

DEVELOPMENT COMMITTEE

Wednesday, 13 January 2016 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, Councillor Andrew Wood,
Councillor Mahbub Alam and Councillor Craig Aston

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 11 January 2016**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 12 January
2016**

Contact for further enquiries:

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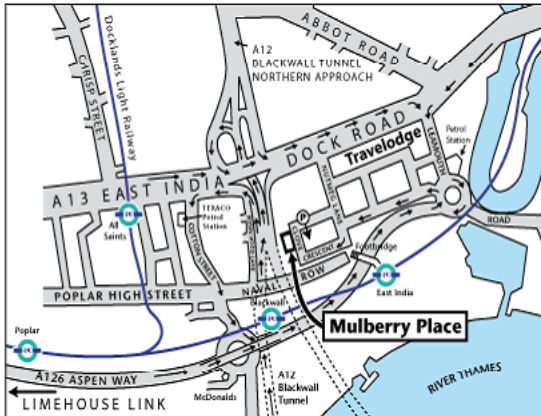
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APOLOGIES FOR ABSENCE

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

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

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 18)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 16th December 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 19 - 20)

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	21 - 22	
6 .1	Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE (PA/15/02489)	23 - 38	Spitalfields & Banglatown

Proposal:

Renovation of the original 19c pub building maintaining the existing Public house at ground and basement. First, second and third floors will be converted to a boutique hotel with 11 rooms.

Recommendation:

That the Committee resolve to GRANT planning permission subject to conditions.

6 .2	27-29 and 33 Caroline Street, London, E1 0JG (PA/15/02164)	39 - 74	Shadwell
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Proposal:

Demolition of existing buildings at 27-29 and 33 Caroline Street and erection of two buildings up to 9 storeys in height to provide 56 residential units and landscaped amenity space, cycle parking and associated works.

Recommendation:

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

7. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Wednesday, 10 February 2016 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 Probity 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 7.00 P.M. ON WEDNESDAY, 16 DECEMBER 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 Chris Chapman
Councillor Mahbub Alam (Substitute for Councillor Suluk Ahmed)
Councillor Peter Golds (Substitute for Councillor Chris Chapman Items 5.1-5.3)
Councillor Shah Alam (Substitute for Councillor Gulam Kibria Choudhury)

Other Councillors Present:

None.

Apologies:

Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury

Officers Present:

Jerry Bell – (East Area Manager, Planning
Services, Development and Renewal)
Gillian Dawson – (Team Leader, Legal Services, Law,
Probity and Governance)
Jane Jin – (Team Leader, Planning Services
Development and Renewal)
Nasser Farooq – (Team Leader, Planning Services,
Development and Renewal)
Piotr Lanoszka – (Planning Officer, Development and
Renewal)
Adam Williams – (Planning Officer, Development and
Renewal)
Killian Harrington – (Planning Officer, Development and
Renewal)
Zoe Folley – (Committee Officer, Directorate Law,
Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Peter Golds declared a personal interest in agenda item 5.2 Site south west of the junction of Glenworth Avenue and Saunders Ness Road, E14 3EB (PA/15/00360) as he had commented on the principal of the proposal but had reserved judgement on the material planning matters until consideration at this Committee meeting. He also declared a personal interest in agenda item 5.3 Wickham House, 69-89 Mile End Road and 10 Cleveland Way, London, E1 (PA/14/03547) as he had previously expressed support for the Spiegelhalter's building, however this had not affected his view of the application.

Councillor Rajib Ahmed declared a personal interest in the agenda items as he had received representations from interested parties and in respect of 6.1 Balfron Tower, 7 St Leonards Road, London, E14 0QR (PA/15/02554 & PA/15/02555) as the application was in his ward.

Councillor Sabina Akhtar declared a personal interest in agenda items 5.2 Site south west of the junction of Glenworth Avenue and Saunders Ness Road, E14 3EB (PA/15/00360), 5.3 Wickham House, 69-89 Mile End Road and 10 Cleveland Way, London, E1 (PA/14/03547) and 6.1 Balfron Tower, 7 St Leonards Road, London, E14 0QR (PA/15/02554 & PA/15/02555) as she had received representations from interested parties.

Councillor Mahbub Alam declared a personal interest in agenda items 5.2 Site south west of the junction of Glenworth Avenue and Saunders Ness Road, E14 3EB (PA/15/00360) and 6.3 Wickham House, 69-89 Mile End Road and 10 Cleveland Way, London, E1 (PA/14/03547) as he had received representations from interested parties and had attended events at the Waterlily.

Councillor Shiria Khatun declared a prejudicial interest in agenda item 6.2 Attlee House, Sunley House, Profumo House and College East, 10 Gunthorpe Street, London (PA/15/02156) as she worked for Toynbee Hall affected by the application. She announced that she would be leaving the meeting for the consideration of this item.

Councillor Marc Francis declared a personal interest in agenda items 5.2 Site south west of the junction of Glenworth Avenue and Saunders Ness Road, E14 3EB (PA/15/00360), 6.1, Balfron Tower, 7 St Leonards Road, London, E14 0QR (PA/15/02554 & PA/15/02555) and 6.3 Our Lady's Primary School, Copenhagen Place, Limehouse, London E14 7DA (PA/15/02148) as he had received representations from interested parties.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 25 November 2015 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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

5. DEFERRED ITEMS

5.1 Vic Johnson House Centre, 74 Armagh Road, London, E3 2HT (PA/15/01601)

Update report tabled

Councillor Shiria Khatun (Chair) for this item.

Jerry Bell (Applications Manager, Development and Renewal) introduced the application for the part demolition, part refurbishment, part new build (extension) to total 60 age restricted apartments (over 55s) sheltered housing scheme.

At last meeting of the Committee, Members were minded to refuse this application for a number of reasons. These were:

- Loss of amenity space in view of proposed increase in units and the loss of the communal lounge that would not be replaced like for like

- Overdevelopment of the site.
- Bulk and size of the proposal that would be out of character with the surrounding area.
- Impact on the amenity of the existing residents of the development in terms of noise and disruption during the construction phase.

In accordance with the Development Procedure Rules, the item was deferred to enable the Officers to prepare the supplemental report now before Members providing commentary on the proposed reasons and to set out detailed reasons for refusal.

Jane Jin (Team Leader, Planning Services, Development and Renewal) presented the detailed report reminding Members of the site location and the main issues for consideration. In terms of the first suggested reason, it was reported that whilst there would be a reduction in quantum of external communal space, it would be of a much better quality and be a vast improvement of what was currently there. It was also noted that the quality and quantity of internal space would increase.

In view of this, it was considered that the level of community space would be adequate for the development and that a reason on this ground would be difficult to defend at appeal.

In terms of the seconded reason – overdevelopment, whilst the London Plan density range did not apply to specific needs housing, the plans complied with the suggested density range in the plan. Furthermore, in qualitative terms, the scheme bore no symptoms of overdevelopment.

Regarding scale and bulk, it was considered that given the mixed character of the area and comparative heights, the scheme would fit in with the area.

In relation to the impact on residents, the applicant had given a firm commitment to provide mitigation and so had Gateway. This goes beyond what was normally required for construction management plans. Officers were satisfied that the measures could be secured by conditions.

Accordingly, Officers remained of the view that the scheme should be granted permission. However, if Members were minded to refuse the application, Officers were recommending the reasons in the report based on the issues raised at the last meeting by Members.

In response to a question about overdevelopment (given the impact on amenity space and increase in units), Officers reminded Members that, whilst there were no minimum standards in policy for amenity space in sheltered housing, if this were general housing, it would meet the policy standards

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 5 against and 1 abstention, the Committee did not agree the recommendation.

Accordingly, Councillor Rajib Ahmed proposed and Councillor Peter Golds seconded a motion that the planning permission be **REFUSED** (for the reasons set out in the Committee report dated 16th December 2015) and on a unanimous vote, it was **RESOLVED**:

That planning permission at Vic Johnson House Centre, 74 Armagh Road, London, E3 2HT (PA/15/01601) be **REFUSED** for the 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 for the following reasons set out in paragraph 5.2 the Committee report dated 16th December 2015.

The proposed development, by way of the design, scale and bulk would appear as a visually incongruous and bulky building within the surrounding streetscene and would harm the visual amenity of the local area. The development would be contrary to policy DM24 of the Managing Development Document (2013), SP10 of the Core Strategy (2010) and policies 7.1, 7.4 and 7.6 of the London Plan (2015).

The proposed development by reason of its excessive scale and bulk results in the overdevelopment of the site and this leads to an inappropriate loss of a proportion of the communal amenity space and a pro-rata loss of indoor communal lounge space. This would leads to an unsatisfactory form of development which is contrary to policies DM4 and DM5 of the Managing Development (2013), SP02 of the Core Strategy (2015) and policies 3.1, 3.4 and 3.5 of the London Plan (2015)

The proposed development has not adequately addressed how the construction phase would not lead to substantial impact on the health and welfare of the existing residents. The development would therefore be contrary to SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seek to protect amenity for future and existing residents.

5.2 Site south west of the junction of Glenworth Avenue and Saunders Ness Road, E14 3EB (PA/15/00360)

Councillor Marc Francis (Chair) for the remaining items of business

Update report tabled.

Jerry Bell (Applications Manager, Development and Renewal) introduced the item for the construction of a 1,705 GIA sq. m. 3-storey primary school to accommodate 280 pupils and approximately 30 staff. At the last meeting of the Committee, Members deferred the application for a site visit to inspect the site and assess the impact of the proposal.

Jane Jin (Team Leader, Planning Services, Development and Renewal) presented the report explaining the site location and the surrounds as well as the proposed start and end hours for the new school, outside those for the nearby St Luke's School.

It was noted that the site visit took place earlier in the week. At which, the impact on the highway from the school run (drop - off) from St Luke's School was observed noting that that it only took a matter of minutes. Due to this as well as the staggered start times, it was considered that impact on the highway would be minimal

It was also noted that further representations had been received about the location of the refuse storage site in terms of proximity to habitable rooms. To address this, residents had suggested alternative locations for the store. However, given the issues with these options, Officers continued to favour the recommended option given the mitigation measures and the conditions.

In response to questions about the proposed refuse location, it was stressed that the proposed mitigation including screening should protect visual amenity and ensure that there would be no undue impact on residential amenity.

On the question of school size and pupil numbers, it was noted that this was regulated by the Department for Education guidance and they had raised no objections to the scheme. The planning regime was silent on this issue. Nevertheless, Planning considered that there would be adequate space for the 280 pupils. The scheme had been designed to accommodate such numbers.

It was also confirmed that there was a presumption in favour of education development in national policy and this carried significant weight. With this in mind, Officers have carefully assessed the issues and considered that there were no material issues that outweighed the presumption in favour.

Officers also answered questions about the highway impact from the scheme. It was confirmed that Officers had assessed the traffic impact and the measures in the travel plan and considered that the impact on the highway would be acceptable.

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

That planning permission be **GRANTED** at Site south west of the junction of Glenworth Avenue and Saunders Ness Road, E14 3EB for the construction of a 1,705 GIA sq. m. 3-storey primary school to accommodate 280 pupils and approximately 30 staff (PA/15/00360) subject to the conditions and informatives set out in the Committee report and the update report.

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

Update report tabled.

Jerry Bell (Applications Manager, Development and Renewal) introduced the item for the refurbishment of the former Wickham's department store. At the last meeting of the Committee, Members deferred the application for a site visit that took place earlier in the week to enable Members to inspect the site and better understand the impact of the proposal. At which, a number of issues were raised and responses to these questions were set out in the update report, regarding amongst other matters the impact of the roof extension and the proposed refuse collections arrangements.

Piotr Lanoszka, (Planning Officer, Development and Renewal) presented the detailed report highlighting the site location, the proposed layout, the proposed uses and the amendments to the plans. Responding to the issues raised at the site visit, he showed views of the proposed roof extension from the surrounding area, showing that it would be subservient to the former department store. In relation to waste collection, it was confirmed that this would remain as per the existing arrangements. Officers considered that the on street collection service would have little impact on the highway.

In view of the merits of the scheme, Officer were recommending that it was granted planning permission.

In response to questions from Members, it was explained that it would be very difficult to retain the existing banqueting hall as part of scheme. This would require far reaching changes such as unplanned physical changes to the building. Furthermore, whilst it was proposed to include a D2 use in the basement area, due to the nature of this environment (i.e. lack of windows) it was questionable whether it could operate from this unit. Members needed to weigh up the merits of retaining the banqueting hall against the merits of this scheme. The Waterlily facility, (whilst under previous management), had an extensive enforcement history including prosecutions that can be given some weight. This application should help address these problems

As explained above, it was recommended that the current waste collection arrangements be retained. Images were displayed showing that these could be successfully accommodated within the scheme. Consideration had been given to the suggestion that the collection take place within the building as set out in the update. However, it was found that, due to the nature of the site, this would require significant alterations.

Whilst there would be some impact on the tower, its significance would be protected. Historic England and the Victorian Society had withdrawn their objections to the scheme. The Council's Conservation Officer had looked carefully at the scheme and was satisfied with the plans in terms of both the enhancements to the external façade and the internal changes recognising their value. Overall there would be a net gain in heritage terms

It was noted that the scheme could accommodate a range of business uses and that the Council could go no further than specify the use class. It could not specify the end user. However, given the factors in favour of creating a co worker hub for SME business on the site, it was considered that the developers should naturally be encouraged to establish the SME type of business at the development. The applicant had also undertaken to provide a number of units as affordable workspaces.

Officers also explained the current position regarding Microsoft's use of the premises.

On a vote of 3 in favour 3 against and 1 abstention with the Chair casting a second vote in favour of the scheme, the Committee **RESOLVED**:

1. That planning permission be **GRANTED** at Wickham House, 69-89 Mile End Road and 10 Cleveland Way, London, E1 (PA/14/03547) for the 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 subject to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.
3. 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.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Balfroon Tower, 7 St Leonards Road, London, E14 0QR (PA/15/02554, PA/15/02555)

Jerry Bell (Applications Manager, Development and Renewal) introduced the item for external and internal physical alterations and refurbishment works to Balfroon Tower.

The Chair then invited registered speakers to address the meeting.

Glenn McMahon and Vanessa Crawford (local residents) spoke in opposition to the application. They objected to the impact on the social housing given the proposed changes to the layout, tenure and affordability of the units. There was a real need for social housing and family housing given the housing waiting list. They also objected to the loss of historic features. There was also a lack of consultation with occupants on the plans affecting the building.

The speakers then responded to questions of clarification about the consultation and the costs of the scheme to leaseholders. The Chair reminded Members that the cost to leaseholders were not a planning issue and that Members must only consider the planning issues. Furthermore, the housing tenure of Balfron Tower had never been controlled under the planning regime so this was also not a material planning matter.

Neal Hunt (Poplar HARCA) and Richard Coleman (Heritage Advisor) spoke in support of the scheme. They referred to the wider estate regeneration scheme. They also referred to the terms of the transfer agreement in relation to Balfron Tower and the developer's commitment to providing good quality social housing. Every effort had been made to preserve the heritage value of the tower. The changes would only affect the least valuable parts of the building. Indeed Historic England were supportive of the amended scheme. The changes were necessary to bring the building up to modern standards including the replacement windows.

The speakers then responded to questions of clarification from Members, explaining the nature of the repair work, the responses from Historic England and the 20th Century Society to the changes, the fire escape plans and the internal changes to facilitate this. They also answered questions about the replacement tiles, the security measures to prevent anti social behaviour and the landscaping plans. This included the introduction of softer landscaping.

The speakers also noted that concern had been expressed at the proposed open plan layout for certain units. It was felt that the proposed layout would maximise use of the flats and overall, it would not be that dissimilar to the existing layout and would maintain the spirit of the Goldfinger design.

Officers reminded Members that service charges and management issues were not relevant planning matters. Members must only consider the material planning issues relating to the physical changes to the site.

Nasser Farooq, (Team Leader Planning Services, Development and Renewal) presented the report explaining the site and surrounds, the historic importance of the building on relisting. Consultation had been carried out on the scheme and the issues raised were summarised in the Committee report and the presentation slide. This included a summary of the different responses of the historic groups to the proposals.

Members were advised of the proposed changes, particularly the options considered and discounted for the replacement windows and the reasons for this. They also noted images of the proposed external alterations, the plans to

retain heritage flats, the internal changes and the conditions ensuring the reuse of the quarry floor tiles.

Members also noted the landscaping improvements, the condition on CCTV, mindful of the heritage value of the building.

It was also reported that a request had been made to the Secretary of State to call in this application. As such, the Council would need to wait for direction from the Secretary of State prior to issuing any decision

Given the benefits of scheme, Officers were recommending that it be granted planning permission and listed building consent.

In response to Members questions, it was confirmed that the overall number of housing units would remain the same under the application. Given the management arrangements, it was expected that this should include the provision of CCTV. A number of cycle spaces would be provided on a voluntary basis. Steps would be taken to ensure the replacement tiles matched those that had been replaced, noting they were one of the least valuable elements to the listing. However, they would be thicker and more durable and be bigger. It was also confirmed that the new windows, in contrast with the existing windows, would be fit for purpose. They would also reflect the spirit of the original architecture.

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

That the planning permission be **GRANTED** at Balfron Tower, 7 St Leonards Road, London, E14 0QR for external and internal physical alterations and refurbishment works to Balfron Tower (PA/15/02554) subject to the conditions and informatives in the Committee report.

That the Listed Building Consent be **GRANTED** at Balfron Tower, 7 St Leonards Road, London, E14 0QR (PA/15/02555) subject to the conditions and informatives in the Committee report.

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

Jerry Bell (Applications Manager, Development and Renewal) introduced the item for the demolition of Attlee House, Sunley House and College East and the provision of a new mix used development.

Adam Williams (Planning Officer Development and Renewal) gave a presentation on the application explaining the site location, the surrounds, the poor quality of the existing accommodation and planning history for the site. Consultation on the proposal had been carried and the key issues raised were summarised.

Turing to the proposal, it was considered that the proposed land use complied with policy and would provide an acceptable level of affordable housing. All

of the rented units would be at social target rent levels which was strongly supported. The proposal would respond well to the neighbouring buildings, preserve and enhance the Conservation Area and the Grade II listed building as well as natural and passive surveillance. To illustrate these points, the Committee were shown images of the proposals from the surrounding area. There would also be improvements to Mallon Gardens, supported by the Council's Parks Team.

The scheme had been amended to address the amenity failings particularly at 38 Commercial Street. Whilst some of the windows within this property would experience losses, overall it was considered that the surrounding properties would continue to benefit from adequate levels of light.

The Committee also noted the servicing and car parking plans and the financial contributions.

Given the benefits of the scheme, Officers were recommending that it be granted permission.

In response to questions, Officers clarified the measures to improve the day light and sunlight exposure to neighbouring properties including the redesigning of the proposed Attlee House replacement building to lessen the impact on 38 Commercial Street. It was also clarified that the scheme had been sensitively designed to minimise the impact on the area including setbacks in the design to match the surrounding area. The buildings to be demolished were of no architectural merit.

In relation to child play space, it was noted that the plans included dedicated under 5 play space as required in policy. Whilst there was a lack of provision for the over 5 age groups, due to the site constraints, there were parks nearby. As a result, the level of child play space complied with policy.

Officers also answered questions about the viability appraisal and the reasons for the lack of Cross Rail contributions.

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

1. That planning permission be **GRANTED** at Attlee House, Sunley House, Profumo House and College East, 10 Gunthorpe Street, London (PA/15/02156) for the 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. (PA/15/02156) subject to:

2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
4. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report.
5. 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.

6.3 Our Lady's Primary School, Copenhagen Place, Limehouse, London E14 7DA (PA/15/02148)

Update report tabled.

Jerry Bell (Applications Manager) introduced the item for the demolition of existing buildings for the redevelopment of the site to provide a residential led development.

Killian Harrington (Planning Officer, Development and Renewal) presented the application explaining the site location and the residential nature of surrounding area including the listed buildings.

Turning to the proposal, the plans would provide a policy compliant level of affordable housing, located across all proposed blocks. At this point images were shown of the appearance of the proposal, viewed from the surrounding area.

Consultation had been carried out on the scheme and the issues raised were noted.

It was considered that the proposed land use was acceptable given the need for new residential development and that the site was no longer fit for purpose for a school. It was also considered that the plans would preserve and enhance the area, without being overbearing. It would also provide child play space in excess of the minimum requirements and a policy compliant level of wheelchair accessible units. All of which complied with the quality standards in policy.

Whilst the proposed density exceeded the range in the London Plan, it bore no symptoms of overdevelopment. Steps had been taken to mitigate the loss of loss of light to neighbouring properties mostly affecting non habitable rooms or dual aspect properties. Due to this, it was felt that any losses in terms of

amenity did not warrant a refusal. The scheme would be car free with a number of cycle spaces.

Officers were recommending that the application was granted planning permission.

In response to questions, Officers explained the nature of the sunlight/daylight failings. It was confirmed that the units within Southwater Close already suffered compromised levels of sunlight as they were already obstructed. So it was the design of that development itself that had created these problems. As for the properties in Elland House, expected to suffer a reduction in light, most of the windows affected were secondary windows. In addition, there would be obscure glazing to protect privacy.

Officers also answered questions about the impact on the listed buildings and the character of the surrounding area.

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

1. That planning permission be **GRANTED** at Our Lady's Primary School, Copenhagen Place, Limehouse, London E14 7DA for the demolition of existing buildings for the redevelopment of the site to provide buildings ranging between 4 part 5 storeys to 7 storeys in height comprising 45 residential units including affordable housing (Use Class C3), together with associated disabled car parking, cycle parking, open space, landscaping and infrastructure works (PA/15/02148) subject to:
2. The prior completion of a legal agreement to secure the obligations set out in the Committee report and the update.
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.
5. 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.

6.4 Phoenix School, 49 Bow Road, London E3 2AD (PA/15/02445)

Jerry Bell (Applications Manager) introduced the item.

Nasser Farooq (Team Leader, Planning Services) presented the application for a listed building consent for a Council owned building. He explained the main features of the application, supported by LBTH Education Services,

English Heritage and the Secretary of State who had recommended that the Council approve the application.

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

That the Listed Building Consent be **GRANTED** at Phoenix School, 49 Bow Road, London E3 2AD (PA/15/02445) for the conversion of two existing non-original bin stores into use as a Food Technology Classroom with support kitchen area. Works include; removal of existing timber panels and double doors, removal of a non-original non load bearing blockwork wall, new vent openings through retained side doors, fitting new external windows and doors within existing structural openings, alterations to the existing drainage to suit kitchen requirements, new internal plasterboard partition wall, new wall, floor and ceiling finishes, new light fittings and extract ventilation subject to conditions as set out in the Committee report.

7. OTHER PLANNING MATTERS

None.

The meeting ended at 10.10 p.m.

Chair, Councillor Marc Francis
Development Committee

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 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: 13 th January 2016	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:
Listed in the Committee Report	✓	

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Development Committee	Date: 13 th January 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Lydia Meeson	Ref No: PA/15/02489
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE

Existing Use: Public House (use class A4) on ground and basement floors with ancillary residential accommodation above.

Proposal: Renovation of the original 19c pub building maintaining the existing Public house at ground and basement. First, second and third floors will be converted to a boutique hotel with 11 rooms.

Drawing and documents: Design and Access Statement; Refuse Strategy;
187_EE_00; 187_EE_01; 187_EE_02;
187_EE_03; 187_ES_00; 187_ES_01;
187_EX_-01; 187_EX_00; 187_EX_01;
187_EX_02; 187_EX_03; 187_GA_-01;
187_GA_00; 187_GA_01; 187_GA_02;
187_GA_03; 187_GA_04; 187_GE_00;
187_GE_01; 187_GE_02; 187_GE_03;
187_GS_00; 187_GS_01; 187_S_00

Applicant: Mendoza Ltd

Ownership: Mendoza Ltd

Historic Building: N/A

Conservation Area: Wentworth Street

2. EXECUTIVE SUMMARY

- 2.1. This report considers the application for the extension to the upper floors of the pub, installation of dormer windows and conversion of the ancillary accommodation to C1 (hotel) use.
- 2.2. A total of 186 representations were received in objection to this proposal. The objections can be summarised as concerns over: the perceived loss of the A4 (drinking establishments) use; the lack of justification for the need for a hotel (use class C1); the lack of provision of wheelchair accessible hotel rooms; the potential for adverse highways and amenity implications from a hotel; and harm caused to the Conservation Area through the alterations to the building.
- 2.3. Officers believe that the proposal is acceptable for the following reasons:
 - The pub and pub garden are proposed to be retained in their entirety.
 - The operation of a hotel above the pub is not considered to adversely impact the future viability of the pub.
 - The use, size and location of the hotel are appropriate within the Central Activities Zone.
 - The proposed external alterations are small in scale and the proposed materials and design details and elements are sensitive to the historic character of the existing building and Conservation Area.

3. RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** planning permission subject to conditions.
- 3.2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.3. **Conditions**
 1. Three year time limit
 2. Development to be built in accordance with approved plans
 3. Removal of Permitted Development Rights from A4 to any other use.
 4. Submission of details of proposed materials
 5. Servicing and Deliveries Strategy

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The application site is located on the southern corner of the junction between Toynbee Street and Brune Street. The site comprises a three storey 19th Century building and a paved yard located to the south (with access from Toynbee Street). The ground floor of the building operates as a public house (use class A4) in addition to the open yard. The basement and upper floors of the building are used as ancillary accommodation including living accommodation for the current landlord.

- 4.2. The application site falls within the Central Activities Zone (CAZ) and the immediately surrounding area on Toynbee and Brune Streets comprises a mixture of residential dwellings and commercial buildings of a variety of uses (mostly retail on Toynbee Street and office on Brune Street). The buildings on these streets vary greatly in age, design and scale, and the building does not form part of any architectural cluster. No part of the site contains statutorily or locally listed buildings but the site is located in the Wentworth Street Conservation Area and the pub has been registered as an Asset of Community Value.

Proposal

- 4.3. The proposal involves the following:
- 3.4m deep side extension at second and third floors.
 - The installation of dormer windows and internal alterations to allow the conversion of the existing loft space into accommodation (no change in roof ridge height).
 - The conversion of the ancillary residential accommodation together with the new accommodation to hotel use (C1).
 - No changes are proposed to the use, structure or volume of the ground and basement floors or the pub garden.

5. RELEVANT PLANNING HISTORY

5.1. PA/14/03376

The previous proposal for the redevelopment of the pub was determined at Development Committee on 8th July 2015. The committee unanimously resolved to refuse planning permission for:

Demolition of existing structures on land adjacent to Duke of Wellington public house and creation of a total of 5 x residential units (C3 use). Replacement outdoor area to be reconfigured to the rear of the site. External alterations to the public house to include dormer and mansard roof extension to first and second floors of building, retaining existing ridge line and mansard roof. Retention of A4 use (Drinking Establishments) on ground floor.

Reasons for refusal:

1. The proposed development would cause harm to the Wentworth Street Conservation Area. The design and appearance of the proposed modern extension would be out of character with the local area and would cause harm to the character and appearance of the Wentworth Street Conservation area and combined with the loss of the pub garden would harm the setting of other local heritage assets, including the Duke of Wellington Public House itself. This harm is not outweighed by the public benefits of the scheme and therefore the proposed development fails to comply with policies DM24 and DM27 of the Managing Development Document (2013), SP10 of the Core Strategy (201), policies 7.4 and 7.8 of the London Plan (Consolidated with Alterations since 2011) (2015), the National Planning Policy Guidance.
2. The proposed development would result in the loss of existing outdoor space that would undermine the future viability and vitality of the existing Duke of Wellington Pub (12-14 Toynbee Street) and thereby fail to protect its function as community infrastructure. As such, the proposal would be contrary to policy SP01 of the Core Strategy (2010), and policies DM2 and DM8 of the Managing Development Document (2013), Policy 3.1(b) of the London Plan 2015,

National Planning Policy Framework (2010) and the National Planning Policy Guidance.

3. The proposed development would be detrimental to the amenity of new residents of the proposed development due to the potential for fumes and noise resulting from the close proximity of the proposed residential accommodation and the proposed smoking area and public house use and would result in increased noise and disturbance to the occupiers of existing residential properties. Therefore the proposal would be contrary to policy DM25 of the Managing Development Document (2013), the London Plan (2015), National Planning Policy Framework (2012) and the National Planning Policy Guidance.

6. POLICY FRAMEWORK

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

- 6.2. **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance (March 2014)

- 6.3. **The London Plan – Consolidated with Alterations since 2011 (March 2015)**

2.10: Central Activities Zone – Strategic Priorities
2.11: Central Activities Zone – Strategic Functions
3.16: Protection and Enhancement of Social Infrastructure
4.5: London’s Visitor Infrastructure
6.9: Cycling
6.13: Parking
7.4: Local Character
7.8: Heritage Assets and Archaeology

- 6.4. **Site Designations**

Central Activities Zone
Wentworth Street Conservation Area

- 6.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

SP01: Refocusing on our Town Centres
SP06: Delivering Successful Employment Hubs
SP09: Creating Attractive and Safe Streets and Spaces
SP10: Creating Distinct and Durable Places

- 6.6. **Managing Development Document (adopted April 2013) (MDD)**

DM1: Development with the Town Centre Hierarchy
DM3: Delivering Homes
DM7: Short Stay Accommodation
DM8: Community Infrastructure
DM14: Waste
DM22: Parking
DM24: Local Character

DM25: Amenity
DM27: Heritage and the Historic Environment

6.7. Other Relevant Documents

Wentworth Street Conservation Area Character Appraisal and Management Guidelines

7. CONSULTATION RESPONSES

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:

Internal Consultees

Highways and Transportation

7.3. Over-sail License

The applicant should confirm if they hold an over-sail licence for the two areas of the existing structure that over-sail the highway.

7.4. Servicing.

The applicant has not provided any specific details regarding a parking location for servicing vehicles and taxi drop offs, as well as the frequency of these activities. It is expected that the implementation of a hotel, albeit with 11 rooms, could still have a significant increase in net person trips. However, there is no mention as to the frequency of daily taxi pick-up/drop-offs and whether this will be done in such a way that it circumvents potential risks to safety and causing inconvenience to the local public. There are no loading bays near the site and there are a limited number of business and permit bays within the province of the subject site. Additionally, the width of the service gates of the yard, as mentioned in the Deliveries/Servicing and Access statement, is not wide enough to accommodate vehicles. Therefore, the applicant has failed to demonstrate how the hotel use will be able to operate efficiently in this regard.

7.5. Cycle parking.

Although the nature and class use type of the proposal does not meet the threshold for the minimum cycle parking, as per the London Plan, Highways still expects the provision of at least two cycle parking spaces, within the site. This requirement is in accordance with the Tower Hamlets Development management.

Officers Comment: These issues are discussed in the Transport and Highways section of this report

7.6. **Environmental Health (N&V, S&P,)**

No comments were received for this application, however comments raised on the previous proposal related only to the noise insulation levels required between the public house and the residential use.

External Consultees

7.7. Spitalfields Community Association

No comments received.

7.8. Spitalfields Joint Planning Group

No comments received.

7.9. Spitalfields Society

No comments received.

7.10. Spitalfields Historic Buildings Trust

No comments received.

7.11. Historic England

"We do not consider that it is necessary for this application to be notified to Historic England"

7.12. Greater London Archaeological Advisory Service

Recommended no archaeological requirement

Public Representations

7.13. A total of 347 planning notification letters were sent to nearby properties and persons who had made representations on the previous proposal. The application proposal was also publicised by way of a site notice and press notice. A total of 186 letters of representation were received in objection to this proposal.

A summary of the objections received

7.14. Loss of the pub (use class A4):

Objectors speculated that the pub will be subsequently changed from A4 (drinking establishment) to A3 (café/restaurant) based on examples of the 'Z Hotel Group'. Objectors also believed that the concurrent operation of the hotel and pub (with guests picking up keys behind the bar) would undermine the nature of the drinking establishment and that the pub would be subservient to the hotel due to the hotel possessing a greater floorspace. Objectors also believed that there was no separate access for the hotel and therefore the pub would be used as a reception. Objectors noted that the pub is a registered Asset of Community Value and its loss should be resisted in accordance with local, regional and national policy.

7.15. Use of hotel (use class C1):

Objectors noted that there will be an intensification of the number of people at the building, which would result in *"greatly increased pedestrian and road traffic"* and raised concerns over the impact on nearby on-street parking and the use of taxis creating noise nuisance to neighbouring residents. Objectors believed that the hotel would compromise the supply of housing through the loss of the 2 bedroom ancillary flat. Objectors noted that the applicant had not justified the need for the hotel, and

believe that the area is sufficiently well-served in C1 accommodation, quoting the Annual Monitoring Report of the Council, in saying that the borough already has a 30-year supply of hotel rooms under construction and consented and that if approved, this additional hotel would result in an over-concentration of that use.

Officer comment: There is no upper limit provided within the Local Plan for hotel rooms and no identification of a 30-year supply of hotel rooms. The 2012/13 AMR records that no hotel rooms were completed within this year and 943 were approved.

7.16. Accessibility:

Objectors noted the lack of wheelchair accessible hotel rooms.

7.17. Harm to Conservation Area:

Objectors believed the perceived loss of the public house use (A4) would be harmful to the building's character and the Conservation Area. Objectors noted that no structural assessment of the building has been supplied or construction method statement and raised concerns that the lowering of floors would cause harm to the building. Objectors also believed that the dormer windows would be out of character for the area and would be visually intrusive due to their size and colour.

8. MATERIAL PLANNING CONSIDERATIONS

Land Use

- 8.1. The application proposal seeks to change the use of the ancillary residential accommodation on the first and second floors to hotel (use class C1). It is proposed to retain the pub (use class A4) on the ground and basement floors in its entirety with no change in usable floorspace.

Retention of the public house (use class A4)

- 8.2. Policy DM8 of the Managing Development Document (2013) seeks to protect social and community facilities where they meet an identified local need and the buildings are considered suitable for their use, in accordance with the aims of policy 3.16 of the London Plan (2015).
- 8.3. To expand on the summary of objections in relation to the potential operators of the business: objectors believed that the business would be operated by 'Z Hotel Group' in the future, which were noted by objectors as having a number of boutique hotels with café space on the ground floor and hotel rooms above. The Z Hotel Brand was referenced on page 29 of the Design and Access Statement, but it was noted that the upper floors "... will be used as a small Boutique Hotel, *similar to Z Hotel Brand which 21st directors designed*" [emphasis added]. Officers consider this reference to be given in example of the potential interior design of the hotel and an example of the quality of the design standards of the applicant's Architects. It is not considered that this is a reference to the owners or leaseholders of the building, nor that any reference to the owners should prejudice a planning decision. Therefore Officers do not consider that objections in relation to the operation of Z Hotels or any speculation about potential future changes base on their other buildings can be materially considered.
- 8.4. In addition objectors believed the concurrent operation of the hotel and pub would undermine the viability of the pub. Firstly it should be noted that objectors erroneously believe that the hotel and pub have only shared access. The proposed ground floor

plan (Dwg. No. 187_GA_00) shows a separate access for hotel guests from Toynbee Street (labelled 'hotel access') and therefore guests would not be required to enter the pub other than in checking in and checking out. Objectors raised concerns over the proposed use of the bar as a 'reception' for the hotel. Whilst the Deliveries/Servicing and Access Statement proposes that the bar staff would check in guests. Due to the small volume of rooms (11) it is not considered that this would undermine the principle use of the space as a drinking establishment. This arrangement is common across the UK in public houses which rent rooms on a short-term basis and indeed historically public houses were run as inns with rooms to let on the upper floors. In addition Officers do not consider that the relative quantities of floorspace for the two uses would result in the pub becoming subservient as this application only proposes an additional 56sqm of C1 floorspace. For these reasons, the operation of a public house and a hotel from the same site are not mutual exclusive and there are no reasons in planning terms to conclude that this proposal would undermine the viability of the pub as a drinking establishment. It should be noted that the applicant has stated both in the Design and Access Statement and on the plans that there will be no change in use of the existing pub (class A4).

- 8.5. In the previous application it was considered by members (and subsequently stated on the Decision Notice) that "*the loss of the existing outdoor space would undermine the viability of the existing Duke of Wellington pub... and thereby fail to protect its function as a community asset*". In response to this decision by the Development Committee this application now proposes no change to the size, location or layout of the outdoor space and therefore it is considered by Officers that the proposal would not undermine the viability of the pub as a community asset.
- 8.6. The Duke of Wellington has been listed as an Asset of Community Value (ACV) since 17th July 2015. The ability to designate an ACV came into force under the Localism Act 2011 and gives the opportunity for local groups to put a bid together to purchase the land or asset if it is put up for sale. There is no established case law on how much weight LPA's should give to an ACV when determining planning applications that could affect them. Planning applications should be determined in accordance with development plan policies and other material considerations. The fact that the building has been listed as an ACV is considered to be a material consideration and as the proposal seeks to retain the public house it would accord with this material consideration.
- 8.7. In addition, to preserve the A4 use, officers are recommending an additional step to further protect this community asset. Buildings with A4 use (drinking establishments) benefit from permitted development rights for the change of use to A1 (coffee shop) and A3 (café) under Classes A and B (respectively) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Officers recommend the removal (by condition) of permitted development rights under these 2 classes for this site, in order to preserve the future viability of the public house as an ACV. As a result of this removal, any future change of use of the ground and basement floors would require full planning permission, and it should be noted that current planning policy resists the loss of this use. This solution was also recommended under the previous application (PA/14/03376) and the applicant stated that they were happy to accept this condition. This condition would provide more protection for the pub than currently exists.

Loss of residential accommodation (use class C3)

- 8.8. Policy DM3(5) seeks to resist the development that would result in a net loss in residential floorspace, residential units or any family housing.

- 8.9. The upper floors of the existing pub do not have the benefit of planning permission to be used as a single residential dwelling (use class C3) and therefore this accommodation is classed as 'ancillary' to the drinking establishment (use class A4). Whilst ancillary accommodation can be used (wholly or in part) as living accommodation for bar staff, the uses of the primary and ancillary spaces are linked and this accommodation could also be used as office or storage space etc. Therefore it is not considered that this proposal would result in the loss of residential (C3) accommodation.
- 8.10. Provision of Hotel (use class C1)
- 8.11. Many objectors noted that some of the rooms above the pub on the first floor are currently operating as short-term letting rooms. Were this lawful, or established by reason of time which would preclude enforcement action, this proposal would not constitute a change in use since both types of short-stay accommodation are classed as C1. However, the letting of short stay accommodation in this building does not have the benefit of planning permission or a Certificate of Lawful Use and is therefore considered to be unlawful. Thus, for clarity, Officers have assessed the scheme based on its lawful use (ancillary residential) and the change of use to hotel (use class C1).
- 8.12. Policy SP06 of the Adopted Core Strategy (2010) directs hotels towards the Central Activities Zone (CAZ), Activity Areas and major and District Centres, in accordance with policy 4.5 of the London Plan (2015).
- 8.13. Policy DM7 of the Managing Development Document (2013) seeks to promote the provision of visitor accommodation in such locations where: the size is appropriate to its location within the town centre hierarchy; there is a need for such accommodation; it would not compromise the supply of land for new homes; it would not create an over-concentration of such accommodation or cause harm to residential amenity; and there is adequate road access for vehicles undertaking setting down and picking up movements.
- 8.14. The application site is located within the CAZ and therefore is an appropriate location, in principle, for a hotel (use class C1) in accordance with policy DM7 and policy SP06, which seeks to concentrate hotels in the CAZ in order to promote tourism in the Borough.
- 8.15. The applicant has not demonstrated that there is a need for a hotel in this location, however policy 4.5 of the London plan seeks the delivery of 40,000 net additional hotel rooms by 2036. The addition of 11 rooms on this site is considered to contribute to this. This policy also supports small scale provision in locations on the fringe of the CAZ and this proposal is considered appropriate in this context. Policy DM7 does not specify what an overconcentration of hotels would be, however the closest two hotels (Brick Lane Hotel and Ibis London City on Commercial Street) are over 200m away (as the crow flies), it is not considered that 11 additional hotel rooms in this location would result in an overconcentration of this use in the area.
- 8.16. The previously refused scheme (under PA/14/03376) included a residential element which would have provided five apartments. However the reasons for refusal noted the operation of the pub and pub garden as creating adverse amenity impacts on both existing neighbouring residents and future residents of the building. In respect of this it is considered that residential accommodation would be unacceptable in principle on this site whilst the pub operates. Therefore the provision of a hotel in this location would not compromise the supply of land for new homes.

- 8.17. Toynbee Street is not particularly narrow (accommodating on-street parking on both sides of the street and one way traffic) and although Brune Street is narrower (on-street parking on one side only), it is considered that both of these streets could accommodate taxi pickups and drop offs for this small number of hotel rooms.

Design

- 8.18. Policy DM24 of the Managing Development Document (2013) seeks high quality design in development, sensitive to the character of the surrounding area in terms of its use of materials, design details and building lines. This is supported by policy SP10 of the Adopted Core Strategy (2010) and policy 7.4 of the London Plan (2015).
- 8.19. Policy DM27 of the Managing Development Document (2013) seeks the preservation and enhancement of the Borough's heritage assets, including Listed Buildings and Conservation Areas, in accordance with policy SP10 of the Adopted Core Strategy (2010) and policy 7.8 of the London Plan (2015). It specifies that development within a heritage asset will only be approved where it does not have an adverse impact on the character, fabric or identity of the heritage asset, and requires development to be appropriate in terms of design, details and materials in the local context.
- 8.20. The previous application was refused due to the design of the modern appearance of the extension being harmful to the character and appearance of the Wentworth Street Conservation Area. This element has been removed in the current scheme and the only current proposed changes to the appearance of the building are the small side extension (on the Brune Street elevation) and the installation of dormer windows.
- 8.21. It should be noted that these alterations were proposed in the previous applications and Members raised no objections to their appearance or effect on the Conservation Area. Officers therefore believe that the design proposed under this application would be appropriate within the Conservation Area since the extension would be modest in scale and the proposed materials and design details strongly reflect the existing style of this non-designated heritage asset. Objections received raised concern that the proposed dormers would be out of character with the Conservation Area and visually intrusive due to their size and colour. It should be noted that there is an existing former window with the roof currently, so it is not considered that these would cause any harm to the character of the building and would preserve the appearance of the Conservation Area. In addition the proposed use of white painted timber frames is considered to be sensitive to the character of both the Conservation Area (in its use of traditional materials) and the host building (reflecting the existing white painted timber windows).
- 8.22. Objectors noted that no structural assessment of the building has been supplied and raised concerns that the lowering of floors would cause harm to the building. Where buildings are not statutorily listed, the preservation of the internal layouts and materials cannot be given weight when considering matters of conservation. In accordance with this the Local Planning Authority does not require structural assessments on proposals which would not affect a statutorily listed building (either the site itself or a nearby building or structure). The only effects on a designated heritage asset (the Wentworth Street Conservation Area) under this application arise from the external alterations from the building. In this instance neither Historic England, the borough conservation officer or any of the local conservation groups raised any objections to the proposed scheme.

Amenity

- 8.23. Policy DM25 of the Managing Development Document (2013) seeks to protect the amenity of neighbouring residents and building occupiers from the impacts of new development in accordance with policy SP10 of the Adopted Core Strategy (2010). These policies require development to not result in an unacceptable loss of daylight, sunlight, outlook or privacy in addition to not resulting in unacceptable levels of noise during the construction and life of the development.
- 8.24. Since there is no proposed change in the ridge height of the roof it is not considered that the proposal would result in a material loss of daylight or sunlight at neighbouring properties. In addition since the existing building is offset from the east façade of the neighbouring building on Brune Street (Carter House), it is not considered that the proposed extension would result in a loss of outlook or privacy at those dwellings either. In addition there are no residential windows facing the north façade of the building, and therefore the installation of dormer windows is also not considered to result in a loss of privacy for neighbours.
- 8.25. Objectors raised concerns that the hotel use would create noise disturbance for neighbouring residents through the slamming of taxi doors. It is not considered that the use of taxis would cause any significant material increase in noise or disturbance than the use of the pub garden until 10pm on weekdays and until midnight on Saturdays. Residents of Carter House had previously sent a letter of representation in support of the previously proposed reduction in size of the pub garden as they believed that this would reduce noise levels and improve their amenity. In light of this Officers are of the opinion that there are currently high levels of noise in this area at night and that the small increase in persons arriving and leaving the building would not materially worsen the existing situation, since the hotel users would likely remain inside once arrived.

Accessibility

- 8.26. Policy 4.5 of the London Plan (2015) seeks the provision of 10% of hotel rooms as wheelchair accessible. For this proposal to comply with this, it should provide at least one of the proposed hotel rooms as wheelchair accessible. Objections received raised concerns over the lack of provision of wheelchair accessible hotel rooms in the scheme. It is considered that in order to achieve this the layout of the ground floor would have to be revised to accommodate a lift. This would reduce the usable floorspace for the pub and is considered to undermine the future viability of the drinking establishment which has been of fundamental importance in the refusal of the previous application and has been of concern to objectors on this new application. On balance, the lack of provision of one wheelchair accessible hotel room is considered to be acceptable in this instance.

Transport and Highways

Servicing and Delivery

- 8.27. Policy SP09(3) of the Core Strategy seeks to ensure new development has no adverse impact on the safety and capacity of the road network. Concerns have been raised that this proposal would result in an increase in road traffic due to taxi pickups and set downs. However the site has excellent accessibility to public transport (PTAL 6b) and it is considered that many of the users of the hotel would travel to and from the site via public transport; particularly with the potential opening of the night tube and the future Crossrail services from Liverpool Street. In addition due to the small

size of the hotel it is not considered that the volume of those who might use taxis would result in a significant impact on the capacity of Toynbee Street or Brune Street.

- 8.28. The Borough's Highways Officer raised concern that the applicant had not provided sufficient detail of the servicing and delivery arrangements for the proposed hotel. They noted that the surrounding street network has no loading bays and limited business and permit bays. In addition they noted that the width of the gates of the yard (mentioned in the Deliveries/servicing and Access Statement) is too narrow to accommodate vehicles. It is noted that the pub garden has been located in what would historically have been the service yard, there is therefore no intention to use the yard for delivery vehicles.
- 8.29. A condition requiring details of servicing and deliveries would be requested prior to the commencement of the use. There are double yellow lines outside the premises on both Brune Street and Toynbee Street which loading and unloading can occur from. These spaces are currently used for the deliveries to the pub. It is unlikely that the small number of hotel rooms would generate a significant degree of servicing as it would be mainly the delivery and collection of linen.

Car & Cycle Parking

- 8.30. The NPPF and Policies 6.1 and 6.9 of the London Plan (2011), Policy SP09 (4) of the Core Strategy (2011) and Policies DM20 and DM22 of the Managing Development document (2013) seeks to ensure development proposals promote sustainable modes of transport and accessibility, and reduce the need to travel by car.
- 8.31. The Parking Addendum to chapter 6 of the London Plan (2015) states that there is no vehicle parking requirement for hotels, but that in areas with good access to public transport (PTAL 4-6) on-site provision of vehicle parking should be limited to operational needs. The proposal does not include any on site vehicle parking, however since the site has an excellent Public Transport Accessibility Rating (PTAL 6a), this is considered appropriate.
- 8.32. The Parking Addendum to chapter 6 of the London Plan (2015) also sets minimum cycle parking provision standards. For C1 (hotel) use 1 cycle space per 20 bedrooms should be provided. The Borough's Highways Officer noted the lack of cycle parking provision and stated that they would expect a minimum of two spaces to be provided. However the London Plan (2015) only requires a minimum of two cycle spaces to be provided where the minimum threshold is met. Cycle storage could be provided internally, however the accommodation of this would reduce the useable floorspace of the pub and is considered to undermine the future viability of the drinking establishment which has been of fundamental importance in the refusal of the previous application and has been of concern to objectors on this new application. Therefore Officers consider that the lack of cycle parking provision is not contrary to policy and is therefore acceptable in this instance.

Refuse and Recyclables Storage

- 8.33. Policy SP05 in the adopted Core Strategy (2010) states developments which are likely to produce significant quantities of waste must include adequate arrangements for its collection and storage. This is further emphasised by policy DM14 of the Managing Development Document.
- 8.34. The applicant proposes to store waste in the bins currently located in the yard and states in their Delivery/Servicing and Access Statement that they do not believe that

the operation of a hotel would result in a significant increase in waste. Officers note however that the bins are often located on the street rather than in the yard and any increase in number of containers would reduce facility of movement on the pavement and be unattractive on the street. However it is acknowledged that many properties on Toynbee Street are serviced using on-street sack collection, and that this small increase in waste and the potential for an additional container is not sufficiently undesirable as to warrant the refusal of this application.

9. HUMAN RIGHTS CONSIDERATIONS

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

Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

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

10. EQUALITIES

- 10.1. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 10.3. The London Plan (2015) requires 10% of hotel rooms to be wheelchair accessible. This application does not proposed any wheelchair accessible rooms (the provision of 1 room would be policy compliant), however it is considered that in order to do so floorspace from the pub would have to be sacrificed, which may undermine the future viability of the pub (which was previously considered reason for refusal).

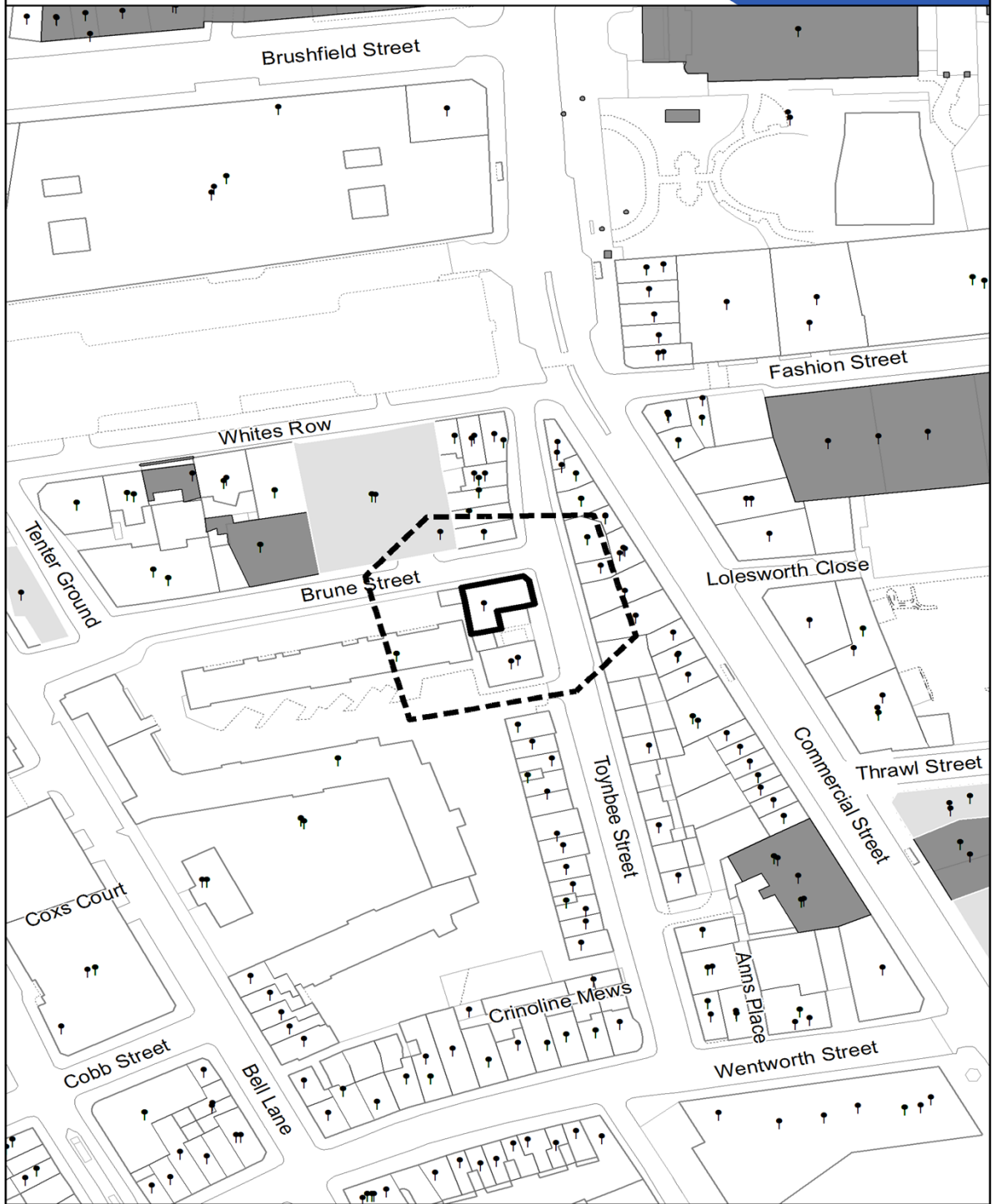
11. FINANCIAL CONSIDERATIONS







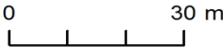
- 11.1. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in determining planning applications, the authority shall have regard to (amongst other things) any local finance considerations, so far as material to the application.
- 11.2. Section 70(4) defines "local finance consideration" as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 11.3. Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and that Borough's Community Infrastructure Levy came into on 1st April 2015. Both of which are payable (subject to certain exceptions) on floorspace created by development. This proposal does not meet the threshold for LBTH CIL as it is only proposed to create 56sqm of additional floorspace.

12. CONCLUSION

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

Planning Application Site Map
PA/15/02489



	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 6.2

Committee: Development Committee	Date: 13 th January 2016	Classification: Unrestricted
Report of: Director of Development and Renewal		Title: Applications for Planning Permission
Case Officer: Brett McAllister		Ref No: PA/15/02164 Ward: Shadwell

1.0 APPLICATION DETAILS

Location:	27-29 and 33 Caroline Street, London, E1 0JG
Existing Use:	Storage Warehouses (Use Class B8)
Proposal:	Demolition of existing buildings at 27-29 and 33 Caroline Street and erection of two buildings up to 9 storeys in height to provide 56 residential units and landscaped amenity space, cycle parking and associated works.
Drawings:	3330-AL(20)00, 3330-AL(20)01 Rev A, 3330-AL(20)02 Rev A, 3330-AL(20)03 Rev A, 3330-AL(20)04 Rev A, 3330-AL(20)05 Rev A, 3330-AL(20)06 Rev A, 3330-AL(20)07 Rev A, 3330-AL(20)08 Rev A, 3330-AL(20)10 Rev A, 3330-AL(20)11 Rev A, 3330-AL(20)12 Rev A, 3330-AL(20)20 Rev A, 3330-AL(20)21 Rev A, 3330-AL(20)22 Rev A, 3330-AL(20)23 Rev A, 3330-AL(20)24 Rev A, 3330-AL(20)25 Rev A, 3330-AL(20)26 Rev A, 3330-AL(20)27 Rev A, 3330-AL(20)28, 3330-AL(20)29, 3330-AL(20)30, 3330-AL(20)100, 3330-AL(20)101, 3330-AL(20)102, 3330-AL(20)103, 3330-AL(20)110 Rev B, 3330-AL(20)111 Rev B, 3330-AL(20)112 Rev B, 3330-AL(20)113 Rev B, 3330-AL(20)114 Rev B, 3330-AL(20)115 Rev B, 3330-AL(20)116 Rev B, 3330-AL(20)117 Rev B, 3330-AL(20)200 Rev B, 3330-AL(20)201 Rev B, 3330-AL(20)202 Rev B, 3330-AL(20)203 Rev B, 3330-AL(20)204 Rev B, 3330-AL(20)205 Rev B, 3330-AL(20)40 Rev A, 3330-AL(20)41 Rev A, 3330-AL(20)42 Rev A, 3330-AL(20)43 Rev A, 3330-AL(20)44 Rev A, 3330-AL(20)45 Rev A, 3330-AL(20)46 Rev A, 3330-AL(20)47 Rev A, 3330-AL(20)48 Rev A, 3330-AL(20)49 Rev A, 3330-AL(20)50 Rev A, 3330-AL(20)51, 3330-AL(20)52, 3330-AL(20)53.
Documents:	Design and Access Statement by StockWool ref. 3330 (July 2015)

Daylight, Sunlight and Shadow Assessment by NLP ref. 14385/IR/BK (July 2015)
 Transport Statement by Glanville ref. TR8150307/GT/005 Issue 2: 17 July 2015)
 Planning Statement by NLP ref. 14385/IR/BK/KM (July 2015)
 Acoustic Assessment by Airo ref. SRB6901 (16 July 2015)
 Air Quality Assessment by PBA ref. 33786/3001 (July 2015)
 Desk Based Archaeological Assessment by CGMS ref. SD/SH/19841 (July 2015)
 Employment Statement by NLP ref. 14385/IR/BK/KM (July 2015)
 Energy & Sustainability Assessment by Bluecroft Caroline Rev. A (July 2015)
 Energy & Sustainability Addendum by Bluecroft Caroline (October 2015)
 Landscape & Public Realm Strategy by Spacehub (July 2015)
 Phase 1 Desk Top Study Report: Site 1 by Herts and Essex Site Investigations (July 2015)
 Phase 1 Desk Top Study Report: Site 2 by Herts and Essex Site Investigations (July 2015)
 Statement of Community Involvement by NLP ref. 14385/IR/BK/KM (July 2015)

Applicant: Bluecroft Caroline Ltd.
Ownership: Bluecroft Caroline Ltd.
Historic Building: Adjacent to Grade II Listed 490 Commercial Road (Troxy Hall)
Conservation Area: Adjacent to York Square Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for demolition of two warehouses and redevelopment of the site to provide a residential development of 56 new dwellings arranged over two blocks of between five to nine storeys in height.
- 2.2 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The development would result in the provision of 28% affordable housing by habitable room (9 Affordable rented units and 5 Intermediate units).
- 2.4 The residential quality of the scheme would be high. Out of the 9 affordable rented units 44.5% would be of a size suitable for families (4 units). All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All of the dwellings would meet Lifetime Homes standards and 10% would be provided as wheelchair accessible.

- 2.5 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality homes in a sustainable location. The proposed flats, other than the studio and ground floor duplex units, would be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.6 The amenity impact of the development would be acceptable. Officers consider that the design of the development, massing of the site minimise any adverse amenity implications, in terms of light, privacy, noise and traffic impacts.
- 2.7 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.8 The scheme would meet the full obligation of financial contribution.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.3 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following planning obligations:
- 3.4 Financial Obligations:
 - a) A contribution of **£173,000** towards Affordable Housing
 - b) A contribution of **£20,827** towards employment, skills, training and enterprise initiatives.
 - c) A contribution of **£17,000** towards Carbon Off-Setting.
 - d) **£3,000** towards monitoring fee (£500 per s106 HoT's)

Total £213, 827

- 3.5 Non-financial Obligations:
 - a) Affordable housing 28% by habitable room (14 units)
 - 66% Affordable Rent at Borough affordable rental levels (9 units)
 - 34% Intermediate Shared Ownership (5 units)
 - b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
 - c) Car free agreement
 - d) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
- 3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.6 Conditions:

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all facing materials
4. Details of hard and soft landscaping, including boundary treatment and lighting
5. Details of play equipment
6. Details of green roof
7. Details of drainage and mitigation of surface water run-off
8. Details of all Secure by Design measures
9. Hours of construction and demolition
10. Demolition and Construction Management/Logistics Plan
11. Delivery and Servicing Management Plan
12. Travel Plan
13. Contamination
14. Compliance with Energy Statement
15. Details of cycle parking
16. Details of noise and Vibration levels post completion testing
17. Details of piling, all below ground works and mitigation of ground borne noise
18. Ground borne noise post-completion testing as requested
19. Scheme of highway improvement works as requested by LBTH Highways requiring one disabled parking space and relocation of an existing bay

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

3.8 Informatives:

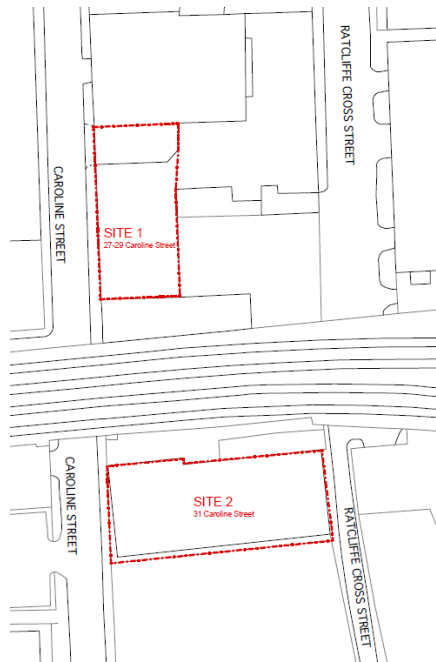
1. Subject to a S106 agreement
2. Thames Water standard informative
3. Building Control
4. Network Rail
5. CIL

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

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The application consists of two sites, separated by the Docklands Light Rail, hereafter referred to as "Site 1" and "Site 2". Each site consists of a vacant warehouse which most recently operated as lock-up archival storage facilities. They are utilitarian in appearance and are equivalent to around three storeys in height.
- 4.2. The two sites are separated by a railway viaduct serving national rail and DLR stations. Site 1 is north of the railway viaduct and a railway servicing area. It is adjacent to Caroline Street which defines its western boundary. Site 2 is south of the railway viaduct, is also bounded on the western side by Caroline Street but extends to Radcliff Cross Street on its eastern side.
- 4.3. The following location plan shows the proximity of both sites.



- 4.4. An attractive three-storey Victorian warehouse is located directly north of Site 1 on Caroline Street and this warehouse forms the southern boundary of the York Square Conservation Area. Immediately to the east of this site there is a non-descript four-storey warehouse and an empty area of land that has recently been granted planning permission for a seven and eight-storey residential building. To the west of Site 1 is the functional western elevation of the Grade II listed Troxy towards the rear of this building is a palette storage site on the corner between Caroline Street and Pitsea Place. The Troxy is also located within the York Square Conservation Area.
- 4.5. Site 2 is just south of the railway viaduct between Caroline Street and Ratcliffe Cross Street. Abutting the site to the south is a four storey residential development called Reservoir Studios. To the east of this site on the other side of Radcliffe Cross Street is a large empty site that has outline permission for a seven and eight-storey mixed-use scheme. To the west of the site there are two car-parks, one next to the arches underneath the railway viaduct and one serving the two residential blocks of Edward Mann Close.
- 4.6. The surrounding area is mixed in character. Having originally formed a part of an area of commercial and industrial uses the character has changed over recent years with many of the older industrial sites being re-developed for housing. Much of the housing takes the form of multi-storey flats which have become a feature of the streetscape in this part of the Borough.
- 4.7. The site benefits from excellent access to public transport with a Public Transport Accessibility Level (PTAL) of 5, the site is within close proximity to Limehouse Docklands Light Railway (DLR) and National rail. Bus no. 15, 115, 135 and D3 all located on Commercial Road.

Planning History and Project Background

- 4.8. There is no history at the application site but there are a number of recent applications in the surrounding area, which help inform the emerging context of the site.

1-9 Ratcliffe Cross Street - PA/14/01671

- 4.9. Demolition of existing workshop at 1-9 Ratcliffe Cross Street and redevelopment to provide part 7 and part 8 storey residential comprising of 56 flats (30 x 1 bed, 13 x 2 bed, 13 x 3 bed) with associated ground floor car park and cycle parking. Development of land to the south of 8-12 Ratcliffe Cross Street to provide an 8 storey residential comprising of 22 flats (8 x1 bed, 7 x 2 bed, 7 x 3 bed) with associated undercroft car and cycle parking and protected roof top child play space.
Granted: 30.03.2015

6 Boulcott Street – PA/13/00697

- 4.10. Demolition of existing building and redevelopment to reprovide an 8 storey building with a social club (Use Class D2) on the ground and 1st floor with residential (Use Class C3) above, comprising 25 units (9 x 1 bed, 13 x 2 bed and 3 x 3 bed).
Granted: 26.11.2014

Site at North East Junction of Cable Street and Ratcliffe Cross Street – PA/11/01818

- 4.11. Outline application for a mixed use development containing 57 apartments and 970sqm of commercial space for A1, B1 / D1 use as a part 7, part 8 storey development.
Granted: 05.07.2013

2-4 Boulcot Street – PA/09/00010

- 4.12. Demolition of existing building and erection of a 5 storey building with commercial at ground floor level and 8 flats above (1 x studio, 4 x 1 bed, 2 x 2 bed, 1 x 3 bed).
Granted: 26.02.2009

Proposal

- 4.13. Full planning permission is sought for demolition of existing buildings at 27-29 and 33 Caroline Street and erection of two buildings up to 9 storeys in height to provide 56 residential units and landscaped amenity space, cycle parking and associated works.
- 4.14. Site 1 would be comprised of 28 units (6 Studios, 10 x 1 bed, 10 x 2 bed and 2 x 3 bed) with associated cycle parking and refuse facilities. Site 2 would also be comprised of 28 units consisting of 6 x 1 bed, 17 x 2 bed and 5 x 3 bed. Site 1 is to be 100% private and Site 2 is to consist of 14 affordable units and 14 Private units.
- 4.15. Site 1 will rise to a height of nine principal storeys adjacent to the railway, stepping down to part eight and part six storeys. Site 2 will rise to a height of eight storeys at the western end of the site, stepping down to seven storeys on the eastern end of the site. The scheme will be based on a simple palette of high quality materials which reference the area's industrial heritage.
- 4.16. The proposed development would be car-free. A permit free agreement will be entered into with Tower Hamlets to restrict future residents from access to parking permits. One disabled parking space is proposed on Caroline Street.

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy

National Planning Policy Framework 2012

5.3 London Plan FALP 2015

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 3.1 - Ensuring equal life chances for all
- 3.2 - Improving health and addressing health inequalities
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people’s play and informal recreation facilities
- 3.7 - Large residential developments
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.13 - Affordable housing thresholds
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.5 - Decentralised energy networks
- 5.6 - Decentralised energy in development proposals
- 5.7 - Renewable energy
- 5.8 - Innovative energy technologies
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London’s neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture

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

5.4 **Core Strategy 2010**

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

5.5 **Managing Development Document 2013**

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

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

Mayor of London

- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context - Draft (2013)
- Sustainable Design and Construction - Draft (2013)
- Accessible London: Achieving an Inclusive Environment (2004)
- All London Green Grid (2012)
- Housing (2012)
- London Planning Statement - Draft (2012)

Other

- Revised Draft Planning Obligations SPD 2015 (consultation draft)

5.7 **Tower Hamlets Community Plan objectives**

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

6.0 **CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

External Consultees

Transport for London

6.3 TfL have the following comments:

- TfL welcomes the 'car free' principle proposed by the applicant. TfL also acknowledges that in this instance it is deemed unsafe to provide any off site Disabled Access parking.
- The proposed quantum of cycle parking at 90 spaces is deemed acceptable in line with the London Plan (2015). TfL also considers the allocation of cycle parking to be suitable in line the London Cycle Design Standards.
- TfL requires that the applicant submit a Residential Travel Plan Statement to be secured by S106.
- TfL also requires the applicant to provide a Construction Statement in order to ensure that no safety or functional implications occur.

6.4 *[Officer Comment: These matters are discussed in the material planning considerations section of the report. Conditions are recommended securing a travel plan, cycle parking and constructions management plans]*

Network Rail (NR)

6.5 As the site is located adjacent to Network Rail Infrastructure, details comments have been received from Network Rail, outlining their requirements. These have been passed onto the developer for their information.

6.6 *[Officer Comment: A number of items from NR's comments are considered necessary to be conditioned these include: Details relating to Piling, Fencing, Landscaping and Lighting]*

Thames Water (TW)

6.7 TW do not have any objection to the above planning application in relation to sewage impact or Water Infrastructure capacity.

6.8 TW recommend a condition restricting impact piling.

6.9 *[Officer comment: The requested condition and an additional informative are recommended to this consent]*

Docklands Light Railway (DLR)

6.10 Made no comments.

Historic England

6.11 This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Historic England – Archaeology

6.12 Recommend No Archaeological Requirement.

Environmental Health – Contamination

6.13 Development of the site shall not begin until a scheme has been submitted to the local planning authority and written approval has been granted for the scheme. This would be secured by condition. The scheme will identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

6.14 *[Officer comment: The requested condition will be secured]*

Environmental Health - Noise and Vibration

6.15 No objections raised subject to a conditioned for post completion assessment for Noise and Vibration, before residential occupation so as to ensure that future residents are protected from Noise/Vibration disturbance or nuisance.

6.16 *[Officer comment: These matters are discussed in the material planning considerations section of this report. Suggested condition has been included]*

Environmental Health - Housing

6.17 No comments

Transportation and Highways

6.18 The following is a summary of the representations received from the Councils Transportation and Highways department.

- The proposed location for the refuse store (for site 1) located opposite car parking bays would block the road during refuse collection and therefore be unacceptable.
- Refuse collection would not be able to be conducted from Ratcliffe Cross Street.
- Highways welcome the proposal to have car and permit free development.
- The proposal for 90 cycle parking meets the quantity required in the London Plan.
- LBTH's preferred option for stands is the Sheffield stand or a similar hooped design which allows bicycles to be rolled into a horizontal ground level position effortlessly while at the same time providing increased security.

- A legal agreement under Section 278 of the Highways Act 1980 will be necessary and this will enable extensive highway improvement works above works.
- Due to the location of the development highways require the applicant to submit a Construction Management Plan (CMP) to the local planning authority
- Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development

6.19 *[Officer comments: The application would be conditioned so that the parking bays in front of the refuse store of Site 1 are to be moved before commencement of works to ensure the refuse store can be serviced. Servicing arrangements for Site 2 have been amended to ensure refuse collection can take place from Caroline Street only. The two-tier cycle parking is considered acceptable considering the constrained nature of the site and the fact that half of the cycle parking would be easily accessible at ground floor. The suggested conditions relating to CMP and Highway would be secured]*

Waste

- 6.20 The following is a summary of comments received.
- Refuse collection cannot be conducted from Ratcliffe Cross Street.
 - Ideally the proposal would meet the waste standards that are set to come in.
 - The refuse stores should be large enough so that each individual bin can be manoeuvred without having to move another bin.
 - The parking spaces in front of the refuse store at Site 1 would need to be moved in order for this to be acceptable.
- 6.21 *[Officer comment: The application would be conditioned so that the parking bays in front of the refuse store of Site 1 are to be moved before commencement of works. Servicing arrangements for Site 2 were altered so that refuse would be collected from Caroline Street only]*

Crime Prevention Officer

- 6.22 The following issues have been identified:
- Officers should seek to ensure all access/egress points to external Communal doors (such as Caroline St) should have recessed spaces between the door and street of no greater than 600mm.
 - There should be a second security door with access/control placed between the external access doors and lifts/stairs.
 - Balcony details needs to be considered carefully to prevent these becoming climbing aids.
 - A condition is recommended for the scheme to achieve Secured by Design (SBD).
- 6.23 *[OFFICER COMMENT: These matters are discussed in the material planning considerations section of this report. A condition is recommended to achieve the SBD]*

Surface Water Run-Off

- 6.24 A detailed surface water drainage scheme will need to be submitted to LPA prior to works commencing.

7.0 LOCAL REPRESENTATION

Statutory Consultees

7.1 A total of 151 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.

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

No of individual responses: Objecting: 1 Supporting: 0

No of petitions received: 0

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

- New residents will experience noise from the Troxy Hall.
- Increased parking pressure
- Potential problems caused for loading at the Troxy
- Road closures and access issues during construction
- Light industrial uses should be retained.

7.5 [Officer Comment: The above issues are fully discussed within the highway section of this report].

8.0 MATERIAL PLANNING CONSIDERATIONS

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

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

Land Use

8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles:

- an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure;
- a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and

- an environmental role – protecting and enhancing the natural, built and historic environment.
- 8.3 These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.4 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.5 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.
- 8.6 The application site carries no site-specific policy designations but is located within an ‘edge of centre’ area in relation to the Limehouse Neighbourhood Town Centre, located approximately 40m to the north of Site 1.

Principle of residential use

- 8.7 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (FALP 2015) seeks to alleviate the current and projected housing shortage within London through provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-2025 is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is addressed by the Council’s strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.8 Objective S05 and policy SP01 identify edge of town centre locations, such as the application site, as suitable for mixed use development with the proportion of residential accommodation increasing away from designated town centres. Additionally, the place making policy SP12 envisages Limehouse as a suitable place for families.
- 8.9 Given the above and the increasingly residential character of surrounding area around the site, the principle of intensification of housing use on this brownfield site is strongly supported in policy terms.

Loss of Storage Warehouse (Use Class B8)

- 8.10 Policy DM15 states that employment uses should only be lost if they are not viable or they are unsuitable for continued use. Evidence of a marketing exercise for approximately 12 months is usually required to demonstrate that there is no demand for the existing employment use before a loss will be accepted. This has not been provided. In this case however, in light of the intense housing pressure outlined in the above section, the loss of these vacant storage warehouses is considered acceptable especially considering the low levels of employment they would sustain, when balanced against the need to provide new housing.

Housing

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

Residential density

- 8.13 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council’s town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.14 The application site measures approximately 0.037 hectares for Site 1 and 0.055 for Site B, the two sites have a PTAL rating of 5. In areas of PTAL 5 within an urban setting, the density matrix 5 associated with policy 3.4 of the London Plan suggests a density of between 200-700 habitable rooms per hectare. The proposed density across both sites would be 1198.4 habitable rooms per hectare.
- 8.15 It should be remembered that density only serves as an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure.

- 8.16 This report will go on to show that the scheme has minimal impacts of overdevelopment within this application; Officers have sought to weigh up its impacts against the benefits of the scheme and in particular the provision of affordable housing.

Affordable housing

- 8.17 In line with section 6 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London’s population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets

for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.

- 8.18 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.19 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.20 As detailed in table 1 below, the proposal provides 28% affordable housing provision by habitable room. The proposed units will provide a mixed tenure by habitable room of affordable rent (66%) and shared ownership (34%), which is below but approaching the Council's preferred split.

Unit Types	MARKET		INTERMEDIATE		RENTED		TOTAL	
	Units	Hab Rm	Units	Hab Rm	Units	Hab Rm	Units	Hab Rm
Studio	6	6	0	0	0	0	6	6
1	11	22	1	2	4	8	16	32
2	22	66	4	12	1	3	27	81
3	3	12	0	0	4	16	7	28
4	0	0	0	0	0	0	0	0
	42	106	5	14	9	27	56	147

Table 1: Affordable Housing Provision

- 8.21 The application was submitted with a viability appraisal which was independently assessed on behalf of the Council, the Councils appointed consulted advised that the development in addition to the 28% affordable housing as per the applicants offer, the development would generate a surplus of £173,000.000.
- 8.22 The proposed surplus is insufficient to increase the affordable housing within the scheme, and as such given the affordable housing is below 35% it is recommended to secure the surplus towards affordable housing within the borough.
- 8.23 A total of 14 of the 56 residential units within the proposal have been provided as affordable units, which represents a total on-site provision of 28% based on habitable rooms. The applicant has agreed to a monetary contribution of £173,000 towards affordable housing provision. Officers consider this is the maximum reasonable amount of affordable housing and planning contributions whilst ensuring the scheme is viable.
- 8.24 There are specific constraints associated with the subject site; the site is located off a narrow road with the DLR and national rail lines running along the south of the site. This accordingly has an impact on the level of affordable housing the scheme can deliver, whilst being viable.
- 8.25 The affordable rented accommodation would be let in accordance with the Councils Borough affordable rent level for E1 areas. The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan. For this postcode currently the rents are 1 bed -£202pw, 2 bed - £212pw and 3 bed - £225pw.

8.26 Site 1 would be provided solely as private units and Site 2 as a combination of private and affordable units. Separate access cores would be provided for affordable and private tenures.

8.27 Overall, the proposal meets policy targets and the overall tenure mix on site would assist in creation of a mixed and balanced community.

Dwelling mix

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

		affordable housing						market housing		
		Affordable rented			intermediate			private sale		
Unit size	Total units	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	6	0	0	0%	0	0	0%	6	14	0%
1 bed	16	4	44	30%	1	20	25%	11	26	50.00%
2 bed	27	1	11	25%	4	80	50%	22	52	30.00%
3 bed	7	4	44	30%	0	0	25%	3	7	20%
4 bed	0	0	0	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
Total	56	9	100%	100%	5	100%	100%	42	100%	100%

8.29 The mix of units deviates from the Councils policy in a number of ways, with the rented tenure underproviding two beds for rent and the intermediate tenure providing 80% (4 of 5 units) as 2 beds and no family units. Overall the provision for family sized units is low, with only 7 x three beds in the entire scheme (13%). The proportion of family units in the rented tenure at 44.5% almost meets the 45% target. Housing colleagues consider that although there is a degree of divergence from the policy targets, having come close to achieving the most important output, which are family sized units for rent, it is considered that the housing mix, on the whole is acceptable on balance.

8.30 Officers note that the shortfall in the proportion of larger intermediate units assists with the viability of the proposal and thus enables for a larger proportion of family sized units to be provided within the affordable housing tenure.

8.31 Overall, in light of the proposed quantity and quality of family housing in the affordable rented tenure, the divergence from the housing mix prescribed by policy is considered to be acceptable on balance.

Standard of residential accommodation

8.32 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is

appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.”

- 8.33 All of the proposed units would meet or exceed the baseline internal floorspace standard. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements. The family sized affordable rent units would be provided with sizeable private amenity space.
- 8.34 All units within the affordable tenure will be dual aspect, 14 of the 42 units within the private tenure will not be dual aspect. These would all be in Site 1 which is relatively constrained. All of these units are either south, west or east facing and three are duplex flats.
- 8.35 A number of units fronting Radcliffe Cross Street would not benefit from 18m separation distances. However, given Radcliffe Cross Street is a relatively narrow street and this is traditional street relationship the distance is considered acceptable. Overall, it is considered that all of the proposed units would benefit from adequate privacy, and would not be subject to undue overlooking broadly in compliance with the requirements of policy DM25.
- 8.36 The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting to the proposed units. The report concludes that 82% of the proposed rooms would meet the average daylight factor (ADF) requirements of the British Standard. This is considered a good level of compliance for an urban development project of this scale and character. Many of the rooms that would receive light below the guide levels are those below balconies and it is considered that the inclusion of the balconies outweigh this impact. The report concludes that all of the proposed units would receive adequate sunlighting with the balconies again causing lower than guide levels of sunlight penetration.
- 8.37 Overall, it is considered that the proposal would meet and exceed the relevant qualitative and quantitative design standards and would represent an exemplary standard of living accommodation and amenity to the future occupiers of the scheme.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.38 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.39 Six wheelchair accessible homes are proposed which amounts to just over 10% of the total units. These would include two units to be located within the affordable tenure (one affordable rent and one shared ownership) and four units within the private tenure.
- 8.40 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. One disabled accessible parking space would be provided on Caroline Street. For this it is proposed that one of the existing spaces located under the railway viaduct is converted. This would be allocated in accordance with need.

Private and communal amenity space

- 8.41 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.42 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the units within the affordable tenure would have adequately sized balconies or terraces all meeting or exceeding the minimum standard. Within the private tenure, the vast majority of flats would benefit from private amenity space. Three of the ground floor one bed duplex units and the respective single studio flat on floors 1-6 of Site 1 would not have any private amenity space. This relatively small proportion of units is considered acceptable on balance taking the constrained nature of site 1 into account and all flats would have access to an area of communal amenity.
- 8.43 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a total of 96sqm of communal amenity space is required within this development. The scheme provides 95sqm of communal space on the roof of the 5 storey element of the building at Site 1 and 144sqm of communal amenity space on the roof of the 7 storey element of the building at Site 2, when discounting the 93sqm of Child play space the resulting figure exceeds the policy requirements
- 8.44 Overall, the proposed provision of private and communal amenity space would meet the policy requirements and make a significant contribution to the creation of a sustainable, family friendly environment.

Child play space

- 8.45 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 8.46 Using the LBTH child yield calculations, the development is anticipated to yield 11 children (5 under 3s, 4 of 4-10 year olds and 2 of 12-15 year olds). Accordingly; 110sqm of on-site play space is required. Not including private amenity space, the application proposes a total of 93sqm of on-site play space across the two sites. This is focussed towards meeting the needs of the younger age groups. The overall approach is approximately 17sqm under the policy requirements for this site. However, given the space constraints and overprovision of amenity space it is considered acceptable on balance.
- 8.47 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. The proposal does not include any dedicated on-site play space for older children, given the existence of nearby facilities , which St James Gardens playspace being the nearest.

- 8.48 Overall, it is considered that the proposal would provide an acceptable play environment for younger children.

Design

- 8.49 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.50 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.51 Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 8.52 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.53 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Design, massing and scale

- 8.54 The application has been put forward with two sites on Caroline Street, one north of the Railway (Site 1) and one south of the railway (Site 2). Each site consists of a vacant warehouse which most recently operated as lock-up archival storage facilities. They are utilitarian in appearance and are equivalent to around three storeys in height.
- 8.55 Site 1 27-29 Caroline Street is located on the eastern side of Caroline Street. To the east of this site is a vacant area of land which has recently received permission for an 8 storey residential building and 8-12 Radcliffe Cross Street, a warehouse building. Site 1 is north of the railway viaduct and a railway servicing area and to the north the site adjoins 9-19 Caroline Street an attractive three storey Victorian warehouse which is part of the York Square Conservation Area. To the west of Site 1 is the functional western elevation of the Grade II listed Troxy towards the rear of this Art Deco building and a palette storage site behind the Troxy on the corner between Caroline Street and Pitsea Place. The Troxy is also part of the York Square Conservation Area.

- 8.56 Site 2 is just south of the railway viaduct between Caroline Street and Ratcliffe Cross Street. Abutting the site to the south is a four storey residential development called Reservoir Studios. To the east of this site on the other side of Radcliffe Cross Street is a large empty site that has outline permission for a seven and eight-storey mixed-use scheme. To the west of the site there are two car-parks, one next to the arches underneath the railway viaduct and one serving the two residential blocks of Edward Mann Close.
- 8.57 The surrounding area is currently characterised by its varied uses and architecture with large warehouses in the interior of the blocks away from Commercial Road and tighter grain retail units and some new residential development on Commercial Road. To the south by Cable Street are both relatively recent and some older residential development. An emerging residential character can be seen with a number of the existing warehouses and vacant sites being granted permission for high-density residential development.
- 8.58 This change of character is evident within Radcliffe Cross Street and Boulcott Street, the two streets parallel to Caroline Street to the west where there are a number of recently constructed residential buildings. The Councils Development Committee resolved to grant planning permission for a part 7 part 8 storey mixed use residential development at 6 Boulcott Street approximately 67 metres from the application site. South of the railway line, on the east side of Radcliffe Cross Street lies a plot of undeveloped land with permitted outline permission for a part 7, part 8 storey mixed use residential development. On either side of Radcliffe Cross Street, north of the railway line and with one of the sites adjacent to Site 1 there is a large-scale 8 and 9 storey residential development that was recently granted planning permission.
- 8.59 The proximity of the sites to the railway viaduct, other emerging developments and the narrow nature of Caroline Street and Radcliffe Cross Street present design constraints for the development.
- 8.60 The proposed buildings will rise to between 5 and 9 storeys. Building 1 is for a 9 storey residential building that is stepped up from 5 storeys at its north end to 7 and then 9 at its south end nearest to the railway. Building 2 will rise to 8 storeys on the west of the site and 7 storeys on the east of the site.
- 8.61 The step down in heights of Building 1 would provide a transition to the three storey warehouse north of the site within the York Square Conservation Area. The heights and massing have been considered in relation to the emerging scale of development in the area especially the 1-9 Radcliffe Cross Street scheme adjacent to Site 1.
- 8.62 Site 2 would rise above the 4 storey north elevation of Reservoir Studios by 3 stories at the boundary of this site and then be stepped in to full height of the building. It is noted that this building would be higher than Reservoir Studios but it is considered that, given the design and elevation treatment, the difference would not appear significantly out of character for it to be unacceptable. The stepping in above 7 storeys would mitigate the variation in heights. The massing of both buildings is considered to have been well thought through by maximising the development potential whilst respecting the surrounding context so as not
- 8.63 Both sites would have an entrance on Caroline Street and site 2 would have a second entrance on Radcliffe Cross Street. Each of the entrances has been slightly recessed to afford shelter and provide a point of access. Full height glazing is

proposed for the residential lobbies and entrance doors and it is considered that they would provide clear and prominent entrance points from the street.

- 8.64 The elevation treatment and massing have been well thought through and the architects have employed architectural techniques to create articulation and introduce a contemporary industrial aesthetic to the development that references the historic character of the surrounding area. To this end the architects present a simple and robust palette of brick, concrete and steel. The elevations have been designed with a hierarchy of base, middle and top and variation in depths of reveals and articulation to create visual interest.
- 8.65 The buildings would be predominantly clad in dark brown brick with light cement mortar. There would be darker brickwork also with contrasting mortar for approximately 13 courses at the base of the elevation. A lighter buff brick with dark cement mortar would be created on the north of Building 1 and the south of Building 2 to mark the transition between the development and the existing buildings on each end of the development. These transitional elements would also be distinguished by angled metal balustrading in the balconies as opposed to the vertical metal balustrading used elsewhere on the buildings.
- 8.66 There would be deep reveals to window/balcony openings and brick course headers with windows grouped in squares of four on the main elevations. Brickwork feature panels below and above the window/balcony openings of the main elevations would add further definition and visual interest. These would not be present on the transitional elements to provide additional subtle distinction of these elements.
- 8.67 The upper two stories of Site 1 and the eastern element of site 2 would include a glazed brick "lantern" element set back from the main elevations. These would be clad in light cream/white brick with contrasting mortar, full height windows and anodised aluminium colour panels.
- 8.68 The windows and door frames would be made from grey powder coated aluminium. The balconies would all be recessed providing a solid industrial aesthetic. The proposed window details will be conditioned to ensure high thermal and acoustic levels are obtained. Officers consider that careful consideration has been given to the approach to fenestration and balcony locations as well as to the design of entrances.
- 8.69 Secondary elevations including the eastern elevation of site 1 and southern and northern elevations of site 2 would have much less openings. Visual interest is maintained on these large expanses of blank wall with indented sections and high quality brickwork feature panels in the same style as those used above and below the windows on the main elevations.

Heritage

- 8.70 Site 1 is adjacent to the York Square Conservation Area which has its boundary on the southern elevation of 9-19 Caroline Street. The Conservation Area also includes the Grade II listed Troxy opposite. As mentioned above Building 1 steps down successfully to 9-19 Caroline Street and provides a transitional element consisting of different materials and features between the main elevation and this building. Building 1 would be opposite the predominantly blank side wall towards the rear of the Troxy. It is noted that the distinctive front elevation of the Troxy is what provides its heritage value. It is considered that the material palette and industrial aesthetic achieved would correspond well with the historic character of the Troxy and the surrounding buildings of Caroline Street and the conservation area in general.

- 8.71 The design of the proposal has been subject to extensive pre-application discussions between the applicant and Officers. Officers are satisfied that the proposed buildings would be of a very high architectural quality, relate well to their surroundings and enhance the local street scene. The layout and distributions of buildings within the site would create an active high quality environment. Officers are satisfied that the buildings would not have an adverse impact on the adjacent York Square Conservation Area and Grade II listed Troxy building. The high quality design of the proposal would replace a non-descript warehouse building thereby enhancing the setting of the Conservation Area and listed building.

Safety and security

- 8.72 Both sites would benefit from prominent entrances located on Caroline Street and Ratcliffe Cross Street. The proposed entrances and fenestration to the ground floor would result in a high proportion of active frontage. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security.
- 8.73 The Crime Prevention Officer raised a number of potential issues including the distance of the recessed space between the entrance and street, a suggested security door with access/control placed between the entrances and the lifts/stairs and balcony details so as not to be climbing aids.
- 8.74 In response to the advice from the Crime Prevention Design Advisor a condition is recommended on the permission for secure by design standards to be secured for both sites.

Landscaping

- 8.75 There are three areas of communal amenity space: an external 'living room' terrace at the north end of Building 1 above the fifth floor; an external 'living room' terrace at the east of Building 2 above the seventh floor and an amenity courtyard to the south of Building 2 at ground floor. Other landscaped areas include the rooftop PV array and biodiverse green roofs on the top of the duplex 'lantern' elements on both buildings and a lightwell on the north side of Building 2 at the ground floor.
- 8.76 The terrace of Building 1 would include a children's play area with hanging play equipment from a pergola and rubber play surface, containerised planting, low tables and seating for residents with tiled flooring.
- 8.77 The terrace of Building 2 would be enclosed by walls of the building which extend up to the parapet wall, within these walls there would large openings with climbing plants in and around them. Similar to the terrace on Building 2 it would also contain a pergola structure supporting play equipment with rubber play surface, raised planters, timber seating and tile flooring.
- 8.78 The ground floor communal area to Building 2 would contain a hard landscaped area with fern garden and climbing plants trained on wires.
- 8.79 The constrained sites provide limited space for an elaborate landscape scheme; however the proposed landscaping is considered to be well thought out and would be of a high quality.

Amenity

- 8.80 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 8.81 Site 1 does not currently have any residential properties adjacent to it although the site immediately to the east has recently gained permission for a part 8 part 9 storey residential block. Site 2 immediately bounds the 4 storey Reservoir Studios block to the south and there is an outline permission on a site to the east of Reservoir Studios.

Overlooking and privacy

- 8.82 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.

Site 1

- 8.83 In a dense urban context such as this, the proposal must address the sensitive issue of overlooking onto existing properties. The windows in Site 1 on the eastern elevation would be frosted glass louvres (one window each floor) so to protect privacy in relation to the consented scheme at 1-9 Ratcliffe Cross Street. The full height glazed windows on the east elevation of the upper two floors would be 12 metres away and at an angle to a window on 1-9 Radcliffe Cross Street.
- 8.84 The distance between the south elevation of Site 1 and the north elevation of building 2 would be approximately 27 metres, well above the policy requirement.

Site 2

- 8.85 There are no residential properties located directly west of Site 2. There is the outline permission for a mixed use scheme including 57 flats to the east. Reservoir Studios is directly to the south and Building 1 and the recently permitted 1-9 Radcliffe Cross Street would be positioned to the north.
- 8.86 The indicative relationship between the windows and balconies on the east elevation of Site 2 and the possible location of windows/balconies on the outline scheme to the east would also be around 11 metres. Given the adjoining site is an outline consent, the design will need to factor in this development. The separation distance between the north elevation of Site 2 would be more than 25 metres with 1-9 Radcliffe Cross Street and Building 2.

- 8.87 There would be limited fenestration on the south elevation of Site 2 with the sides of balconies the only viewing locations for the lower 6/7 stories. There would be some windows on the 6th, 7th and 8th floors looking south. At this height there would not be inter-visibility between the proposal and the windows on the north elevation of Reservoir Studios.

Outlook and sense of enclosure

- 8.88 The distance between the development proposal and habitable rooms of adjoining properties would follow the separation distances mentioned in the above section and the proposed massing generally would not result in an overbearing appearance or sense of enclosure. The outlook of these properties would not be restricted to an unacceptable level due to appropriate separation distances and setbacks. The south elevation of Site 2 would be positioned close to Reservoir Studios and would have an impact on the north facing windows of this block. This is considered acceptable on balance as the flats in the block are dual aspect with south facing windows as well. These south facing windows would still offer a good level of outlook for these flats.

Daylight and sunlight, overshadowing

- 8.89 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.
- 8.90 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur more than 20% of the existing they will be noticeable to occupiers.
- 8.91 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology, which looks at the impact of the development on the neighbouring properties.
- 8.92 Currently, the only nearby residential buildings are Edward Mann House and Reservoir Studios. However, two new developments have been given planning permission nearby. The daylight/sunlight assessment considers the existing and consented schemes.

Reservoir Studios

- 8.93 The Reservoir Studios building borders site 2 to the south. It was consented to provide B1 floorspace at ground floor level and 18 live/work and 12 apartments above. The development has been designed in an 'n' shape building, with the primary aspect being a central courtyard, which is also south facing.

- 8.94 A total of 6 rooms have been tested for VSC reductions. These are the central units which are designed as dual aspect with 5 windows each. Two face the application to the north (site 2), and three face the internal courtyard to the south. The rooms are particularly large and deep at 8 metres.
- 8.95 As site 2 is coming forward for development, there will be an impact on particularly the two north facing windows of each of the central units within Reservoir Studios. These windows would lose nearly all of their daylight, typically seeing a reduction between 93 to 95% of their former values. All the south facing windows will be unaffected by the proposal.
- 8.96 The applicants report prepared by NLP report considers the north facing windows to be secondary windows to a large dual aspect open plan space and that the overall loss of light to the room, and given the primary southern aspect considers that the loss of light would not be materially noticeable. Plans of the studios by Hadley Cooper Associates, dating from 2000, show most of these areas as large and undivided, with larger windows to the south, and an additional small kitchen.
- 8.97 It is not known whether there have been further alterations, as each individual occupier could choose to add partitions without the need to seek planning permission.
- 8.98 The applicants report has been independently assessed by the Council by BRE. BRE, note that these affected properties are very deep spaces, more than 8 metres deep, and therefore the unaffected south facing windows would not provide effective daylight to the northern part of each space even if the space remained un-partitioned.
- 8.99 As such, BRE conclude, the severe loss of light to the northern windows (with typical vertical sky components dropping from around 30% down to only 1-2%) would significantly affect the perceived daylight provision in the northern part of each space. As such, officers disagree with the applicant's assessment that there would not be a noticeable impact. The kitchen being relatively small is not normally classed as a habitable room.
- 8.100 However, officers have carefully considered both reports and note the concerns raised by BRE. It is considered that given the existing warehouse is low rised, any development above four storeys is likely to have some impact, the consideration is whether the proposed development has been sensitively designed to protect amenity of surrounding properties. In this particular instance, site 2 has its central courtyard setback significantly to maintain an adequate separation distance from Reservoir Studios, and Reservoir Studios have been designed as dual aspect to benefit from sunlight and daylight from their primary southern aspect.
- 8.101 As such, given Reservoir Studios was designed as dual aspect, it is considered that on balance, the development will not result in an unduly detrimental impact on the daylight effects on Reservoir Studios to warrant a refusal of this application.
- 8.102 Loss of sunlight to Reservoir Studios would be negligible because the new development lies to the north of it.

Edward Mann Street

- 8.103 The nearest five windows of Edward Mann House have been tested and there is no loss of daylight greater than 20%. As such, the impact is acceptable.

1-9 Ratcliffe Cross Street

- 8.104 This development has not yet been constructed but has recently received planning permission. It covers two sites. The larger site (site A in the NLP report) to the east of Ratcliffe Cross Street would not be significantly affected by the proposed development; loss of daylight to all windows would be within the BRE guidelines, as would loss of sunlight to living rooms.
- 8.105 Site B, to the west of Ratcliffe Cross Street, is adjacent to Site 1. South facing windows would be obstructed by the proposed Site 2, which they would face across the railway line. On a typical floor there would be two north facing windows, lighting a kitchen and bedroom, which would be partly obstructed by the proposed Site 1; and there would be another window lighting a bedroom which would face west directly towards Site 1. The vertical sky component results indicate a substantial loss of light for most of these windows.
- 8.106 The Councils Independent consultants has estimated that there would be 17 rooms in Site B which would both have average daylight factors below the recommended levels with the new Caroline Street development in place, and a reduction in daylight as a result of that development. This is due to the height of Site 2. Given, Site 2 is of similar height to site B of the Ratcliffe Cross Street development and they are separated by a railway line, officers consider the relationship and resulting levels of light to be reasonable when considering the wider setting of the sites.

Cable Street

- 8.107 This development incorporates two blocks. It has not yet been constructed but has received outline planning permission. In the southern block only one room on the first floor, would not meet the guidelines, in that the average daylight factor with the new development in place would be less than the recommended 1% and there would be a loss of light. All other rooms in this block would meet the guidelines.
- 8.108 The northern block would be closer to the proposed development. West facing rooms in this block would face the new development across Ratcliffe Cross Street. Loss of light to these rooms on the first and second floors (four rooms in all) would be below the guidelines, in that with the new development in place there would be a reduction in light. However, given this is an outline consent, it has not been constructing and the reserve matter applications which detail the layout of the units has not been submitted, it is considered less weight is given to these properties.

Conclusion

- 8.109 It should be accepted that the general pattern of development in this area is higher and denser than used for setting the targets in the BRE Guidelines and it is therefore appropriate to apply a greater degree of flexibility. Especially given the existing buildings are low rise and redevelopment of the site is likely to have some impact.
- 8.110 The BRE guidelines should be interpreted flexibly and account should be taken of the constraints of the site and the nature and character of the surrounding built form which in this location is characterised by narrow streets with opposing properties in

close proximity to each other. Officers consider that there are impacts; however benefits of the scheme outweigh those impacts given the character and nature of the area.

Noise and Vibration

- 8.111 Policy 7.15 of the London Plan (2015), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.112 Site 1 will be located approximately 6 metres from the railway viaduct and Site 2 is located approximately 4 metres from the railway viaduct. Due to the two site's proximity to the railway viaduct future residents could be exposed to high levels of noise and vibration.
- 8.113 A Noise and Vibration Assessment by Airo accompanied the application. The contents of the report takes into account the glazing specification required to achieve good insulation.
- 8.114 The Councils Environmental Health officer has reviewed the report and has raised no objections to the findings of the report, subject to post completion testing.
- 8.115 Potential noise disturbance from the Troxy which operates at noise sensitive hours was raised in an objection letter. It is considered that the quality of the build and the measures taken above would guard against a significant impact on the amenity of the occupants of the proposed development.
- 8.116 It is the officer's view that considering the site constraints, the proposals are generally in keeping with NPPF, Policy 7.15 of the London Plan (2015), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

Transport, Access and Servicing

- 8.117 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.118 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met.
- 8.119 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that

network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.

- 8.120 The site benefits from excellent access to public transport, being located approximately 260 metres to the west of the Limehouse Docklands Light Railway (DLR) and National Rail. Bus no. 15, 115, 135 and D3 all serve Commercial Road. The sites have a Public Transport Accessibility Level (PTAL) of 5.
- 8.121 Overall, the proposal's likely highways and transport impact are considered to be minor and acceptable to the Council's Transportation & Highways section. The relevant issues are discussed below.

Cycle Parking

- 8.122 The London Plan (FALP 2015) policy 6.9 sets the most up-to-date minimum cycle parking standards for residential development. In accordance with these standards, the application proposes 90 (40 in Site 1 & 50 Site 2) secured, covered spaces for residents. The cycle stands would be distributed across the development site with an adequate number of spaces provided within each access core. The storage areas are distributed across the site in a manner that would ensure each residential unit is located within a convenient distance to cycle parking. Due to the constrained nature of the site the cycle stands would be on two tiers. This is not optimal as the parking on the upper level will be less convenient to use however there will still be a significant quantity of stands at ground floor level which will be easily accessible.

Car Parking

- 8.123 Policy DM22 sets out the Council's parking standards in new developments. The application site falls mainly within PTAL 5.
- 8.124 The development would be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.
- 8.125 Only one accessible space will be provided as part of the development proposals, which will necessitate converting a single existing on-street parking space such that the use of the space will be exclusively allocated to a disabled driver. It is proposed that one of the existing spaces located under the railway viaduct is converted, which will necessitate amending the current TRO relating to parking restrictions along this section of highway.

Servicing and Refuse Storage

- 8.126 Servicing will take place off-site. The proposed location for the refuse store (for site 1) is located opposite car parking bays. This will block the road during refuse collection and in its current situation is not an acceptable solution. However, there is scope for the parking bay to be removed further south and this is to be secured under a condition.
- 8.127 The refuse arrangement for Site 2 has been altered following comments from the Highway's department. Initially there was a refuse store on Ratcliffe Cross Street however the refuse vehicles are marginally wider than Ratcliffe Cross Street and these vehicles would not be able to turn around. All of the refuse for Site 2 would

now be collected from Caroline Street. These servicing arrangements are acceptable to the Council's Highways Officers.

- 8.128 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards.
- 8.129 The proposed capacity of the waste storage has been calculated for once-weekly collections and is in accordance with current waste policy.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.130 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.131 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.132 In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.
- 8.133 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.134 The proposals have followed the London Plan energy hierarchy of Be Lean, Be Clean and Be Green, and sought to minimise CO₂ emissions through the implementation of energy efficiency measures, and utilise PV's on the available roof area (18kWp). The CO₂ emission reduction measures proposed are supported and would result in a circa 30% reduction against the Building Regulations 2013. Based on the current proposals there is a shortfall to policy DM29 requirements by 15% which equates to 9.53 tonnes of regulated CO₂.
- 8.135 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:
- 8.136 '...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.'
- 8.137 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).

- 8.138 For the proposed scheme it is recommended that a figure of £17,154 is sought for carbon offset projects as identified in the submitted Energy Statement. The shortfall to meet DM29 requirements = 9.33 tonnes/CO₂ x £1,800 = £17,154 offset payment.
- 8.139 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 with the carbon offsetting payment secured through a S106 agreement.

Biodiversity

- 8.140 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve an overall increase in biodiversity.
- 8.141 The applicant proposes green roofs on both sites; details of which will be reserved by condition.

Land Contamination

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

Flood Risk

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

Health Considerations

- 8.144 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.145 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.

8.146 The application proposal would result in the delivery of much need affordable housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

Planning Obligations and CIL

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

8.148 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

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

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

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

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

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.153 This application is supported by a viability toolkit which details the viability of the development proposal through interrogation of the affordable housing provision and the planning obligations required to mitigate the impacts of this development proposal. The viability appraisal has established that it is viable for the proposal to deliver 28% affordable housing, and an additional payment £173,000 will be payment in lieu for affordable units.

8.154 The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£173,000** towards Affordable Housing
- b) A contribution of **£17,000** towards Carbon Off-Setting
- c) A contribution of **£20,827** towards employment, skills, training and enterprise initiatives.
- d) **£3,000** towards monitoring fee (2%)

Total £213,827

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

- a) Affordable housing 28% by habitable room (14 units)
66% Affordable Rent at East Thames levels (9 units)
34% Intermediate Shared Ownership (5 units)
- b) Access to employment
20% Local Procurement
20% Local Labour in Construction
- c) Car free agreement
- d) Highways s278 agreement

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

Local Finance Considerations

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

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

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

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

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

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

8.160 Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would normally be payable. However, officers have determined that

due to estimated amount of the affordable housing relief and the amount of the existing occupied floorspace on site, it is likely that a percentage of the proposal would not be liable for any CIL payments.

- 8.161 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.162 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £84,014.00 in the first year and a total payment £509,485.00 over 6 years.

Human Rights Considerations

- 8.163 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:
- 8.164 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 of Human Rights 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".
- 8.165 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.
- 8.166 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must,

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

8.167 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.

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

Equalities Act Considerations

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

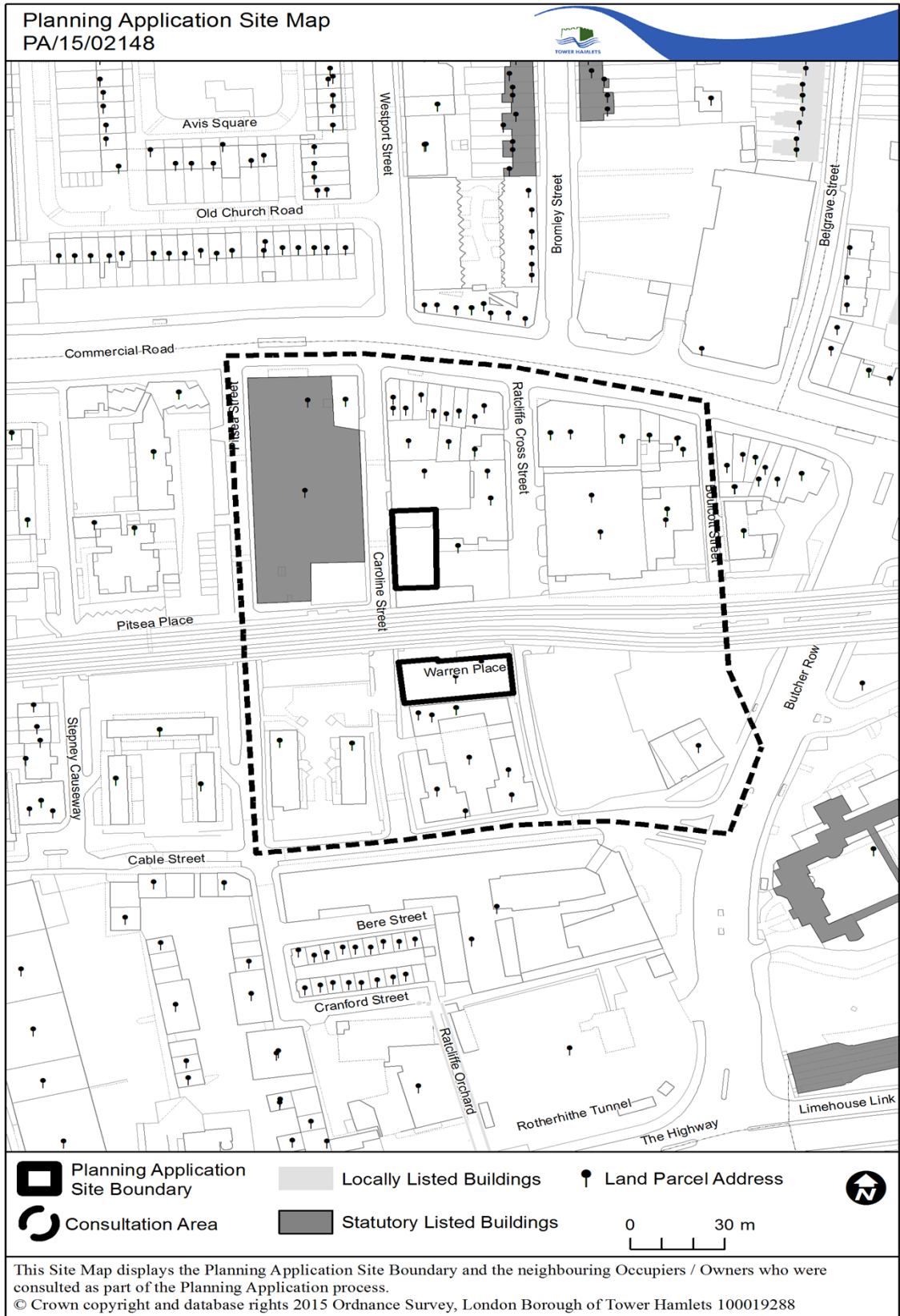
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

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

9.0 CONCLUSION

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

10.0 SITE MAP



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