition.

Officer Comments: Noted. It is recommended that the above surface water drainage scheme condition be included.

LBTH Arboricultural Trees Officer

6.4. *No comments have been received.*

LBTH Parks and Open Spaces

6.5. We approve of the proposal to raise the level of Mallon Gardens so that it is level with the adjacent footway on Commercial Street as this should encourage greater use and increase natural surveillance into the site. It has been noted that the indicative landscaping would result in a loss of a mature tree and suitable tree replacements would therefore need to be offered in mitigation based on a Helliwell or CAVAT evaluation. Signage indicating that the site is public open space will also be required. At this stage we approve of the indicative landscaping proposals and these will need to be considered in more detail at the appropriate stages which will be defined as part of the planning process.

6.6. We approve of the developer carrying out the reinstatement of Mallon Gardens according to the agreed landscaping plans, once they are finalised and subsequently approved by the Parks Service.

Officer Comments: Noted. The reinstatement of Mallon Gardens would be secured through the S106 agreement.

LBTH Environmental Health (Noise & Vibration)

- 6.7. The noise report from WSP/Parsons Brinkernoff 70010702 has determined that parts of the development are in the old NEC categories B and C and therefore adequate mitigation will be required for both external and internal areas. The report provides calculations and the type of mitigation required to achieve adequate internal noise levels and suggest that this is possible. However, the glazing types detailed are example configurations only.
- 6.8. EH recommend that the full specification of the windows and ventilation methods to be used are supplied by the contractor as soon as possible to ensure that the systems comply with BS8223 2014 and show that the minimum SRI requirements are met.
- 6.9. The external noise levels are above the 55dBLAeq16h level but may be acceptable at the discretion of the council in accordance with BS8223 2014 where it is suggested that the convenience and the location of the properties and convenience of the balconies results in elevated external noise being acceptable. The levels out doors with winter gardens would be met.
- 6.10. It is recommended that conditions are included to require the residential element of the development to be designed to meet residential noise standards and to be adequately insulated from adjoining commercial premises.

Officer Comments: Noted. In accordance with the above advice, it is recommended that conditions be included to ensure that the residential units meet the relevant noise standards.

LBTH Environmental Health (Air Quality)

- 6.11. The Assessment shows that the NO₂ annual objective is predicted to be greatly exceeded at all facades of the proposed development in the opening year, therefore the development will be introducing new exposure into an area of unacceptable air quality and hence results in a negative significant impact. Mitigation is required for this. The report suggests that mechanical ventilation with NO_x filtration should be used to reduce the NO₂ concentration to acceptable levels, which should be secured by condition.
- 6.12. As the predicted NO₂ concentrations are so high, the highest being 60.8µgm⁻³ which indicates that the hourly objective may also be exceeded, I have to object to the residential units having balconies. If possible the balconies should be designed out of the development to mitigate the significant impact of the poor air quality on the future residents.
- 6.13. The assessment shows that the Air Quality Neutral requirements are met and that the operational impact of the development will be negligible.
- 6.14. The construction assessment classes the development as a medium risk site. Mitigation appropriate for a medium risk site should be included within a Construction Environmental Management Plan and submitted to TH prior to the commencement of the development.

Officer Comments: Noted. It is recommended that conditions be included to secure details of the mechanical ventilation system with NO_x filtration for the residential units and a Construction Environmental Management Plan. With regard to the inclusion of balconies within the development, the air quality objectives must be balanced against private amenity space policy requirements for residential development. On the basis that the scheme includes a mix of balconies and winter gardens, and given that the air quality

impacts will be mitigated internally within the units by the use of a filtered mechanical ventilation system, it is considered that the inclusion of some balconies is on balance acceptable in this instance.

LBTH Environmental Health (Contaminated Land)

- 6.15. A condition should be included to secure a scheme to identify the extent of the contamination and detail the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

Officer Comments: Noted. It is recommended that the above land contamination scheme condition be included.

LBTH Enterprise & Employment

- 6.16. The following obligations should be secured through the S106 agreement:

Construction Phase

- 20% local workforce/goods/services during construction phase.
- £32,172 towards construction phase skills and training.
- 8 apprenticeships during construction phase.

End User Phase

- £46,900 towards end user phase skills and training
- 1 apprenticeship over the first 3 years of full occupation.

Officer Comments: Noted. The above obligations would be secured through the S106 agreement, in accordance with the Council's draft Revised Planning Obligations SPD.

LBTH Communities, Localities and Culture

- 6.17. *No comments have been received.*

LBTH Transportation & Highways

- 6.18. There are no 'in principle' objections to the proposal.
- 6.19. The scheme is proposed as car free with a provision of 7 accessible spaces for registered blue badge holders, which is acceptable. The development should be secured as 'Permit Free' through the S106 agreement to restrict all future residents from applying for parking permits on street, and a condition should be included to retain and maintain the accessible bays and car lift for their approved use only for the life of the development.
- 6.20. Cycle parking in general is acceptable. A condition should be included to secure full details of the cycle stores and type of stand (1:20 plans) and to require the cycle facilities to be retained for the life of the development.
- 6.21. Servicing is per the extant approval and is considered acceptable. Whilst this will require a reversing movement from Gunthorpe Street, which is not ideal, it is current practice and the site footprint means that this is the only practicable option.
- 6.22. The applicant has provided a Travel Plan and this needs to be ATTrBuTE compatible. We would request a full travel plan to be submitted prior to occupation, to be secured

through the S106 agreement. The residential Travel Pack should form part of that submission.

- 6.23. The applicant will be required to enter into a S278 agreement with the highway authority for the proposed works to Gunthorpe Street and other areas of public highway adjacent to the site.
- 6.24. The applicant will be required by condition to submit a Construction Management Plan prior to any works taking place and a Service Management Plan prior to occupation.

Officer Comments: Noted. It is recommended that the above conditions be included.

LBTH Waste Policy and Development

- 6.25. The no. of containers required for the residential waste at this site are 2no. 1100 litre and 2no. 1280 litre recycling bins; 2no. 770 litre and 5no. 1100 litre residual waste bins; 6no. 240 litre food waste containers, if or when introduced. This strategy will ensure the development is future proofed for potential and upcoming changes in policy and collection methodologies. Storage space to allow the segregation of a minimum of these 3 waste streams should also be designated and designed for in the kitchens.
- 6.26. Access arrangements for residents and collection operatives are satisfactory and I have no objections in this regard. I welcome the access residents have to the waste stores from within each core.
- 6.27. I foresee no problems with the proposed waste collection areas however please ensure that there is a dropped curb in existence, or instate one through liaising with the Highways and Parking sections, within 10 metres of each waste store.
- 6.28. A condition should be included to secure detailed plans to outline the storage and collection of the required number and type of waste containers for residential waste, together with a waste access plan.

Officer Comments: Noted. It is recommended that the above waste storage and access details condition be included.

External Consultees:

Metropolitan Police Designing Out Crime Officer

- 6.29. I have reviewed the plans and have no additional comments to make.

Officer Comments: Noted.

Historic England Greater London Archaeological Advisory Service (GLAAS)

- 6.30. Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

Officer Comments: Noted.

The Theatres Trust

6.31. *No comments have been received.*

Environment Agency

6.32. We have assessed this application and have no comments to make based on the information sent to us.

Officer Comments: Noted.

London Fire and Emergency Planning Authority

6.33. *No comments have been received.*

Thames Water Authority

6.34. A condition should be included to secure a drainage strategy, detailing any on and/or off site drainage works. In addition, a further condition should be included to secure a Piling Method Statement, to detail the depth and type of piling to be undertaken and the methodology for the piling works, including measures to prevent and minimise the potential for damage to subsurface sewerage and water infrastructure. These conditions should be submitted to the Council for approval in consultation with Thames Water.

6.35. An informative should also be included to advise the developer to take into account Thames Water's minimum recommended water pressure and flow rate in the design of the development.

Officer Comments: Noted. It is recommended that the above drainage strategy and Piling Method Statement conditions and water pressure informative be included.

Transport for London

- 6.36. TfL have no objection to this application, although the following comments are made.
- TfL are satisfied with the quantum and access of car parking, which is appropriate for a development in an area of Excellent PTAL rating.
 - TfL are content with the proposed residential, visitor and staff cycle parking in terms of quantum of spaces and access.
 - TfL have assessed the framework Travel Plan through the use of ATTrBuTE software and deem it acceptable. The Travel Plan and its implementation should be secured through S106.
 - TfL feel that the refuse and servicing arrangements for the site are suitable for the site.
 - TfL would expect a Construction Statement to be secured by condition to ensure that there is no congestion or safety implications caused to the TLRN in the vicinity of the site.
 - The site is within the Crossrail SPG Central London Charging area. It is noted that there is an uplift of 87sqm; however, the applicant should clarify the occupancy of the existing office on site as should this be fully vacant then a Crossrail contribution of £175,560 should be secured in the S106.

Officer Comments: Noted. The above recommended conditions will be included. As the existing offices are not fully vacant a financial contribution towards Crossrail will not be sought in this instance.

The Spitalfields Society

6.37. *No comments have been received.*

Spitalfields Community Association

6.38. *No comments have been received.*

Spitalfields Joint Planning Group

6.39. *No comments have been received.*

The Spitalfields Trust

6.40. *No comments have been received.*

7. LOCAL REPRESENTATION

7.1. The applicant undertook their own public consultation at pre-application stage, details of which are provided in the submitted Statement of Community Involvement.

7.2. At application stage a total of 381 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses 3 Objecting: 2 Supporting: 0 Observations: 1
No of petitions received: 0

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

Objections

- The proposals would adversely impact on the daylight and sunlight levels to flats at 38 Commercial Street.
- The proposals would reduce the views from flats within 38 Commercial Street.
- The Heritage Report is incomplete and does not adequately cover the origins of Toynbee Hall from the 1880's and omits reference to the Providence Row charity.
- This site is not suitable for family homes due to the close proximity to a hostel and the associated instances of anti-social behaviour in the area.
- Toynbee Hall is a place of study and learning and the proposals will deny this student body of long established facilities.
- The provision of car and cycle parking spaces appears to be far below recommended levels.

- It is very unlikely that that all the blue-badge (disabled) car parking spaces in the basement will be used by new residents.
- The level of amenity space and child play space appears to be inadequate for 40 family apartments.
- The existing red brick buildings are better constructed than anything that will replace them.

Officer Comments: With regard to comment on views from 38 Commercial Street, it should be noted that the loss of a view is not a material planning consideration and can therefore be given very limited weight during the determination of this application. However, a loss of outlook is a material planning consideration and this is discussed further in under the heading 'Amenity' in Section 8 of this report.

With regard to the comment that the Heritage Statement does not adequately cover the origins of Toynbee Hall, the statement does provide a summary of the key points of the origins of the Hall, which is considered to be sufficient in this instance, given that the application site does not include Toynbee Hall and no works are proposed to the listed building.

With regard to the comment that the proposals would result in a loss of student facilities, it is noted that Toynbee Advice Services has historically been provided by students, who were provided bed-sit (HMO) accommodation within Profumo House. However, Toynbee Hall has already ceased providing student accommodation in Profumo House and the acceptability of the loss of the HMO accommodation is discussed further under 'Land Use' in Section 8 of this report.

The remaining points are addressed in Section 8 of this report.

General Observations

- What provision is envisaged for the rehousing of the existing tenants?

Officer Comments: Whilst matters pertaining to the rehousing of existing tenants are not material planning considerations, the applicant (London Square) has advised that One Housing Group are currently in the process of negotiating the rehousing offers with each of the existing tenants. It is understood that One Housing Group has already rehoused 2 of the 14 tenants and have agreed terms with the majority tenants.

London Square have also confirmed that they have met with each of the tenants and will provide financial assistance to enable One Housing Group to provide each tenant with a good financial offer, as well as covering the full moving costs for each tenant.

8. MATERIAL PLANNING CONSIDERATIONS

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

- Sustainable development
- Background
- Land Use
- Housing
- Urban Design & Conservation
- Amenity
- Transportation & Highways

- Energy & Sustainability
- Biodiversity
- Environmental Considerations (Air Quality, Contaminated Land)
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights
- Equalities

SUSTAINABLE DEVELOPMENT

- 8.2. Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government’s national objectives for planning and development management and the related guidance in the National Planning Practice Guidance 2014.
- 8.3. The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean *“ensuring that better lives for ourselves don’t mean worse lives for future generations.”* The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *“Sustainable development is about change for the better.*
 - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
 - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
 - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 8.4. The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
 - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 8.5. NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 8.6. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life (NPPF Paragraph 9).

- 8.7. NPPF Paragraph 14 says that for decision taking this means approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 8.8. Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This opinion is supported when consideration is given to applicable core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
 - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encourage the effective use of land by reusing land that has been previously developed;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- 8.9. This is reflected in the Council's Core Strategy (2010) at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

BACKGROUND

- 8.10. In March 2015 planning permission and listed building consent was granted for various works to the Toynbee Hall Estate, including internal alterations to the listed Toynbee Hall, the erection of a new 5 storey office block at 36 Commercial Street, the erection of a 2 storey roof extension to Profumo House for office use, the partial demolition and rebuilding of the southern end of Attlee House and the reconfiguration and re-landscaping of Mallon Gardens (reference PA/14/01577 & PA/14/01578 – see the 'Relevant Planning History' under Section 4 of this report).
- 8.11. The approved erection of a new office block at 36 Commercial Street and associated reconfiguration and re-landscaping of Mallon Gardens is reliant on a land-swap between the Council (owner of Mallon Gardens) and Toynbee Hall. The terms of the land-swap have not been agreed between the parties and it is unlikely that this element of the approved development will come forward, although this would not prohibit the approved works to the listed Toynbee Hall building being carried out.
- 8.12. However, whilst it is unlikely that the office block development at 36 Commercial Street will come forward due to issues around the land-swap, it is still possible that it could come forward. As such, when considering the current application, Members should have regard to the cumulative effect of both schemes, which is discussed further in the 'Urban Design & Conservation' and 'Amenity' sections of this report below.

LAND USE

Existing Land Uses

- 8.13. The application site comprises Attlee House, Sunley House, Profumo House and the College East building, which together comprise 2,071sqm of residential floorspace (Use Class C3), 1,167sqm of office floorspace (Use Class B1), 1,215sqm of HMO floorspace (Sui Generis), 377sqm of floorspace used by Toynbee Advice Services and 1,145sqm of ancillary floorspace at basement level.

Land Use Policy Context

- 8.14. Policy SP02(1) of the Council's adopted Core Strategy (2010) and Policy 3.3 of the London Plan (2015) support the delivery of new homes in the Borough, in line with the housing targets set out in the London Plan.
- 8.15. The application site lies within the Central Activities Zone (CAZ) and Policy DM1(1) of the Managing Development Document (2013) supports the continued enhancement and promotion of the CAZ, including the potential for residential development on upper floors.
- 8.16. The site also lies within the City Fringe Opportunity Area 'Core Growth Area' and Strategies 2(D) and 3 of the Draft City Fringe Opportunity Area Planning Framework (Consultation Draft, December 2014) encourage and support the delivery of new Class B employment floorspace within this part of the Borough.
- 8.17. In addition, Policy SP06(3) of the Council's adopted Core Strategy (2010) and Policy DM15(3) of the Council's adopted Managing Development Document (2013) support the provision of new office floorspace in the Borough, specifically small, flexible workspaces of up to 250sqm that are suitable for Small and Medium Enterprises (SME).
- 8.18. Policy DM8(4) of the Managing Development Document (2013) supports the delivery of new community facilities in or at the edge of town centres.

Proposed Land Uses

- 8.19. The proposals are for the demolition of the existing buildings and the erection of three new buildings ranging from 5 to 6 storeys in height to provide 63 new residential units (Use Class C3), 1,254sqm of office floorspace (Use Class B1), 418sqm of floorspace for Toynbee Advice Services and 779sqm of ancillary floorspace at basement level (including plant, car and cycle parking).
- 8.20. The proposals would result in a 3,522sqm uplift in Use Class C3 residential floorspace at the site, with the overall number of residential units increasing from 46 to 63, with the new units located within the redeveloped Attlee and Sunley Houses. This uplift in residential floorspace is supported in land use terms, in accordance with the objectives of Policy SP02(1) of the Council's adopted Core Strategy (2010), Policy DM1(1) of the Managing Development Document (2013) and Policy 3.3 of the London Plan (2015).
- 8.21. The proposals would also result in a 87sqm uplift in Use Class B1 office floorspace at the site, with the bulk of the new office floorspace (990sqm) being located within the redeveloped Profumo House. A separate smaller office space (264sqm) would be located in part of the ground floor and basement of Attlee House, fronting onto Mallon Gardens.

- 8.22. The proposed uplift in office floorspace, including the provision of some smaller, flexible workspaces suitable for SME occupiers, is supported in accordance with the objectives of Policy SP06(3) of the Core Strategy (2010), Policy DM15 of the Managing Development Document (2013) and emerging guidance set out within the Draft City Fringe Opportunity Area Planning Framework (Consultation Draft, December 2014).
- 8.23. The proposals would result in the loss of 1,215sqm of existing HMO (Sui Generis) floorspace within Attlee and Profumo Houses. It is noted that the existing HMO accommodation is of poor quality in terms of its condition, size and accessibility and adopted policy does not seek to protect HMO uses within the Borough. As such, the loss of HMO floorspace is considered to be acceptable in principle in land use terms.
- 8.24. The proposals also include the provision of 418sqm of floorspace for use by Toynbee Advice Services, located on the basement and ground floor of the redeveloped Profumo House. This would enable the creation of a new, larger Toynbee Advice Centre, which is supported in accordance with the objectives of Policy DM8(4) of the Council's Managing Development Document (2013).
- 8.25. Taking into account the above, it is considered that the proposed development is acceptable in principle in land use terms.

HOUSING

Residential Density

- 8.26. Policy 3.4 of the London Plan (2015) seeks to optimise housing output for different types of location within the relevant density ranges shown in Table 3.2 in the London Plan, taking into account local context and character, the design principles and public transport capacity.
- 8.27. The application site is in a 'Central' location with a Public Transport Accessibility Level (PTAL) of 6b. The Sustainable Residential Quality (SRQ) Density Matrix at Table 3.2 of the London Plan (2015) provides a target density range of 650–1,100 hr/ha for sites in such locations.
- 8.28. For mixed use schemes, whereby buildings include a mix of residential and non-residential uses, the residential density of the development can be calculated using the 'Greenwich Method', in which the non-residential proportion of the site is discounted from the site area for the purposes of the density calculations.
- 8.29. In this instance, the non-residential floorspace (excluding ancillary basement) accounts for 23% of the total floorspace within the scheme. As such, the total site area of 0.285ha is to be reduced by 23% in order to arrive at the net residential site area, which equates to 0.219ha.
- 8.30. The proposed development would provide a total of 186 habitable rooms on a net residential site area of 0.219ha, which results in a residential density of 849hr/ha. This sits comfortably within the London Plan target density range of 650–1,100 hr/ha for the site.
- 8.31. Whilst the residential density sits within an acceptable range, it remains important to take into account the wider impacts of the development, including the scale, height, mass and form of buildings and their impact on the surrounding townscape and street scenes, together with impacts on the amenity of neighbouring residents and future residential occupants within the site in terms of daylighting and sunlighting conditions, outlook and

privacy. These matters are discussed in detail in the later sections of this report and officers consider that, on balance, the proposed residential density is acceptable in this instance.

Affordable Housing

- 8.32. Policy 3.11 of the London Plan (2015) seeks to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London over the term of the London Plan.
- 8.33. Policy SO8 of the Council's adopted Core Strategy (2010) seeks to ensure that housing contributes to the creation of socially balanced and inclusive communities by offering housing choice reflecting the Council's priorities for affordable and family homes. Policy SP02(3) Core Strategy (2010) requires the provision of 35% - 50% affordable homes on sites providing 10 new residential units on more, subject to viability.
- 8.34. Policy DM3(2) of the Council's adopted Managing Development Document (2013) seeks to ensure that affordable housing is built to the same standards and shares the same level of amenities as private housing. Policy DM3(3) of the Managing Development Document (2013) seeks to ensure that development maximises the delivery of affordable housing on-site.
- 8.35. The existing site includes 28 private tenure residential units (50 habitable rooms) and 18 social rented affordable units (31 habitable rooms), all of which are either studio or 1 bed units, which would be demolished as part of the proposals. This existing accommodation is of poor quality in terms of its condition, accessibility, size and layout and does not benefit from private amenity space or child play space.

Photograph of Existing Housing (Kitchen):



Photograph of Existing Housing (Living Room):



8.36. The proposals are for the redevelopment of the site to include a total of 63 new homes (186 habitable rooms), of which 14 units (57 habitable rooms) would be affordable homes and 49 units (129 habitable rooms) would be market tenure. A breakdown of both the existing and proposed affordable housing is provided in the table below.

Existing and Proposed Affordable Housing:

Tenure	Studio	1 bed	2 bed	3 bed	4 bed	Total Units	Total Hab Rooms
Existing Social Rent	5	13	0	0	0	18	31
Existing Intermediate	0	0	0	0	0	0	0
Proposed Social Rent	0	1	3	5	1	10	45
Proposed Intermediate	0	1	3	0	0	4	12

8.37. Taken as a stand-alone development, the scheme would deliver 31% affordable housing by habitable room. However, Policy DM3(4) of the Managing Development Document (2013) states that any existing housing should be taken into account when calculating affordable housing provision. As such, when calculated in terms of the proposed uplift in

residential accommodation the scheme would deliver 25% affordable housing by habitable room.

- 8.38. All of the rented units would be provided at Social Target Rent levels, which is strongly supported as it would provide the most affordable form accommodation for residents of the Borough. The social rented units would be located on the ground to fourth floors of the replacement Sunley House building on Gunthorpe Street and the family sized units would benefit from separate kitchens, which is supported.
- 8.39. The current application is accompanied by a Viability Appraisal, which is been independently assessed by the Council's appointed consultant, BNP Paribas Real Estate, who advise that the scheme is unviable at current costs and market values and that the scheme could therefore not support any increase in affordable housing provision, over and above the current offer.
- 8.40. Taking into account the above, it is considered that the proposed development maximises the delivery of on-site affordable housing, in accordance with the objectives of Policy SP02(3) of the Council's adopted Core Strategy (2010) and Policy 3.11 of the London Plan (2015).

Residential Mix

- 8.41. Policy SP02(5) of the Council's adopted Core Strategy (2010) and Policy 3.8 of the London Plan (2015) require developments to provide a mix of housing sizes. In addition, local policies place an emphasis on the delivery of family sized dwellings given the shortfall of family units across the Borough identified in the LBTH Strategic Market Housing Assessment (2009), which forms part of the evidence base for Policy SP02 of the Core Strategy (2010).
- 8.42. Policy DM3(7) of the Council's adopted Managing Development Document (2013) sets out the Council's targets for the mix of dwelling sizes by tenure. Table 1 below sets out the proposed residential mix against the Council's target residential mix by tenure.

Proposed Residential Mix:

Tenure	Home Type	Proposed Mix	Policy Target Mix
Market	1 bed	43%	50%
	2 bed	51%	30%
	3 bed	6%	20%
	4 bed		
Intermediate	1 bed	25%	25%
	2 bed	75%	50%
	3 bed	0%	25%
	4 bed	0%	0%
Social Rented	1 bed	10%	30%
	2 bed	30%	25%
	3 bed	50%	30%
	4 bed	10%	15%

- 8.43. With regard to the market tenure mix, the proposals would result in an under-provision of 1 bed and 3-4 bed units and an over provision of 2 bed units against policy targets. However, the mix of market tenure units invariably responds to current market conditions and on the basis that a good overall mix of market tenure units would be provided, with the majority of units being provided as 1 and 2 beds whilst including some family sized units, it is considered that the market tenure mix is generally acceptable.

- 8.44. With regard to the intermediate tenure mix, the proposals would meet the 25% target for 1 bed units, although would result in an over-provision of 2 bed units and omits any 3 bed units. It is noted that only 4 intermediate units are being provided, and as such the current proposals deviate from the target mix by providing one additional 2 bed unit, in place of a 3 bed unit. Given the current buoyancy of the residential property market together with the central location of the site (E1 postcode), it is acknowledged that 3 bed intermediate units in this location would not be sufficiently affordable to residents of the Borough. On this basis, and given the limited number of intermediate units that are proposed, it is considered that the intermediate tenure mix is on balance acceptable in this instance.
- 8.45. With regard to the social rented tenure mix, the proposals would result in an under-provision of 1 bed units and an over-provision of 2 bed and family sized (3+ bed) units against policy targets. However, on balance it is considered that the social rented tenure mix is acceptable in this instance as the proposals would provide a good overall mix of unit sizes whilst maximising the delivery of family sized (3+ bed) units, which would be provided at social target rents, for which there is an identified need within the Borough.
- 8.46. Taking into account the above, it is considered that the proposed residential mix is acceptable on balance, in accordance with the objectives of Policy SP02(5) of the Core Strategy (2010), Policy DM3(7) of the Managing Development Document (2013) and Policy 3.8 of the London Plan (2015).

Tenure Split

- 8.47. Policy 3.11 of the London Plan (2015) seeks an affordable housing tenure split of 60:40, social rented to intermediate respectively. Policy SP02(4) of the Council's adopted Core Strategy (2010) and Policy DM3(1) of the Council's adopted Managing Development Document (2013) require an tenure split of 70:30, rented to intermediate.
- 8.48. The tenure split for the proposed affordable homes is 71:29, social rented to intermediate, which is just outside the Council's target split and is considered to be acceptable on balance.

Residential Design & Space Standards

- 8.49. Policy 3.5 of the London Plan (2015) seeks to ensure that new residential developments accord with the minimum space standards set out in Table 3.3 (in the London Plan) and take into account of factors relating to 'arrival' at the building and the 'home as a place of retreat', have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives.
- 8.50. Policy DM4(1) of the Council's adopted Managing Development Document (2013) seeks to ensure that all housing developments have adequate provision of internal space in order to provide an appropriate living environment, to accord with the minimum space standards in the London Plan (2015).
- 8.51. The proposed residential units have been assessed against the above policies, together with the design standards set out within the Housing Supplementary Planning Guidance (2012), and it can be seen that the units all either meet or exceed the relevant space and design standards. It is also noted that the proposals do not include any single aspect north-facing units, which is supported.

- 8.52. Taking into account the above, it is considered that the proposed residential units are well designed and include adequate internal space so as to provide an appropriate living environment for future residential occupants. The proposal therefore accords with Policy DM4(1) of the Council's adopted Managing Development Document (2013) and Policy 3.5 of the London Plan (2015).

Private Amenity Space

- 8.53. Policy SP02(6e) of the Council's adopted Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013) require residential developments to include adequate provision of private amenity space. Specifically, a minimum of 5sqm must be provided for each 1-2 person dwelling with an additional 1sqm to be provided for each additional occupant, with balconies/terraces to have a minimum width of 1,500mm.
- 8.54. Each of the residential units includes a balcony, terrace or winter garden, which either meet or exceed the Council's minimum amenity space standards. As such, it is considered that the proposals include adequate provision of private amenity space.

Communal Amenity Space

- 8.55. Policy DM4(2) of the Council's adopted Managing Development Document (2013) requires all developments with 10 or more residential dwellings to include adequate provision of communal amenity space. Specifically, 50sqm of communal amenity space must be provided for the first 10 units, with a further 1sqm to be provided for every additional unit thereafter. The proposed development would deliver 63 new residential units, for which adopted policy therefore requires a minimum provision of 103sqm of communal amenity space.
- 8.56. The proposals include the provision of 104sqm of communal amenity space at ground level, located to the rear of Attlee House and Sunley House, situated between these new buildings and Toynbee Hall. Given that the communal amenity space is situated at ground level within the site and is bounded by buildings, these spaces will receive very little sunshine during winter months, although it is noted that the majority of these spaces will receive at least 2 hours of sunshine in summer days.
- 8.57. Whilst a lack of winter sun on the ground is not ideal, given the spatial constraints of the site, including the close location of the existing and replacement buildings to the listed Toynbee Hall building, it is considered that the position and extent of communal amenity space is generally acceptable in this instance.
- 8.58. It is recommended that a condition be included to secure full details of all hard and soft landscaping within the site, including the communal amenity spaces. Subject to condition, it is considered that the proposals include adequate provision of communal amenity space, in accordance with Policy DM4(2) of the Council's adopted Managing Development Document (2013).

Child Play Space

- 8.59. Policy 3.5 of the London Plan (2015) states that all new housing developments should make provision for public, communal and open spaces, taking particular account of the needs of children and older people.
- 8.60. Policy SP02(6e) of the Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013) require developments providing family homes

to include adequate child play space, with at least 10sqm of play space to be provided for each child.

- 8.61. The Mayor of London’s Play and Informal Recreation Supplementary Planning Guidance (2012) seeks to ensure that all children and young people have access to places for play within reasonable and safe walking distance of new residential developments. For children under 5 years old play spaces should be provided within 100m of their homes, whilst for 5-11 year olds play spaces should be within 400m of their homes and for 12+ year old should be within 800m.
- 8.62. The proposals would deliver a total of 63 residential units, which would generate the following child yield:

	Under 5s	5-11 year olds	11+ year olds	Total
Child Yield	7.04	6.06	3.22	16.319
Required Play Space (sqm)	70.4	60.6	32.2	163.19

- 8.63. The proposals include the provision of 82sqm of dedicated play space for under 5s on-site, located to the rear of Attlee House, between the new building and Toynbee Hall. This exceeds the policy requirement for the under 5’s age group. However, there is no on-site provision of child play space for 5-11 and 11+ year olds.
- 8.64. The Mayor of London’s Play and Informal Recreation SPG (2012) states that play space for under 5’s should be located within 100m of the site, whilst play space for 5-11 year olds should be within 400m and play space for 11+ year olds within 800m. This reinforces the importance of providing the play space for under 5’s on-site wherever possible, whilst acknowledging that play space for older children can be provided further afield.
- 8.65. It is noted that there are public parks and gardens located a short distance from the site which could be used for play by 5-11 and 11+ year olds living at the site, including Altab Ali Park, which is located 200m to the south-east of the site, and Christchurch Gardens, which is located 210m to the north of the site. It is also noted that these spaces lie well within the recommended maximum walking distances set out in the Mayor of London’s Play and Informal Recreation SPG (2012). In addition, the proposals include the reconfiguration and re-landscaping of Mallon Gardens, which adjoins the site, which will create a more consolidated and usable public open space, including for child play.
- 8.66. As discussed in the ‘Communal Amenity Space’ section of this report, given the spatial constraints of the site, it is acknowledged that it would not be possible to provide policy compliant levels of both communal amenity space and child play space. However, on that bases that the proposals exceed the on-site play space requirements for under 5’s, and given that there are public gardens and parks located a short distance from the site that could be used for play by 5-11 and 11+ year olds living at the site, it is considered that the proposed play space provision is on balance acceptable in this instance. It is recommended that a condition be included to secure full details of the on-site child play space.
- 8.67. Subject to condition, it is considered that the proposed provision of child play space is acceptable on balance, in accordance with the objectives of Policy SP02(6e) of the Core Strategy (2010), Policy DM4(2) of the Council’s adopted Managing Development Document (2013) and Policy 3.5 of the London Plan (2015).

Inclusive Design and Wheelchair Adaptable/Accessible Homes

- 8.68. Of the 63 proposed units, 6 units (10%) are wheelchair adaptable, 3 of which are located at ground floor level and the remainder are located on the first, second and third floors. Four of the wheelchair units will be for private tenure, with 1 unit for social rent and 1 unit for intermediate tenure. The wheelchair units on the upper floors are served by cores that include 2 lifts, which is supported as it provides wheelchair access resilience in the event that one lift is out of service.
- 8.69. Officers would seek for the social rented wheelchair units to be provided as wheelchair accessible, whilst the market tenure wheelchair units should be provided as wheelchair adaptable. Conditions should be included to require the delivery of 10% wheelchair adaptable/accessible homes, together 1:50 plans of the wheelchair units, and to require the units to be designed to accord with Part M4(3B) of the new Building Regulations (optional requirements for wheelchair dwellings), which came into force on 1st October 2015.
- 8.70. Subject to condition, it is considered that the proposed development would provide an appropriate environment for wheelchair users and accords with current accessibility standards, in accordance with Policy SP02(6) of the Council's adopted Core Strategy (2010).

URBAN DESIGN & CONSERVATION

Existing Condition of the Site

- 8.71. The application site comprises Attlee House, Sunley House, Profumo House and the College East building, together with adjacent land. Attlee House fronts onto Wentworth Street and was completed in 1971, comprising two buildings linked by high-level walkways, which together are 'L' shaped in plan form, are four storeys in height with flat roofs and faced in red brick. The buildings are of utilitarian design and include deck access for the upper floors at the rear.

Photograph of the Existing Attlee House:



- 8.72. College East also fronts onto Wentworth Street and adjoins the eastern side of Attlee House. The building dates from the 1980's is four to six storeys in height with pitched roofs, is faced in brick and includes an attractive 19th century retained facade on Wentworth Street.

Photograph of Retained 19th Century Facade:



- 8.73. Sunley House fronts onto Gunthorpe Street and was completed in 1976. The building is predominantly three storeys in height along its Gunthorpe Street frontage, rising to five storeys in height to the rear and sides of the building. The building is broadly rectangular in plan form and is faced in red brick, with a regular pattern of fenestration. The building includes a basement car park which is accessed via a car lift onto Gunthorpe Street. The building also includes a two storey undercroft providing vehicular access from the street to the yard at the rear of the building.
- 8.74. Profumo House fronts onto Commercial Street and dates from the late 1960s. The building is three storeys in height with a flat roof and includes a colonnade along its northern side providing access to Toynbee Hall and the Toynbee Theatre from Commercial Street. The building has a glazed shopfront frontage on Commercial Street and along the colonnade and is faced in brown brick on the upper floors.
- 8.75. It is noted that a letter of objection has been received from a neighbouring resident on the grounds that the existing buildings are of good quality in terms of their construction and that any replacement buildings will be of a lesser quality.
- 8.76. All of the existing buildings are in a poor state of repair to varying degrees, some of which include a number of long terms vacant residential, office and HMO units on the upper floors. In terms of their design and appearance, it is considered that the buildings are of no particular architectural merit and have at best a neutral impact on the setting of nearby Conservation Areas and the listed Toynbee Hall.
- 8.77. Subject to the replacement buildings being of an appropriate scale, height form and architectural quality, which is discussed further in the following section of this report,

officers have no in principle objections to the loss of the existing buildings. Furthermore, it is considered that the redevelopment of the site poses an opportunity to provide high quality buildings and open space that positively responds to the surrounding built form and enhances the setting of the listed Toynbee Hall and surrounding Conservation Areas.

Urban Design, Scale, Height, Massing and Form

- 8.78. Policy 7.4 of the London Plan (2015) seeks to ensure that buildings, streets and open spaces provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets, contributes to a positive relationship between the urban structure and natural landscape features, is human in scale, allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and is informed by the surrounding historic environment.
- 8.79. Policy SP10(4) of the Council's adopted Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.80. Policy DM24 of the Council's adopted Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design and ensuring that the design is sensitive to and enhances the local character and setting of the development in terms of scale, height, mass, building plot sizes, building lines and setback, roof lines, streetscape rhythm, design details and through the use of high quality building materials and finishes.
- 8.81. The proposals are for the demolition of Attlee House, Sunley House, Profumo House and College East and erection of three new brick faced buildings ranging between five and six storeys in height with set-back roof storeys. It is also proposed to retain the 19th century facade to the College East building.
- 8.82. On Wentworth Street the proposed Attlee House / College East replacement building is three storeys in height at its western end, adjacent to The Culpeper public house. Moving eastwards along the Wentworth Street frontage the building rises to six storeys in height with a set-back roof storey, falling to five storeys with a set-back roof storey either side of the retained 19th century facade. The building includes deck access to some of the units on the upper floors. The access deck is located at the rear of the building and enclosed by a brick facade, including both windows and openings on each floor.
- 8.83. The building would be primarily faced in brick, with the western half of the frontage including three main bays (each three windows wide) with a strong vertical emphasis provided through the use of brick piers. The bays are separated by recessed balconies with metal balustrades. At ground level recessed residential entrances and windows are located at the base of the three main bays. At fifth floor level the set-back roof storey comprises a light-weight aluminium framed glazed curtain wall system, which sits behind terraces that are located on top of each of the three bays.

CGI of proposed Attlee House:



- 8.84. The eastern half of the Wentworth Street frontage includes the retained 19th century facade, which is a richly detailed redbrick gabled frontage with arched window openings and traditional sash windows. It is proposed to introduce new facing materials to the replacement building on either side of the retained facade, with black brick to the west and red sandstone to the east of the retained facade.
- 8.85. On Gunthorpe Street the proposed Sunley House replacement building is five storeys in height with a set-back roof storey. The building is primarily faced in brick with the set-back roof storey comprising an aluminium framed glazed curtain wall system. At ground level the Gunthorpe Street frontage includes recessed residential entrances, providing areas of defensible space, together with the entrance to the car lift to the basement and a two storey gated undercroft, which provides vehicular access from the street to the rear of Toynbee Hall. The upper floors include projecting balconies with metal balustrades and a regular pattern of fenestration.
- 8.86. On Commercial Street the proposed replacement Profumo House building is five storeys in height with a set-back roof storey, effectively matching the height of the adjacent building to the south at 22 Commercial Street. The building is faced in brick and at ground level includes glazed entrances onto Commercial Street, together with an arched opening into to a colonnade that runs the length of the building, which is a key feature of the existing building.
- 8.87. On the upper floors the facade presents a regular pattern of fenestration, with a finer grain to the fenestration on the set-back roof storeys. On the north elevation at fifth floor

level it is proposed to display the stone frieze which is currently displayed on the south elevation of Attlee House.

Photograph of Stone Frieze to be Retained:



- 8.88. In terms of scale, height and massing, it is considered that the proposed replacement buildings sit comfortably within the context of the surrounding built form. At five storeys, incorporating set-back roof storeys, the replacements for College East, Sunley House and Profumo House are of comparable height to other nearby buildings, including the East London College and Toynbee Theatre building, the Cannon Barnett Primary School and the East One Building at 22 Commercial Street, all of which form part of the same urban block as the application site.
- 8.89. Whilst part of the replacement Attlee House building rises to six storeys, the building responds to its neighbors and minimises its massing when viewed from the street by stepping down in height towards adjacent buildings and through the use of a set-back roof storey. As a result, the building would not appear overbearing in local views along Wentworth Street and would sit comfortably behind the retained 19th century facade.

CGI Model of the Scheme within its Local Context (looking south-west):



- 8.90. In terms of detailed design and facing materials, it is considered that the architectural approach is robust and incorporates key elements of the 'New London Housing Vernacular' of residential building design. These elements include the provision of residential doors onto the street with defensible spaces at ground level, balconies above and the use of brick as the primary facing material.
- 8.91. It is noted that the replacement Attlee House building includes deck access to units on the upper floors, which is not usually supported. However, the design of the deck access has been developed throughout a lengthy pre-application process and it is considered that the current design, which includes internal voids adjacent to residential windows in order to maintain privacy and a solid appearing facade, is acceptable in design and amenity terms. It is also acknowledged that the deck access is necessary due to the spatial constraints of the site, which prohibit the erection of a replacement Attlee House building of sufficient width to include double-loaded corridors.

CGI of Deck Access to Attlee House:



- 8.92. In terms of site layout, the replacement buildings broadly sit on the footprints of the existing buildings and the main access routes into the site, including the gated access from Wentworth Street and Gunthorpe Street, would be retained, which is supported in principle.
- 8.93. It is recommended that a condition be included to secure details and sample of all facing materials, together with detailed drawings of the residential entrances, commercial entrances and the colonnade. In addition, a condition should be included to secure the methodology for retaining the 19th century facade.
- 8.94. Subject to condition, it is considered that the proposed development incorporates the principles of good urban design and takes into account and respects the surrounding built form and public realm in terms of scale, height, massing, detailed design, layout, facing materials 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).

Surrounding Conservation Areas and Listed Buildings

- 8.95. 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".
- 8.96. Section 72(1) of the Planning (LBCA) 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".
- 8.97. Policy 7.8 of the London Plan (2015) 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 (2015) 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.

- 8.98. 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.
- 8.99. 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'.
- 8.100. The application site forms part of the Toynbee Hall estate, the centre piece of which is Toynbee Hall, which has stood on this site since 1884 and was given Grade II listed status in 1973. The principle significance of the building lies in it being a pioneering example of a university settlement which became a model for other universities throughout the country and worldwide. The building was designed in a simply decorated Tudor revival style by architect Elijah O Hoole.
- 8.101. The application site buildings are located to the sides and rear of Toynbee Hall when viewed from Commercial Street, which is the sole unobstructed view of the listed building from the public highway. The easternmost section of the existing Attlee House extends in front of the northern end of Toynbee Hall, partly obscuring the building in local views.
- 8.102. As discussed in this report above, the existing buildings are of no significant architectural merit and are in a poor state of repair. As such, there are no in principle objections to their demolition and it is considered that the proposals represent an important opportunity to enhance the setting of this nationally significant listed building.
- 8.103. In relation to the proposed development, the eastern wing of replacement Attlee House building is set further back from Toynbee Hall than the existing building, enabling the full front elevation of Toynbee Hall to be seen from Commercial Street, which is strongly supported. Whilst the proposed replacement buildings are generally between 1 and 2 storeys taller than the existing buildings, the scale of the development together with the use of set-back roof storeys limits intrusions into the backdrop of the hall in local views.
- 8.104. It is also considered that the robust detailed design of the proposed buildings, including the use of brick as a facing material, is visually sympathetic to the character and materiality of the listed building. In addition, the retention of some of the key features of the existing buildings, notably the colonnade and stone frieze, provides visual touchstones to the history of the site.

CGI View of Profumo House Colonnade, Toynbee Hall and Attlee House:



- 8.105. It is noted that there is an extant planning permission for works to the Toynbee Hall Estate, which includes the erection of a new 5 storey office building at 36 Commercial Street, on the north side of Mallon Gardens. Whilst it is unlikely that the building at 36 Commercial Street will come forward due to complications around the necessary land-swap, it is still possible that the building could come forward and consideration must be given to the cumulative impacts of both schemes.
- 8.106. The submitted Design & Access Statement includes a cumulative assessment, illustrating the view of Toynbee Hall from Commercial Street with both the proposed replacement Profumo House and the approved offices at 36 Commercial Street. It is noted that at 5 storeys the proposed replacement Profumo House building generally matches the height of the approved 2 storey extension to Profumo House. Whilst the cumulative assessment shows that the field of view of Toynbee Hall would be narrowed with both the replacement Profumo House and 36 Commercial Street in place, these impacts are not significantly different from that of the consented scheme and are considered to be acceptable on balance.
- 8.107. Overall, it is considered that the proposed development will enhance the setting of Toynbee Hall, protecting the special historic and architectural interest of the this Grade II listed building, in accordance with Policy SP10(2) of the Core Strategy (2010), Policy DM27 of the Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).
- 8.108. The site is also located adjacent to, although is outside of, the Wentworth Street Conservation Area and the Brick Lane and Fournier Street Conservation Area. Whilst the proposed development would be visible in the setting of some period buildings within the Wentworth Street Conservation Area, there are no nearby buildings of historic or architectural importance within the brick Lane and Fournier Street Conservation Area that would be affected by the proposals. The impact of the scheme on the Wentworth Street Conservation Area and notable buildings therein is discussed below.
- 8.109. The Culpeper Public House is located on the corner of Commercial Street and Wentworth Street and lies within the Wentworth Street Conservation Area. The building is a very attractive and richly detailed 3 storey Victorian public house, including a tiled frontage at ground level and faced in brick and stucco on the upper floors.

- 8.110. It is noted that the replacement Attlee House building retains the same parapet height as the existing building adjacent to The Culpeper, stepping down from 6 to 4 storeys towards the public house. It is considered that the stepping down in height, together with the architectural treatment of the proposed building, would preserve the setting of the public house in local views.
- 8.111. The four storey building at 44-52 Commercial Street is Grade II listed and lies within the Wentworth Street Conservation Area. Given the scale of the proposed development and its location in relation to 44-52 Commercial Street, the proposed buildings will not appear prominently in the main views of the listed building from Commercial Street and Wentworth Street.
- 8.112. Taking into account the above, it is considered that the proposed development, by virtue of its scale, height, form and detailed design, would preserve and enhance the character and appearance of surrounding Conservation Areas and would protect the special historic and architectural interest of the Grade II listed building at 44-52 Commercial Street. The proposals therefore accord with Policy SP10(2) of the Core Strategy (2010), Policy DM27 of the Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

Secure by Design

- 8.113. Policy 7.3 of the London Plan (2015) 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.
- 8.114. 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.
- 8.115. It is noted that a letter of objection has been received from a local resident on the grounds that they consider the site to be unsuitable for family homes due to on-going instances anti-social behaviour in the area.
- 8.116. At present, Attlee House, Sunley House and College East have inactive frontages along Wentworth Street and Gunthorpe Street. This lack of activity limits the opportunities for natural surveillance of the streets, which in turn can encourage anti-social behaviour.
- 8.117. However, the proposed replacement buildings would be in residential use, with defensible spaces, doors and windows onto the street at ground level and balconies and windows above. This will result in enhanced natural and passive surveillance of these streets, which will discourage anti-social behaviour and make the streets feel safer.
- 8.118. The communal amenity space and child play space within the development, which is located between Toynbee Hall and Attlee House and Sunley House, would be secured with gated access. The proposals also include indicative details for the re-landscaping of Mallon Gardens, which is an area of Council owned land located at the front of Toynbee Hall, comprising a sunken, paved garden that is enclosed by railings and is in poor condition.
- 8.119. The proposed landscaping improvements to Mallon Gardens, which would be secured through the S106 agreement, would raise the level of the gardens to street level and

introduce areas of hard and soft landscaping. These improvements, in association with the residential and commercial uses within the development, would result in an active space that benefits from good levels of natural and passive surveillance, which would reduce opportunities for anti-social behaviour and is supported in principle.

- 8.120. The proposals have been assessed by the Metropolitan Police Designing Out Crime Officer, who raises no objections. It is recommended that a condition be included to secure a Secure by Design Statement, which shall detail the measures that are to be incorporated into the development to ensure that it achieves Secure by Design accreditation.
- 8.121. Subject to condition, it is considered that the proposals would reduce the opportunities for criminal behaviour and improve safety and security within and around the site without compromising good design. The proposals therefore accord with Policy 7.3 of the London Plan (2015) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

Public Open Space - Mallon Gardens

- 8.122. Mallon Gardens is a public gardens, owned and operated by the Council, that is located to the front of Toynbee Hall, adjoining the application site. The gardens are poorly laid out, being gated and accessed from the Toynbee Hall estate, with no direct access from the public highway on Commercial Street, The gardens are set at a lower level than the surrounding public highway, with stepped access, and are therefore not fully accessible. The current layout and access arrangements for Mallon Gardens, together with associated poor levels of natural surveillance, result in an uninviting space that attracts anti-social behaviour and rough-sleeping.

Photograph of Mallon Gardens:



- 8.123. In association with the current redevelopment proposals, the applicant proposes to re-landscape Mallon Gardens and the current submission includes indicative landscape

plans for this space. The proposals include raising the level of the gardens to grade (street level), together with opening-up of the space by removing the existing railings and gates and the provision of new hard and soft landscaping, including new planting, trees and street furniture.

- 8.124. LBTH Parks and Open Spaces have been involved in on-going discussions with the applicant around the reinstatement and landscaping of the gardens and consider that the indicative proposals would encourage greater use of the space and increase natural surveillance into the site. LBTH Parks and Open Spaces approve of the indicative landscaping proposals in principle, noting that the detailed design and timings for delivery will need to be agreed with the Council.
- 8.125. It is considered that the re-landscaping of Mallon Gardens is a significant public benefit of the scheme, which will provide a high quality, accessible public open space and will enhance the setting of the Grade II listed Toynbee Hall. It is proposed for the reinstatement and landscaping works to be secured through the S106 agreement, with the works to be carried out by the applicant as an 'in kind' non-financial contribution, which is supported in principle.

Strategic Views

- 8.126. Policy 7.11 of the London Plan (2015) designates a list of strategic views that have been identified as containing significant landmarks, buildings or urban landscapes that help to define London at a strategic level. The policy seeks to protect these strategically important views and is supported by the Mayor's London View Management Framework (LVMF) Supplementary Planning Guidance.
- 8.127. Policy 7.12 of the London Plan (2015) states that new development should not harm, and where possible should make a positive contribution to, the characteristics and composition of the strategic views and their landmark elements. It should also preserve or enhance viewers' ability to recognise and to appreciate strategically important landmarks in these views and, where appropriate, protect the silhouette of landmark elements of World Heritage Sites as seen from designated viewing places.
- 8.128. The application site lies within the protected vista of LVMF view 25A.1, which is the view of the Tower of London UNESCO World Heritage Site looking northwards from the Queen's Walk, adjacent to City Hall. However, given the significant distance between the site and the view point, together with the limited height of the proposed buildings, the development would not be visible in this strategically important view.

Archaeological Impacts

- 8.129. 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 (now named Historic England).
- 8.130. A small section of south-east corner of the site lies within an Archaeological Priority Area. Accordingly, the Historic England Greater London Archaeological Advisory Service (GLAAS) were consulted on the application. GLAAS have assessed the proposals and have concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and advise that no further archaeological assessment or conditions are necessary.

AMENITY

Policy Context

- 8.131. Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of existing and future residents and buildings occupants, together with the amenity of the surrounding public realm.

Daylight and Sunlight – Impacts on Neighbouring Properties

- 8.132. 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.
- 8.133. Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.
- 8.134. The application is accompanied by a Daylight, Sunlight and Overshadowing Report and addendum, prepared by Point 2 Surveyors, which has been independently assessed by the Council's appointed consultant, GVA. The results of the assessment are provided below.

1-16 Nathaniel Close:

- 8.135. The buildings at 1-16 Nathaniel Close comprise a 4 storey block of flats and 3 storey terraced houses which are located immediately to the north of the application site, on the opposite side of Wentworth Street.
- 8.136. In terms of VSC, of the 45 affected windows, 43 windows would remain BRE compliant, with VSC reductions of less than 20%. The two windows which breach the BRE guidelines only do so by a very marginal amount, with VSC reductions of 20.06% and 20.16% respectively.
- 8.137. In terms of NSL, of the 36 affected rooms, 27 rooms would remain BRE compliant, whilst 4 rooms would be subject to minor NSL reductions of 20-29.9% and 5 rooms would be subject to more significant NSL reductions of 40-60%. GVA note that the worst affected rooms on the ground floor of nos.12-16 benefit from large windows and whilst the daylight received at the face of the windows would not be unreasonable, the depth of daylight penetration (NSL) into the room would be reduced to around half the depth of the room, which whilst not ideal is not unacceptable.

- 8.138. As such, it is considered that the impacts on the daylighting conditions of properties at 1-16 Nathaniel Close are generally acceptable.
- 8.139. In terms of sunlight impacts, all 45 windows facing within 90 degrees of due south would remain BRE compliant in terms of Annual APSH. It is noted that 23 windows would see Winter APSH reductions of over 20%; however, GVA consider that it would be unreasonable to expect full compliance with winter sunlight standards in an inner city urban environment. This is because winter sunlight is only available at relatively shallow vertical angles of altitude and will therefore be obstructed even where there are relatively low buildings or structures in front of the windows.
- 8.140. On this basis, and given that the Annual APSH results are BRE compliant, it is considered that the impacts on the sunlighting conditions of properties at 1-16 Nathaniel Close are generally acceptable in this instance.

1-3 Thrawl Street:

- 8.141. The building at 1-3 Thrawl Street is a three storey residential building that adjoins the eastern end of 1-16 Nathaniel Close, located immediately to the north of the site on the opposite side of Wentworth Street.
- 8.142. In terms of VSC, all of the 11 affected windows would remain BRE compliant.
- 8.143. In terms of NSL, of the 8 affected rooms, 5 rooms would remain BRE compliant, whilst 3 rooms would be subject to minor/moderate NSL reductions of between 27-31%. However, it is noted that the NSL of the worst affected rooms previously reached the back wall of the rooms, so whilst the NSL reductions appear proportionately large, the rooms would still benefit from good residual NSL levels and the impacts are therefore considered to be acceptable.
- 8.144. As such, it is considered that the impacts on the daylighting conditions of properties at 1-3 Thrawl Street are generally acceptable.
- 8.145. In terms of sunlight impacts, all 10 windows facing within 90 degrees of due south would remain BRE compliant in terms of Annual APSH. Whilst 7 windows would be subject to Winter APSH reductions of over 20%, given the central urban setting of the site and the close proximity of neighbouring buildings, together the fact that the impacts on Annual APSH would be BRE compliant, it is considered that the impacts on the sunlighting conditions of properties at 1-3 Thrawl Street are generally acceptable in this instance.

48-50 Wentworth Street:

- 8.146. The buildings at 48-50 Wentworth Street comprise three storey terraced houses, located immediately to the east of 1-3 Thrawl Street, on the opposite (north) side of Wentworth Street from the application site.
- 8.147. In terms of VSC, all 8 affected windows would remain BRE compliant. In terms of NSL, of the 7 affected rooms, 6 rooms would be BRE compliant, with 1 room being subject to a reduction in NSL marginally exceeding BRE guidelines at 20.9%. Overall, it is considered that the impacts on the daylighting conditions properties at 48-50 Wentworth Street are acceptable.
- 8.148. In terms of sunlight impacts, all 8 windows facing within 90 degrees of due south would remain BRE compliant in terms of Annual APSH. Whilst 2 windows would be subject to Winter APSH reductions of between 20-25%, overall it is considered that the impacts on

the sunlighting conditions of properties at 48-50 Wentworth Street are generally acceptable in this instance.

36 Thrawl Street:

- 8.149. The building at 36 Thrawl Street is a three storey block of flats located at the corner of Wentworth Street and Thrawl Street, to the north-east of the application site.
- 8.150. In terms of VSC, all 18 affected windows would remain BRE compliant, with negligible VSC reductions of less than 6%. In terms of NSL, all 16 affected rooms would remain BRE compliant. As such, it is considered that the impacts on the daylighting conditions of properties at 36 Thrawl Street are acceptable.
- 8.151. In terms of sunlight impacts, all 18 windows facing within 90 degrees of due south would be BRE compliant with negligible Annual APSH reductions of 8.3% or less. Whilst 2 windows would see minor Winter APSH reductions of 21.1% and 27.3%, overall it is considered that the impacts on the sunlighting conditions of properties at 36 Thrawl Street are generally acceptable in this instance.

Bartlett House and McAuley House:

- 8.152. Bartlett House and McAuley House are adjoining part 3, part 4 storey buildings that are used for temporary accommodation and are located immediately to the east of the application site, on the opposite side of Gunthorpe Street. Whilst it is noted that these buildings provide temporary accommodation, including short stays of a few nights, given that some studios and units provide longer term accommodation of up to two years it is considered these buildings should be treated as being in residential use for the purpose of the daylight and sunlight assessment.
- 8.153. In terms of VSC, of the 77 affected windows, 44 windows (57%) would remain BRE compliant, 23 windows (30%) would be subject to minor VSC reductions of between 20-29.9% and 10 windows (13%) would be subject to moderate VSC reductions of between 30-39.9%. Whilst GVA advise that VSC reductions of over 20% would be materially noticeable to occupants, they further note that the worst affected windows would still retain residual VSC values in the mid-to-high teens, which are not in themselves unacceptable.
- 8.154. In terms of NSL, of the 38 affected rooms, 6 rooms (16%) would remain BRE compliant, 2 rooms (5%) would be subject to moderate NSL reductions of 30-39.9% and 30 rooms (79%) would be subject to more significant NSL reductions of 40-60%. GVA note that the loss of internal daylight distribution would be noticeable and is not ideal, which is principally the result of the distance between the facing buildings across Gunthorpe Street and the height of the replacement buildings, which range between 1 and 2 storeys taller than the existing buildings.
- 8.155. However, given the transient occupancy of these hostel rooms, it is considered that a greater deal of flexibility should be applied when considering the daylighting conditions of the rooms. Having regard to this, together with the spatial constraints of the site, which are such that the replacement Gunthorpe Street building could not be moved further back into the site by any meaningful distance, it is considered that the reductions to the daylighting conditions of windows/rooms within Bartlett House and McAuley House are not so significant so as to warrant a reason for refusal in this instance.
- 8.156. In terms of sunlight impacts, of the 69 windows facing within 90 degrees of due south, 27 windows (39%) would be subject to minor Annual APSH reductions of between 20-

29.9% and 3 windows (4%) would be subject to moderate Annual APSH reductions of 30-39.9%. Winter APSH impacts are lesser in this instance, with 18 windows (26%) being subject to minor Winter APSH reductions of 20-29.9%.

- 8.157. Whilst the proposed replacement buildings are of comparable height to other nearby buildings, including the Cannon Barnett Primary School and the Toynbee Theatre, it is noted that Gunthorpe Street is particularly narrow, which has exacerbated the sunlight impacts in this instance. Having regard to the site's proximity to surrounding buildings, and on the basis that over half the windows would remain BRE complaint in terms of Annual APSH and that the impacts on the remainder of windows are predominantly minor in nature (20-29.9%), on balance it is considered that the impacts on the sunlighting conditions at Bartlett House and McAuley House are not so significant so as to warrant a reason for refusal.

Cityscape:

- 8.158. Cityscape is a seven storey building comprising commercial units at ground floor level with residential units on the upper floors and is located to the west of the site on the opposite side of Commercial Street.
- 8.159. In terms of VSC, all windows would remain BRE complaint. In terms of NSL, of the 74 affected rooms, 71 would remain BRE compliant, whilst 3 rooms would be subject to minor NSL reductions of between 20-29.9%. On balance, it is considered that the impacts on the daylighting conditions of properties within Cityscape are acceptable.
- 8.160. In terms of sunlight, of the 3 windows facing within 90 degrees of due south, 1 window would be subject to a minor 20.0% reduction in Annual APSH. However, overall it is considered that the impacts on the sunlighting conditions of properties within Cityscape are acceptable.

Cannon Barnett Primary School:

- 8.161. Cannon Barnett Primary School is a four storey building dating from the Victorian period that is in use as a primary school, located to the south of the site on Gunthorpe Street.
- 8.162. In terms of VSC, of the 34 affected windows, 32 windows would be BRE compliant, whilst two windows would be subject to minor-to-moderate VSC reductions of 27.19% and 30.02%. However, as these 2 windows serve a large room that is itself served by 6 windows, it is considered that the room would retain good levels of daylight. This is reflected in the NSL results, which show that all rooms would remain BRE compliant. As such, it is considered that the impacts on the daylighting conditions of the school are acceptable.
- 8.163. As the school is located to the south of the site, the proposed development would not have any impacts on the sunlighting conditions of the school.

38 Commercial Street:

- 8.164. The building at 38 Commercial Street is a four storey building with a further set-back roof storey, which comprises a commercial unit at ground floor level with residential units on the upper floors. The building is located immediately to the west of Attlee House and includes windows on its east elevation that directly face Attlee House, with a very narrow separation distance of 3.5 metres between the buildings.

- 8.165. It is noted that a letter of objection has been received from a neighbouring resident at 38 Commercial Street on the grounds that the proposals would result in the deterioration of the daylighting and sunlighting conditions of habitable rooms within their property. In order to minimise the impacts on these neighbouring properties the design of the development was subsequently amended, with the upper floors of Attlee House now stepping away from 38 Commercial Street to a greater extent. Details of the revised daylight assessment are provided below.
- 8.166. In terms of VSC, of the 11 affected windows, 3 windows would be BRE complaint, 4 windows would be subject to minor VSC reductions of 20-29.9% and 4 windows would be subject to moderate VSC reductions of 30-39.9%. It is noted that the revisions to the scheme have lessened the VSC impacts on the lower windows by between 10-15%. It is also noted that the residual VSC of the upper 7 windows would range between the mid-teens and mid-thirties, which is not unacceptable for sites in central urban locations.
- 8.167. In terms of NSL, of the 11 affected rooms, 4 rooms would be BRE complaint, 3 rooms would be subject to minor NSL reductions of 20-29.9%, 2 rooms would be subject to moderate NSL reductions of 30-39.9%, 1 room would be subject to a NSL reduction of 41.3% and 1 room would actually see a NSL gain of 43.3%.
- 8.168. Given the extremely close proximity of the east elevation of 38 Commercial Street to the west elevation of the existing/replacement Attlee House building, it is acknowledged that any additional massing at high level would result in disproportionately large reductions in daylight to the facing windows.
- 8.169. It is noted that the scheme has been designed to minimise the impacts on 38 Commercial Street, with the replacement Attlee House building having the same parapet height as the existing building. The above impacts are caused by the set-back upper storeys, although it is further noted that the design of the upper storeys has been modified during the course of the application to lessen the impacts on 38 Commercial Street.
- 8.170. Whilst the VSC and NSL reductions to some properties within 38 Commercial Street are above BRE guideline levels, on balance, it is considered that the impacts of the revised development on the daylighting conditions of properties at 38 Commercial Street are not so significant so as to warrant a reason for refusal in this instance.

Daylight and Sunlight within the Development

- 8.171. The daylighting conditions within new homes are normally assessed in terms of the Average Daylight Factor (ADF). British Standard 8206 recommends the following minimum ADF values for new residential dwellings:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 8.172. Of the 119 rooms tested, 102 rooms meet or exceed the relevant ADF standards, whilst 17 rooms fall below these standards. Of the 17 rooms that fail to meet the minimum daylight standard, 11 rooms face onto Gunthorpe Street and have a direct outlook onto Bartlett House and McAuley House, which include rooms that will themselves be subject to losses of daylight in excess of BRE recommended levels.

- 8.173. GVA advise that the distance, height and block spacing between Sunley House and Bartlett and McAuley House appears to be insufficient to enable the daylight standards to be met. This is despite the fact that the east elevation of the proposed Sunley House building is set back from the eastern boundary of the site by 3 metres, as Gunthorpe Street is particularly narrow.
- 8.174. It is also noted that a number of the proposed rooms within the development which fail to achieve the minimum daylight standards are only slightly below the target ADF levels, and that the worst affected rooms are predominantly bedrooms, which have a lesser requirement for daylight. Where living/kitchen/dining rooms fall below the target ADF levels, the living areas are located close to the windows, to maximise the levels of daylight to the primary living spaces, whilst the kitchens are located to the rear of the rooms. It is considered that this approach provides a degree of mitigation.
- 8.175. Taking into account the above, on balance it is considered that the proposed residential units would be afforded adequate levels of daylight, in accordance with the objectives of Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

Overlooking, Outlook and Sense of Enclosure

- 8.176. The layout of the proposed buildings is such that there would be no direct overlooking between habitable rooms windows or balconies within the development. In terms of any overlooking into neighbouring properties, the windows in the west elevation of Attlee House have been staggered so that they do not face towards windows at 38 Commercial Street, thus mitigated any loss of privacy.
- 8.177. Given the narrow width of the street on Gunthorpe Street, the separation distance between the east elevation of Sunley House and the west elevation of Bartlett House and McAuley House is approximately 13 metres. Whilst this is below the Council's target separation distance of 18 metres between facing residential windows, given the across-street relationship between the buildings, together with the spatial constraints of the site, it is considered that the separation distance between the buildings is acceptable in this instance and would afford residents comparative levels of privacy to existing conditions.
- 8.178. If the approved 5 storey office block at 36 Commercial Street was to come forward it is noted that it would result in a degree of enclosure to the rear (east facing) terrace at 38 Commercial Street. In order to minimise the impacts of the proposed development on 38 Commercial Street, the upper storeys of Attlee House have been set back from the east elevation of 38 Commercial Street at 4th and 5th floor level. It is considered that the set-back adequately mitigates any overbearing sense of enclosure to the neighbouring property and would afford neighbouring residents adequate levels of outlook.
- 8.179. Taking into account the above, it is considered that the proposed development would afford existing and future residents within and around the site with acceptable levels of privacy and outlook, in accordance with the objectives of Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

Noise & Vibration

- 8.180. The current application is accompanied by a Site Suitability Noise Assessment, prepared by WSP/Parsons Brinkerhoff, which includes the results of a baseline noise survey carried out between 11th and 13th March 2015, which establishes the existing noise levels on the site, against which the suitability assessment has been carried out. The report includes recommendations of minimum acoustic specifications for facade

treatment in order to ensure that the internal noise levels within the residential units are acceptable. The report also includes assessment of the noise levels on the balconies within the development.

- 8.181. The submitted Site Suitability Noise Assessment has been reviewed by the LBTH Environmental Health (Noise & Vibration) Officer, who notes that the results of the baseline noise survey shows that the site falls into both Noise Exposure Categories B and C, whereby mitigation is required for both internal and external areas.
- 8.182. With regard to internal noise levels within the proposed dwellings, the report provides details of the minimum acoustic specifications of the facade treatments that would be required in order to ensure that the dwellings meet the relevant standards set out British Standard 8223 (2014).
- 8.183. The LBTH Environmental Health Officer recommends that conditions be included to set internal noise limits for the habitable rooms and require post completion noise testing to demonstrate compliance, and to require the use of adequate sound insulation for residential units that adjoin commercial premises, together with post completion noise testing.
- 8.184. With regard to external noise levels, the LBTH Environmental Health Officer notes that the external noise levels at the balconies are above recommended level, although advises that this can be accepted in accordance with BS 8223 (2014) which states:
- 8.185. *“In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited”.*
- 8.186. The proposed residential dwellings include a mix of balconies and winter gardens, which therefore reduces the number of private amenity spaces that would be exposed to the background noise levels. Whilst the noise levels on the balconies would exceed recommended levels, given that the site is in a central urban location, where outdoor private amenity space is scarce, and given that the Council has approved balconies in other developments in the area, including in the Holland Estate on the opposite side of Commercial Street, it is considered that the noise levels on the balconies is on balance acceptable.
- 8.187. Subject to conditions, it is considered that the proposed development would adequately protect future residents from undue noise disturbance, in accordance with Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

TRANSPORTATION & HIGHWAYS

Car Parking

- 8.188. Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) require developments located in areas of good public transport accessibility to be secured as 'car free'. Policy 6.13 of the London Plan (2015) also promotes 'car free' development in areas with good access to public transport, whilst still providing for disabled people. This policy also

seeks to ensure that 20% of parking spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles.

- 8.189. The Council's Parking Standards, as set out in Appendix 2(1) of the Managing Development Document (2013), require developments with off-street parking to include 2 spaces or 10% of all spaces to be provided as accessible parking as a minimum.
- 8.190. The application site currently includes a basement car park beneath Sunley House, which is accessed by a car lift from Gunthorpe Street. The proposals would retain the existing basement car park to provide 7 disabled (blue badge) car parking spaces for the 7 wheelchair adaptable homes within the development. No other on-site car parking is proposed. The proposed car park would also include 20% active provision of electric car charging points, with a further 20% passive provision for the future installation of additional charging points, and would be accessed by a relocated car lift from Gunthorpe Street.
- 8.191. Both LBTH Transportation & Highways and Transport for London have reviewed the proposals and consider the proposed on-site disabled car parking arrangements to be acceptable, subject to the inclusion of a condition to ensure that the spaces are retained and maintained solely for disabled parking for the life of the development.
- 8.192. The site benefits from excellent access to public transport, with a PTAL of 6b, and in accordance with both adopted policy and the recommendations of LBTH Transportation & Highways, the associated S106 agreement would include a clause to secure the residential units as 'car and permit free' (with the exception of disabled parking and on-street parking for residents using the Permit Transfer Scheme).
- 8.193. It is noted that a letter of objection has been received on the grounds that insufficient car parking is being provided. However, as set out above, the proposed provision of 7 disabled car parking spaces and the omission of on-site resident and visitor parking is considered to be acceptable and in accordance with the requirements of Policy SP09(4) of the Core Strategy (2010), Policy DM22(2) of the Managing Development Document (2013) and Policy 6.13 of the London Plan (2015).

Cycle Parking

- 8.194. Policy DM22(4) of the Managing Development Document (2013) and Policy 6.9 of the London Plan (2015) require developments to include adequate provision of safe, secure and accessible cycle parking facilities. The cycle parking standards set out at Table 6.3 of the London Plan (2015) require the following minimum provision of cycle parking by land use:

Land Use	Long-stay Cycle Parking	Short-stay Cycle Parking
B1 Office	1 space per 90sqm.	first 5,000 sqm: 1 space per 500sqm; thereafter: 1 space per 5,000sqm
C3 Residential	1 space per studio / 1 bed unit; 2 spaces per all other dwellings.	1 space per 40 units.

- 8.195. The development would deliver a total of 1,254sqm of Use Class B1 office floorspace (GIA), with 990sqm provided within Profumo House and 164sqm provided within Attlee House. In addition, 418sqm of floorspace would be provided for Toynbee Advice Services. The proposals include the provision of designated cycle stores at basement

level, located adjacent to the lift cores of these buildings, together with some sheltered spaces at ground level. Within Profumo House 18 cycle spaces would be provided for the B1 office use, of which 3 spaces would be short-stay visitor spaces. Within Attlee House, 4 spaces would be provided for the B1 office use, of which 1 space would be a short-stay visitor space.

- 8.196. The development would also deliver a total of 63 residential units, of which 23 units would be 1 bed and 40 units would be 2+ bed. As such, the London Plan cycle parking standards require a minimum provision of 103 residential cycle parking spaces in this instance.
- 8.197. The proposals include the provision of four residential cycle stores within the basements of Attlee House and Sunley House, located adjacent to each of the lift cores. In addition, visitor cycle parking is provided at ground level, adjacent to Attlee House. A total of 105 cycle parking spaces would be provided for the residential element of the scheme, of which 2 spaces would be short-stay for visitors, which exceeds policy requirements.
- 8.198. The proposed cycle parking arrangements have been assessed by LBTH Transportation & Highways and Transport for London and are considered to be acceptable, subject to the inclusion of a condition to secure full details of the layout of the cycle stores and to require the cycle spaces to be retained and maintained for the life of the development.
- 8.199. Subject to condition, it is considered that the proposals include adequate provision of safe, secure and usable cycle parking facilities, in accordance with Policy DM22(4) of the Council's adopted Managing Development Document (2013) and Policy 6.9 of the London Plan (2015).

Waste & Recyclables Storage

- 8.200. Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013) 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.
- 8.201. The proposals include the provision of 4 designated refuse stores, which are located adjacent to each of the residential lift cores. The refuse stores are well located for collections, being directly accessed from the public highway on Wentworth Street and Gunthorpe Street, and can also be accessed internally by residents.
- 8.202. The proposed waste and recyclables storage arrangements have been assessed by LBTH Waste Policy & Development and Transport for London and are considered to be appropriate, subject to the inclusion of a condition to secure plans showing full details of the waste storage facilities, together with a waste access plan. On this basis, the proposed waste and recyclables storage facilities are considered to be acceptable, in accordance with Policy SP05 of the Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013).

Servicing

- 8.203. Servicing for the proposed offices and Toynbee Advice Services within Profumo House and Attlee House would be carried out via the existing off-street servicing area located to the rear of Sunley House, as per the existing arrangement. The submitted Transport Statement includes a swept path plan which shows that a 7.5t box van is able to enter the servicing area by reversing in from Gunthorpe Street and exit back onto Gunthorpe Street in forward gear.

- 8.204. The proposed servicing arrangements have been assessed by LBTH Transportation & Highways, who note that it is not ideal for vehicles to reverse into the site from the public highway, although raise no objections given the particular constraints of the site and given that the servicing vehicle movements are as per the existing arrangement. LBTH Transportation & Highways further recommend that a condition be included to secure a Delivery and Servicing Management Plan. The proposals have also been assessed by Transport for London, who consider the servicing arrangements to be suitable for the site.
- 8.205. Taking into account the above and subject to condition, it is considered that the proposed servicing arrangements would not result in any significant adverse impacts on the safety or capacity of the road network. The proposals therefore accord with Policy SP09(3) of the Core Strategy (2010) and Policy DM20(2) of the Managing Development Document (2013).

ENERGY & SUSTAINABILITY

- 8.206. At a national level, the National Planning Policy Framework (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. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2015), Policies SO24 and SP11 of the Core Strategy (2010) and Policy DM29 of the 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.
- 8.207. The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.208. Policy DM29 of the Managing Development Document (2013) includes the target to achieve a minimum 50% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.209. The submitted proposals have followed the energy hierarchy and seek to minimise CO₂ emissions through the implementation of energy efficiency measures (25%), site wide combined heat and power (CHP) system (32kWth engine; 8%) and utilise photovoltaics (PVs) on the available roof area (160m²; 9%). The CO₂ emission reductions proposed are supported and would result in a circa 42% reduction against the Building Regulations 2013.
- 8.210. Based on the current proposals there is a shortfall to Policy DM29 requirements by 3% which equates to 2.8 tonnes of regulated CO₂.
- 8.211. The Planning Obligations SPD includes the mechanism for any shortfall in CO₂ to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2015 which states:

- 8.212. *“...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.”*
- 8.213. It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014).
- 8.214. For the proposed scheme it is recommended that a figure of £5,040 is sought for carbon offset projects as identified in the submitted Energy Statement:
- Shortfall to meet DM29 requirements = 2.8 tonnes/CO2 x £1,800 = £5,040 offset payment to meet current policy requirements.
- 8.215. With the shortfall in CO2 emissions met through carbon offsetting contribution, the current proposals are considered appropriate for the development and meet policy requirements for energy and sustainability. It is recommended that the proposals are secured through appropriately worded Conditions.
- 8.216. In relation to environmental sustainability, the submitted proposals include a BREEAM Pre-assessment which demonstrates that the scheme has been designed to meet BREEAM ‘Excellent’ rating. This is supported by the Sustainable Development Team and the Final Certificates should be secured through an appropriate Condition.
- 8.217. It is further recommended that conditions be included to ensure the delivery of the CHP system, to secure details of the PV array and to require the submission of post-completion energy calculations to demonstrate that the projected carbon savings detailed in the Energy Strategy are delivered.

BIODIVERSITY

- 8.218. Policy 7.19 of the London Plan (2015), Policy SP04 of the Core Strategy (2010) and Policy DM11 of the 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.
- 8.219. The application site consists largely of existing buildings. The LBTH Biodiversity Officer notes that the site is located far from any significant areas of good bat foraging habitat, which makes it unlikely that the buildings will support bat roosts. The proposals include the removal of some existing trees, which will result in a small adverse impact on biodiversity.
- 8.220. The Biodiversity Enhancement Summary report states that the proposals include nest boxes for swifts, house sparrows and house martins, and bat boxes. The proposals also include the installation of new hedges, ornamental shrub and herbaceous planting.
- 8.221. The LBTH Biodiversity Officer notes that these features would contribute to a target in the LBAP for new mixed native hedges, improved forage for bumblebees and swifts nests. If all these proposed enhancements are implemented, the LBTH Biodiversity

Officer notes that these features will more than compensate for the loss of existing trees, and ensure overall benefits for biodiversity.

- 8.222. It is therefore recommended that a condition be included to secure full details of the biodiversity enhancement measures to be delivered on the site and to require the measures to be implemented and maintained.
- 8.223. Subject to condition, it is considered that the proposed development will make a positive condition to the protection, enhancement, creation and management of biodiversity, in accordance with Policy 7.19 of the London Plan (2015), Policy SP04 of the Core Strategy (2010) and Policy DM11 of the Managing Development Document (2013).

ENVIRONMENTAL CONSIDERATIONS

Air Quality

- 8.224. Policy SP03 of the Core Strategy (2010) suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 of the Managing Development Document (2013) also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this, such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 8.225. The current application is accompanied by an Air Quality Assessment Report, prepared by WSP/Parsons Brinckerhoff. The report has been reviewed by the LBTH Environmental Health (Air Quality Officer), who noted that assessment shows that the NO₂ annual objective is predicted to be greatly exceeded at all facades of the proposed development in the opening year. As such, the development will be introducing new exposure into an area of unacceptable air quality, resulting in a negative significant impact, for which mitigation is required.
- 8.226. The report suggests that these impacts can be suitably mitigated through the use of mechanical ventilation with NO_x filtration in order to reduce the NO₂ concentration to acceptable levels within the buildings. It is recommended that a condition be included to secure details of the mechanical ventilation and filtration system and to require it to be installed prior to occupation and retained and maintained for the life of the development.
- 8.227. Given the poor air quality the LBTH Environmental Health Officer objects to the provision of open balconies and recommends that they be designed out of the scheme if possible. It should be noted that not all units have open balconies, with a number of units having winter gardens instead, which provides a degree of mitigation across the scheme. However, it is considered that the amenity benefits of open balconies should be balanced against the air quality objectives and it is considered that the current mix of balconies and winter gardens is acceptable in this instance.

Demolition and Construction Noise, Vibration and Dust

- 8.228. The demolition and construction works associated with the proposed development have the potential to cause noise and vibration disturbance to nearby residents and building occupants. In order to suitably and proportionately mitigate these impacts it is recommended that a condition be included to secure a Construction Environmental Management Plan (CEMP).

- 8.229. The CEMP will be required to include details of the measures to be put in place to minimise and mitigate the noise, vibration and dust impacts arising from the demolition works. Such measures include siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate pilings methods and damping down and covering spoil piles.
- 8.230. Subject to condition, it is considered that the demolition and construction works would not result in unacceptable adverse noise, vibration or dust impacts and would protect neighbouring residential amenity, in accordance with Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013). These policies require development to protect, and where possible improve, the amenity of existing and future residents and building occupants, together with the amenity of the surrounding public realm.

Contaminated Land

- 8.231. The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the 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.
- 8.232. The proposals have been assessed by the LBTH Environmental Health (Contaminated Land) Officer, who raises no objections subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination and detail the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

IMPACT UPON LOCAL INFRASTRUCTURE / FACILITIES

- 8.233. Policy SP13 of the Core Strategy (2010) seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 8.234. The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and,
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.235. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.236. Securing appropriate planning contributions is further supported Policy SP13, which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.237. The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations.
- 8.238. The SPD was approved for public consultation by the Mayor in Cabinet on the 8th April 2015. The consultation will be carried out between the 27th April 2015 and the 1st June

2015, for a period of five weeks which is in line with the Council's Statement of Community Involvement.

8.239. The boroughs four main priorities remain:

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

8.240. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.241. The applicant has agreed to the full financial contributions as set out in the Planning Obligations SPD in relation to:

- Enterprise and Employment Skills and Training;
- energy; and,
- a 2% monitoring contribution.

8.242. The applicant has also offered 31% affordable housing by habitable room with a tenure split of 71/29 between social rented and intermediate tenure housing. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant policy.

8.243. The financial contributions offered by the applicant are summarised below:

- a) A contribution of £32,172 towards construction phase employment, skills, training and enterprise.
 - b) A contribution of £46,900 towards end user phase employment, skills and training.
 - c) A contribution of £5,040 towards carbon offsetting.
 - d) A contribution of £5,500 towards monitoring.
- Total Contribution financial contributions £89,612.

8.228. The non-financial contributions offered by the applicant are summarised below:

- a) Delivery of 31% Affordable Housing comprising of 10 social rented units and 4 shared ownership units.
- b) 20% local employment during the construction and operational phases.
- c) 20% of procurement from local business during the construction phase
- d) 9 apprenticeships during construction & end user phases
- e) Reinstatement of Mallon Gardens
- f) Car and Permit Free Agreement
- g) Travel Plan
- h) Compliance with the Code of Construction Practice

8.244. These obligations are considered to meet the tests set out in guidance and the CIL regulations.

FINANCIAL CONSIDERATIONS

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

8.245. 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.

8.246. 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.

8.247. In this context “grants” might include New Homes Bonus.

8.248. These are material planning considerations when determining planning applications or planning appeals.

8.249. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme. The approximate CIL contribution is estimated to be around £144,900.

8.250. The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor’s Supplementary Planning Guidance (SPG) “Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy” (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). The site is within the Central London Crossrail charging area.

8.251. In this case, on the basis that the proposals would result in a small uplift in office floorspace of only 87sqm, and given that the existing offices are not fully vacant, a financial contribution towards Crossrail is not required.

8.252. The New Homes Bonus (NHB) was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period. For the first year the NHB is expected to be in the region of £24,290 and over the six year period around £145,740.

8.253. This application is also subject to the Borough’s Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council’s adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £1,143,333.

HUMAN RIGHTS CONSIDERATIONS

- 8.254. 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:-
- 8.255. 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".
- 8.256. 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.
- 8.257. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 8.258. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.259. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.260. 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.
- 8.261. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

EQUALITIES ACT CONSIDERATIONS

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

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

8.263. The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

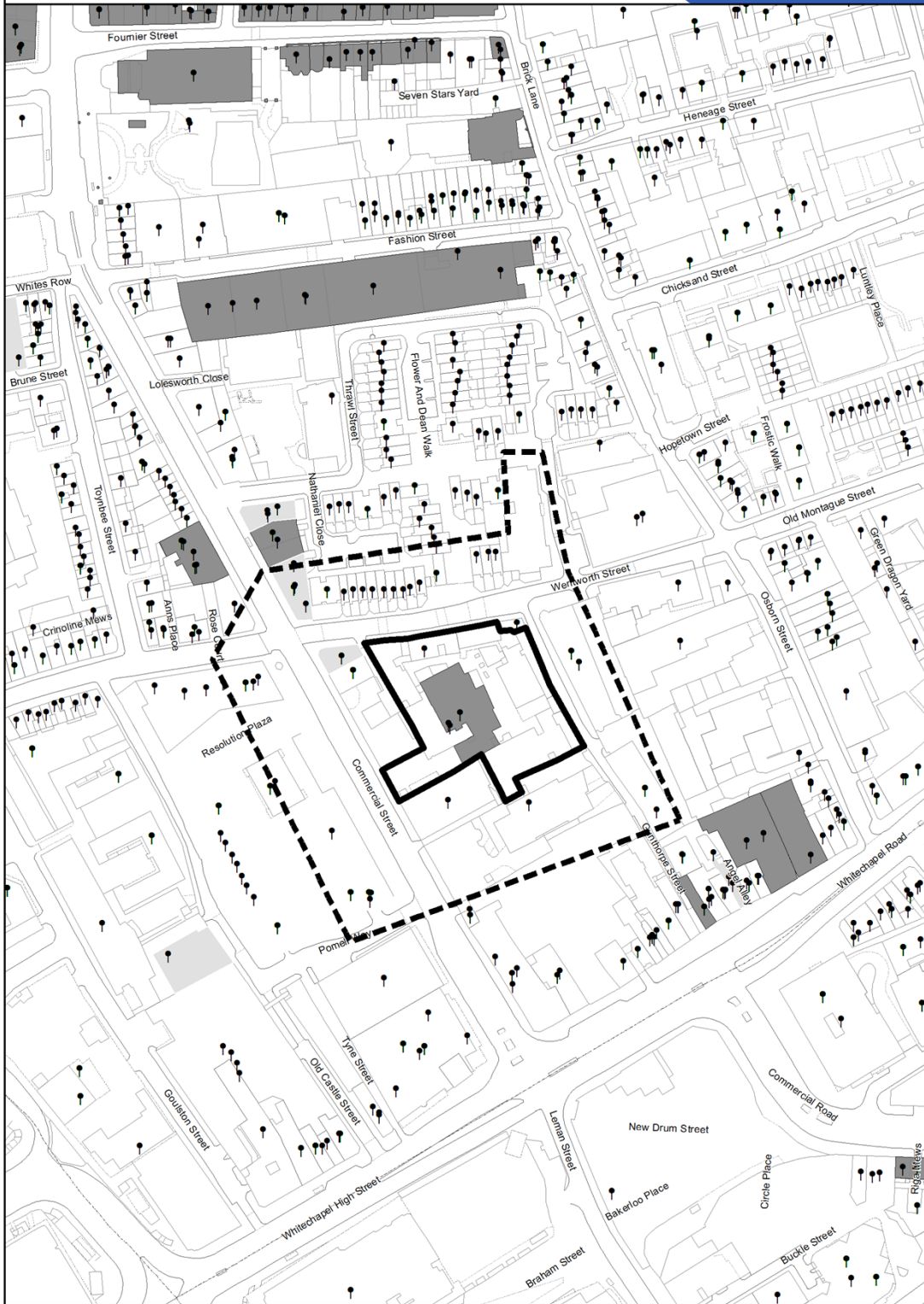
8.264. The affordable housing supports community wellbeing and social cohesion.







8.265. The proposed development allows for an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking and wheelchair adaptable/accessible homes.

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 and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Planning Application Site Map
PA/15/02156



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

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