

DEVELOPMENT COMMITTEE

Wednesday, 9 March 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, 7 March 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, 8 March
2016**

Contact for further enquiries:

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

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Public Information

Attendance at meetings.

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

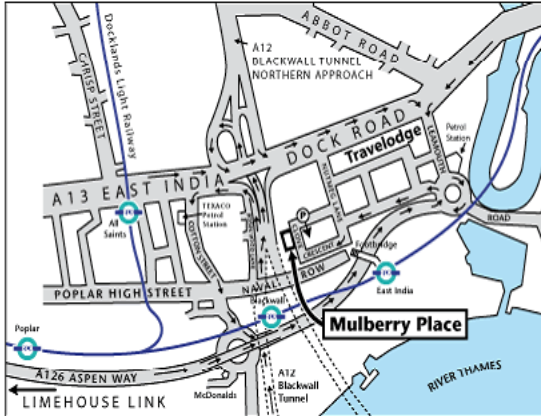
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QR code for smart phone users

APOLOGIES FOR ABSENCE

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

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

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 10)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 10th February 2016.

3. RECOMMENDATIONS

To RESOLVE that:

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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 11 - 12)

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

		PAGE NUMBER	WARD(S) AFFECTED
5.	DEFERRED ITEMS	13 - 14	
5 .1	27-29 and 33 Caroline Street, London, E1 0JG (PA/15/02164)	15 - 64	Shadwell
	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 to the prior completion of a legal agreement, conditions and informatives set out in the Committee report.		
6.	PLANNING APPLICATIONS FOR DECISION	65 - 66	
6 .1	Bow Boys Secondary School, Paton Close, London, E3 2QD (PA/15/02917)	67 - 90	Bow East
	Proposal:		
	Creation of a new 3FE primary school (630 places) and 3 class Nursery (75 places) (use class D1) on a former secondary school site, including demolition of existing temporary structures and outbuildings, alterations and internal refurbishment of a locally listed board school.		
	Recommendation:		
	That the Committee resolve to GRANT planning permission subject to the conditions and informatives in the Committee report.		
6 .2	Railway Arches, 157-170 Malcolm Place, London, E2 0EU (PA/15/01985 & PA/15/01984)	91 - 112	Bethnal Green
	Proposal:		
	Change of use of railway arches to flexible use A1 – A4, B1 and / or B8 and associated external alterations.		
	Recommendation:		
	That the Committee resolve to GRANT planning permission and Listed Building Consent subject to the conditions and informatives in the Committee report.		

7. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Wednesday, 6 April 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

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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, 10 FEBRUARY 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Shiria Khatun

(Deputy Mayor and Cabinet Member for
Community Safety)

Councillor Sabina Akhtar
Councillor Rajib Ahmed
Councillor Gulam Kibria Choudhury
Councillor Chris Chapman

Other Councillors Present:

None.

Apologies:

Councillor Suluk Ahmed

Officers Present:

Paul Buckenham

– (Development Control Manager,
Development and Renewal)

Gareth Gwynne

– (Planning Officer, Development and
Renewal)

Gillian Dawson

– (Team Leader, Legal Services, Law,
Probity and Governance)

Zoe Folley

– (Committee Officer, Directorate Law,
Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Marc Francis declared a personal interest in agenda item 6.1
66-68 Bell Lane and 1-5 Tenter Ground E1 7LA (PA/15/01474) as he had
received representations from interested parties on the application.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 13 January 2016
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

None.

6. PLANNING APPLICATIONS FOR DECISION

6.1 66-68 Bell Lane and 1-5 Tenter Ground E1 7LA (PA/15/01474)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the demolition of the existing building at 66-68 Bell Lane and the erection of a new single house set over five floors (including the basement) and the creation of linked ancillary residential accommodation within No. 1-5 Tenter Ground.

It was reported that on the 3rd February 2016, the Planning Inspectorate notified the Council that an appeal had been submitted under Section 78 of the Town and Country Planning Act 1990 because the statutory period for determining the application had expired and no decision had been made. As such, the powers to determine the application had been taken away from the Council and now lie with the Secretary of State (Planning Inspectorate).

Officers' remained of the view that the scheme should be refused. However, in view of the above, Officers' had amended the recommendation to gain the resolution of the Committee should it have been in a position to determine the application. The resolution of the Development Committee would set the position that the Council would adopt at Appeal. The Committee were advised to consider the application in exactly the same way as it would a planning application for decision, based on the merits of the scheme.

Paul Johnston spoke in objection to the application (on behalf of the Spitalfields Community Group and the architects that submitted the 2012 application) welcoming the officers' report.

He objected to the loss of the locally listed building given the merits of the building and the contribution it made to the historic street scene and the Conservation Area. All of the historic features would be lost in contrast with the 2012 consent that preserved such features. There was no justification for the wholesale demolition of the building.

In summary, he was supportive of an alternative design that would retain the historic features.

The Chair reported that the applicant had been invited to address the Committee in accordance with the Development Committee Procedure Rules but had declined to address the Committee.

Gareth Gwynne, (Planning Officer, Development and Renewal) presented the detailed report and the update explaining the location of the subject building, and the surrounds in the Artillery Passage Conservation Area including the nearby listed buildings, contemporary buildings and the newly consented developments.

Members were advised that the building at Bell Lane was a non statutory listed building and was a rare example of early infill public housing. In addition the façade of 1-5 Tenter Ground made a positive contribution to the Conservation Area. Both buildings fulfilled a valuable role in linking the historic buildings in the surrounding area.

Members noted the key aspects of the proposal, including the height, appearance and layout of the scheme, the windows, the chimney and the relationship of the scheme with the existing warehouse.

Consultation had been carried out (resulting in 11 representations in support and 60 objections). The key issue raised related to the design and heritage implications.

Turning to the assessment, Officers were of the view that the loss of the building would cause some degree of harm to the setting of the Conservation Area, given the historic value of the building and its contribution to the setting of the Conservation Area. Officers were also mindful of the potential benefits and architectural merits of the application (noting the attention to detail by an accomplished architectural practice). However, on balance, Officers did not

consider that they were of such quality to outweigh the loss of the subject building. In terms of the other planning matters (land use, housing, neighbouring amenity and highways and transport issues), Officers had no objections to the scheme. Given the above concerns, the Officers recommendation was to refuse the planning permission.

In response to Members' questions, Officers confirmed that the previous 2012 permission lapsed in 2015 but this was still a material planning issue in the determination of this application. Images of the previous scheme were shown. It was also clarified that all of the original internal features (of the Council houses) had been lost and that a number of the external elevations would be retained.

Whilst the building was locally listed, it was not a statutory listed building. So there was no list describing the special features.

Officers were mindful of the views of the Borough's Conservation Officer generally supportive of the scheme. Nevertheless, having carefully considered all of the material issues, (value of the existing building weighed against the merits of the application) the Planning Team collectively felt, on balance, that the scheme should be refused. It was emphasised that Officers did recognise that the proposal had positive qualities and that it was likely that it would be supported if located in a more suitable location that did not result in the wholesale demolition of a listed building important to the Conservation Area.

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

That had it the ability to determine the application, the Committee would be minded to REFUSE planning permission 66-68 Bell Lane and 1-5 Tenter Ground E1 7LA for the demolition of the existing building at 66-68 Bell Lane and the erection of a new single dwelling house set over five floors (including the basement) with ancillary private artist's studio space and the creation of linked ancillary residential accommodation located on the 2nd floor of No. 1-5 Tenter Ground, for the following reason set out in the Committee report. (PA/15/01474)

- The proposed development would result in the total demolition of a locally listed building at No 66-68 Bell Lane and would therefore result in the loss of a non-designated heritage asset. The loss of this locally listed building causes harm, albeit less than substantial harm, to the designated heritage asset, Artillery Passage Conservation Area. The proposal does not preserve or enhance the conservation area nor is design of the replacement building of sufficient architectural and townscape merit, to deliver a public benefit that would outweigh the harm to the conservation area and therefore the proposed development fails to comply with policies DM24 and DM27 of the Managing Development Document (2013), SP10 of the Core Strategy (2010), policies 7.4 and 7.8 of the London Plan (Consolidated with Alterations since 2015), the National Planning Policy Framework (2012) and National Planning Policy Guidance.

7. OTHER PLANNING MATTERS

None.

The meeting ended at 7.45 p.m.

Chair, Councillor Marc Francis
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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

Agenda Item 5

Committee: Development	Date: 9 th March 2016	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following item is in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
13 th January 2016	(PA/15/02164)	27-29 and 33 Caroline Street, London, E1 0JG	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.(PA/15/02164)	<p>The Committee were minded to refuse the scheme due to concerns over the following issues:</p> <p>Density of the scheme given that it was in excess of the suggested density ranges in the Council's planning policy and the London Plan.</p> <p>The affordable housing provision both in terms of the overall quantity and the proportion of intermediate units.</p> <p>Height, bulk and massing of the scheme</p> <p>The level of amenity space and child play space in the scheme</p>

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

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

3. CONSIDERATION OF DEFERRED ITEMS

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

- 29 and 33 Caroline Street, London, E1 0JG (PA/15/02164)

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 5.1

Committee: Development Committee	Date: 9 th March 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Brett McAllister	Ref No: PA/15/02164
	Ward: Shadwell

1. 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.

2. BACKGROUND

2.1 This application for planning permission was considered by the Development Committee on 13th January 2016. A copy of the original report is appended.

2.2 Members were minded to **REFUSE** planning permission on the following grounds:

- Insufficient provision of affordable housing
- High residential density in excess of London Plan
- Height and Scale of the development
- Quality of child play space and communal amenity space

2.3 In accordance with Development Procedural Rules, the application was **DEFERRED** to the next committee to enable officers to prepare a deferral report to provide wording for reasons for refusal and providing commentary on the detailed reasons for refusal on the application.

2.4 Officers have since discussed these matters with the applicant and further information and amendments have been submitted to address the concerns raised by members. The amendments seek to increase the affordable housing and amend the tenure split.

2.5 Further evidence and justification has been provided by the applicant to address the other three reasons put forward by the committee. These will also be discussed within this report.

3. ASSESSMENT OF THE COMMITTEE'S REASONS FOR REFUSAL

Affordable Housing

- 3.1 At committee, members raised concerns regarding the level of affordable housing within the scheme, both in terms of the overall quantity and, of the affordable housing that was being proposed, the ratio between affordable rented units and intermediate units.
- 3.2 The proposed development originally committed to providing 28% affordable housing on site, plus a payment of £173,000. This was found to be the maximum amount that could be viably provided and was supported by officers based on London Plan and Local Plan policies, which states that affordable housing should be maximised subject to viability.
- 3.3 Prior to the January Development Committee meeting, the affordable housing offer was amended to provide 30% on site affordable housing with no commuted sum. This was achieved by converting a private sale unit into an additional intermediate unit. As a result of this change the tenure split between the affordable rented and intermediate housing changed from the originally proposed 66/34 in favour of rented to 61/39. The revised tenure split which whilst still in favour of rented moved further away from the Councils preferred mix of 70/30, but was in line with the London Plan policies.
- 3.4 The Committee indicated that the 30% offer and the adjusted tenure split that resulted from the increase to the on-site affordable housing was not acceptable, given the high density of the scheme and the fact that the tenure split departed from the Councils Local Plan tenure split.
- 3.5 Following committee, the applicant has revisited the scheme and has introduced further amendments in order to increase the on-site affordable housing quantum. It is now proposed that the development would include 16 affordable units (52 habitable rooms); equating to 34.2% affordable housing based on habitable rooms and with a 67 : 33 tenure split between rented and intermediate accommodation.
- 3.6 The proposed level would be closer to the Council's strategic target (35-50%) and preferred tenure split (70% affordable rented and 30% intermediate).
- 3.7 Although this level of affordable housing and tenure split is not supported by the normal assumptions of the viability analyses undertaken on behalf of the applicant and reviewed by the Council, the applicant believes that the increased offer is deliverable at this level.
- 3.8 The applicant has advised the intention is for the site to be built out by themselves and to be retained as investment and operate the market housing as a Private Rented Scheme (PRS). On this basis, the developer is prepared to take a view on a lower level of short term development profit in favour of its long term strategy.
- 3.9 The increased affordable housing offer is also driven by confidence in future rental values within the Limehouse area.
- 3.10 As such, whilst the affordable housing offer exceeds the level considered viable within the viability assessment, the applicant has demonstrated particular special circumstances that would allow the scheme to still be deliverable, and on that basis the revised offer is being put forward.

3.11 For the avoidance of doubt, the following is the revised housing mix:

	Market		Intermediate		Rented		Total	
Unit Types	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	0	0	12	24
2	20	60	5	15	5	15	30	90
3	3	12	0	0	5	20	8	32
4	0	0	0	0	0	0	0	0
Total	40	100	6	17	10	35	56	152

3.12 As such, given this is the maximum affordable housing that the scheme can provide, a refusal reason based upon the low proportion of affordable housing within the scheme would be difficult to defend on appeal.

Residential Density

3.13 Members raised concerns about the residential density of the development, which at 1,652hrh exceeded the London Plan density matrix guidance of between 200 and 700 habitable rooms per hectare.

3.14 It was suggested by Members at the committee that 'exceptional circumstances' should be demonstrated for a development's density to exceed the London Plan guidance.

3.15 Policy 3.4 of the London Plan promotes the efficient use of urban land and the optimisation of housing potential in new development to help meet the strategic challenges of population growth and the need for new homes. Policy 3.4 states:

"Taking into account local context and character, design principles and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2 [the 'density matrix']."

3.16 The accompanying text then states:

It is not appropriate to apply Table 3.2 [the density matrix] mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important..."

3.17 It can be seen that it is the intention of the London Plan for the density guidance to be interpreted with flexibility rather than applied rigidly.

3.18 The accompanying text to this policy also states that more general guidance can be found within the London Housing SPG including exceptional circumstances where densities above the relevant density range may be justified.

3.19 The Housing SPG is clear that sites should be optimise housing output rather than simply maximise output. Optimisation being defined as developing land to the

fullest amount consistent with all relevant planning objectives. Therefore it is rather the various impacts of a development's density than the density per se that must be considered. It states that where proposals are made for developments above the relevant design range they must be tested rigorously, with regards to a range of environmental, social, physical infrastructure; other local amenities; public transport capacity, reasonably sized homes; adequate private open space, the affordability of homes and massing, scale, character and design in relation to nearby uses.

3.20 Officers consider that all of these policy areas have been fully and rigorously considered and that the scheme is of exemplary design quality.

3.21 In this instance, it is considered that the development's density is a result of the design of the scheme which is responsive to the existing and emerging townscape context. The development's height, scale and density are also comparable to recently approved neighbouring developments, which are listed below:

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

Density - Site A: 1198.4hrh

Site B: 1710hrh

Approved: 30.03.2015

2) PA/13/00697 – 6 Boulcott Street

Density – 1296hrh

Approved: 26.11.2014

3) PA/11/01818 - Site at NE Junction of Cable Street and Ratcliffe Cross Street

Density - 856hrh

Approved 05.07.2013

4) PA/09/00010 - 2-4 Boulcot Street

Density – 1030hrh

Approved 26.02.2009

3.22 The above sites are all within close proximity to the application site as shown in the map below:



Map 1: showing application sites in red with adjoining consented signs.

3.23 It is important to note that the appropriateness of density should be assessed on the basis of its resulting impacts. It is considered that the development does not give rise to any of the typical concerns that can be symptomatic of overdevelopment. It provides a good mix of residential units; achieves relevant floorspace standards and does not cause any unacceptable amenity concerns, on neighbouring sites.

3.24 As discussed in the following section, officers consider the design approach including height to also be an acceptable response to the local emerging context.

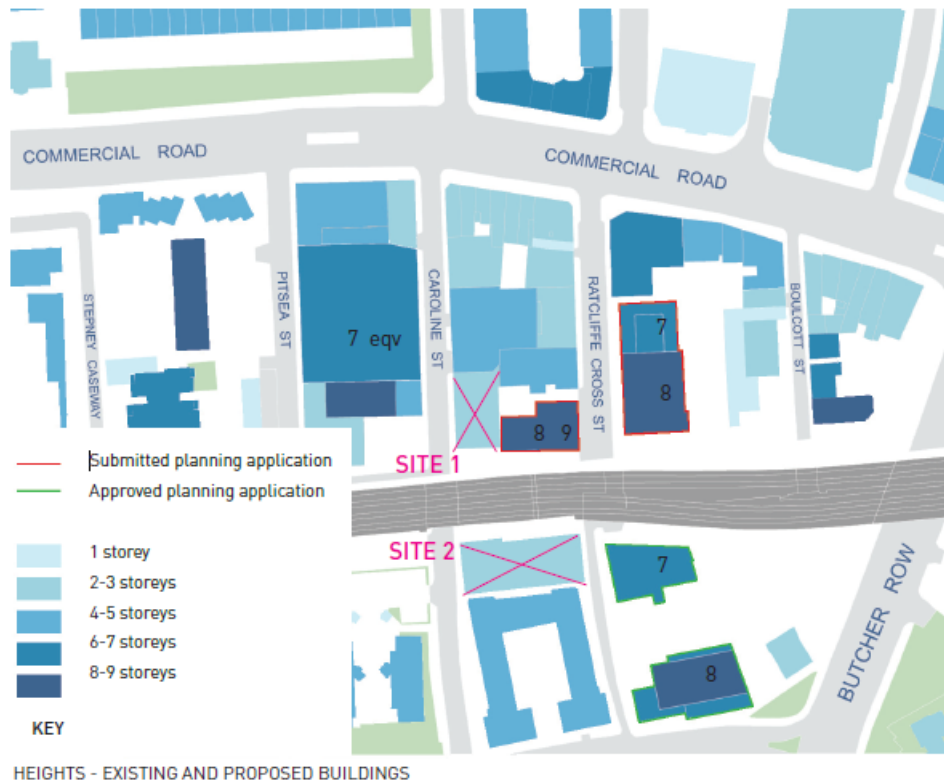
3.25 It should also be noted that the development will be subject to Community Infrastructure Levy charging which will contribute to the infrastructure needs of the development.

Height and Scale

3.26 At committee members advised that they were also not minded to support the officer recommendation due to concerns over the height and scale of the proposed development.

3.27 The relevant policy and guidance states that buildings should relate to the height, scale and form of development in the surrounding area. In this case there is a strong emerging character comprised of high density residential schemes that have been approved around the site (listed in the above section and shown on map 1 above) It is considered that the development appropriately responds to the schemes at Ratcliffe Cross Street, Cable Street and Boulcott Street, which all rise to between eight and nine storeys.

- 3.28 Site 1 is 9 storeys at its southern end nearest to the railway to 5 storeys at its north end to provide a transition to the three storey warehouse north of the site and the lower scale of the York Square Conservation Area. The scale of development reflects the consented 8/9 storey 1-9 Ratcliff Cross Street Development.
- 3.29 Similarly, whilst the proposal at site 2 would rise above the 4 storey north elevation of Reservoir Studios by 3 stories at the boundary of this site, it is inline with the height consented at the adjacent site to the east. As shown in the map below:

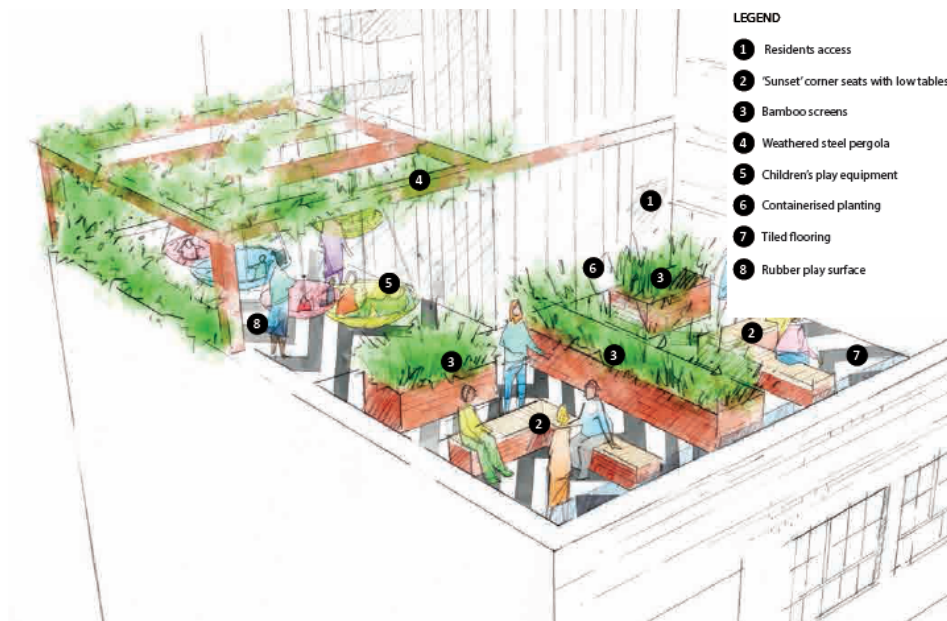


- 3.30 Overall, the height, massing and scale of both buildings is considered to have been well thought through by maximising the development potential whilst respecting the surrounding context. As such, officers consider the design approach to be acceptable.

Child Play Space/Amenity Space Provision

- 3.31 Although it was noted by Members that the level of communal amenity space exceeded policy targets, members were concerned that the level of dedicated child play space provision falling short of policy requirements.
- 3.32 For ease of reference the scheme as presented to members proposed, 146sqm of amenity space against a policy requirement of 96sqm and 93sqm of child play space against a target of 110sqm. When combined the proposal exceeded the overall amenity and playspace that was required by 33sqm, however the excess was primarily due to the over provision of communal amenity space within the development.
- 3.33 Following the changes to the tenure mix, the child yield of the development has increased from 11 to 17. Consequentially the level of child play space required within the development has also increased from 110 to 170sqm.

- 3.34 The combined policy requirement for outdoor space, across the two sites has increased to 306sqm overall.
- 3.35 The applicant has amended the landscaping strategy to distribute the child play space and outdoor amenity space taking account of the likely child yield arising from the housing mix in each site, the design of the proposed buildings and their external constraints.
- 3.36 The strategy increases the child play space to 110sqm all of which would be “door step” and be located at roof level. The communal amenity space has also been increased by improving the quality of landscaping in the ground floor courtyard of Site 2.
- 3.37 Site1 is proposed to have 95sqm of amenity space and 25sqm of door step play, located at roof level. This is illustrated below:



- 3.38 Site 2 has 50 sqm of open space at ground floor, but by virtue of its enclosed nature has been discounted as an appropriate location for child play space.

3.39 In addition to the ground floor space, site 2 also has at 7th floor amenity roof terrace which includes 145sqm amenity space, of which 85sqm would be dedicated child play space. A sketch plan of the site 2 roof terrace is illustrated below:



3.40 When considering the overall provision, the scheme would deliver 298sqm of combined child play space and communal amenity space against a target of 306sqm. This is 8sqm below the combined policy requirement.

3.41 Whilst there was a slight shortfall in play space, it should be noted that the children within the development would have access to the amenity space that exceeds the policy requirement. There is likely to be a degree of overlap between the two types of spaces. Conditions are recommended to secure the detail and the child play space.

3.42 The applicant has informed that the private amenity space for the development exceeds policy requirements by 78sqm. Overall, officers consider this indicates the overall level of amenity space when considering the combined policy requirements is sufficient for the level of development proposed.

3.43 The design approach is comparable to the adjacent site at 1-9 Ratcliff Cross Street, which has a similar characteristics as this site has also adopted the approach of having dedicated Child Play Space at roof top level.

3.44 In addition, the "Schoolhouse Kickabout Area" is situated within 300 metres of both sites (west along Cable Street) and has outdoor play space provision for older children and teenagers.

3.45 Overall, officers consider the approach to child play space, its allocation within the different age groups and it's location to be an acceptable design solution in this instance taking into account the spatial constraints of the site.

4. IMPLICATIONS ARISING FROM A DECISION TO REFUSE PERMISSION

4.1 In the event that the Committee resolves to refuse the application, the following options could be exercised by the applicant.

4.2 The applicant could approach the Council for further pre-application advice on an amended proposal and thereafter submit new applications.

4.3 The applicant could exercise their right to appeal to the Secretary of State against the Council's decisions. The appeals would be determined by an independent inspector appointed by the Secretary of State.

4.4 The applicant could appeal the decisions and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”

4.5 There are two financial implications arising from appeals against the Council's decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour”. Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122). Whilst officers consider that the obligations sought do meet those tests, the decision will ultimately fall to the Inspector and so there is the possibility at least that he/she may form a different view.

4.6 If the Committee do resolve that the application should be refused on grounds relating to affordable housing quantum, excessive residential density, height and scale and child play space provision officers will seek to defend the Council's position.

5. RECOMMENDATION

5.1 Officers’ original recommendation as set out in the officers’ report for Development Committee on 13th January 2016 to **GRANT** planning permission for the proposal remains unchanged. However, this has been amended to secure the additional affordable housing proposed following January's Development Committee.

5.2 If the Committee is minded to refuse planning permission for this scheme, then the following detailed reasons for refusal are recommended:

1. *The proposed development, by way of the design, scale and bulk would appear as a visually incongruous building within the surrounding streetscene, would harm the visual amenity of the local area. As such the development would be contrary to policies DM24 of the Managing Development Document (2013), SP10 of the Core Strategy (2010) and policies 7.1, 7.4, 7.6 and 7.8 of the London Plan (2015).*
2. *The proposed development by reason of its excessive density results in the overdevelopment of the site and this leads to an inappropriate provision and location of the child play space and communal amenity space. This would lead 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)*

3. The low percentage of affordable housing would fail to ensure the development contributes to the creation of socially balanced and inclusive communities. As a result the proposal is contrary to policy SP02 (3) which requires housing development to provide 35%-50% affordable housing on all sites providing 10 or more residential units.
4. *In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise and Energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Planning Obligations SPD.*

Absence of legal agreement

- 5.3 Whilst the fourth reason above was not requested by members, it is recommended to safeguard the Council's position, to secure the requested s106 planning obligations, including affordable housing, should the applicant choose to appeal the decision.

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:

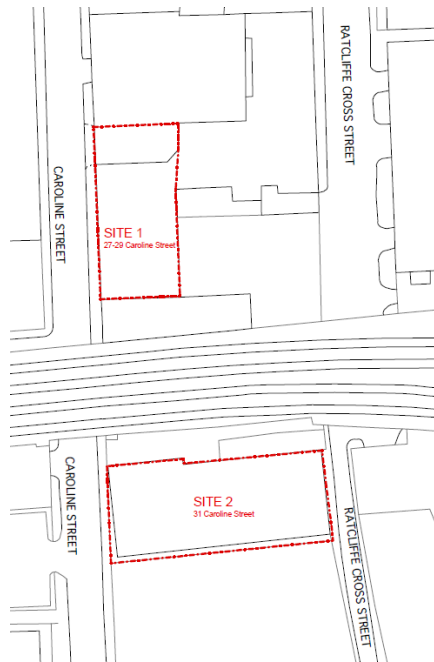
1. Subject to a S106 agreement
2. Thames Water standard informative
3. Building Control
4. Network Rail
5. CIL

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. Theses 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 consultant 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:

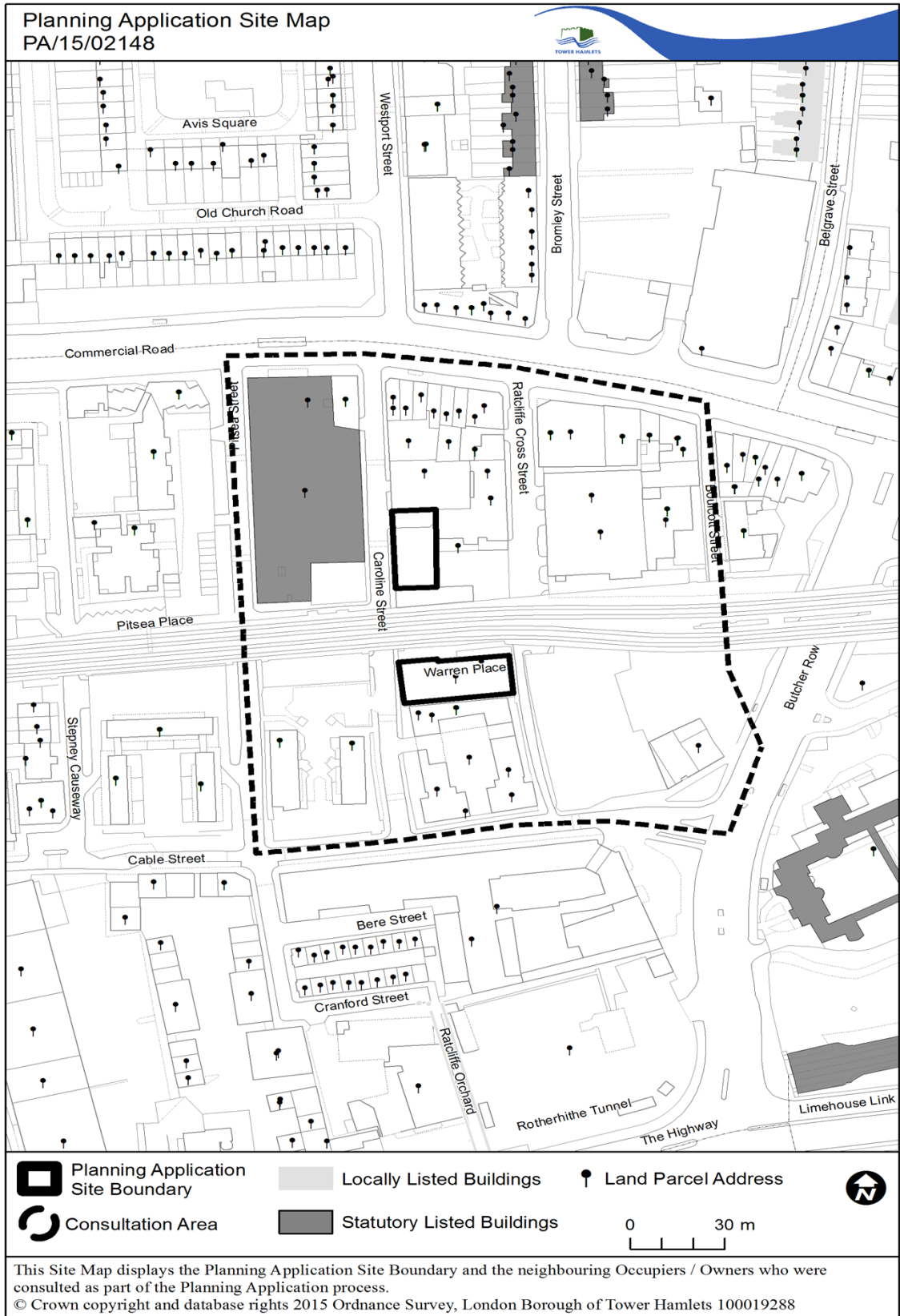
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

DEVELOPMENT COMMITTEE

13th January 2016

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal / Title
6.2	PA/15/02164	27-29 and 33 Caroline Street, London E1 0JG	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.

Agenda Item number: 6.2

Reference number: PA/15/02164

Location: 27-29 and 33 Caroline Street, London E1 0JG

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.

1.0 Affordable Housing

- 1.1 Mindful of the Council's priority for provision of on-site affordable housing and following further discussions with officers, the applicant has agreed to increase the level of affordable housing from 28% to 30% by providing an additional two-bedroom intermediate unit in place of the previously agreed top-up financial contribution of £173,000.
- 1.2 The viability of the scheme is finely balanced and BNP Paribas, through their review of the applicant's viability assessment, have only identified a surplus of £173,000. This would not be sufficient to provide a 2 bedroom, 4 person intermediate unit. The provision of the additional unit should thus be considered as a further benefit of the scheme.
- 1.3 The addition of an extra intermediate unit changes the tenure split of affordable rented and intermediate housing from 66/34 to 61/39. Whilst this moves away from the Council's preferred mix of 70/30, it is broadly in line with the GLA preferred split and considered acceptable as it is a result of maximising the overall level of affordable housing.

2.0 Heritage

- 2.1 Paragraphs 4.4 and 8.70 of the Committee Report state that the warehouse to the north of the site at 9-19 Caroline Street forms the boundary of the York Square Conservation Area. To clarify, the northern part of Site 1 is located within the conservation area. The analysis of the heritage impact of the proposal set out in paragraphs 8.70 and 8.71 of the Committee Report remains correct, however, for the avoidance of doubt, the Committee should take the following into account:
- 2.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory duty to pay special regard to the desirability of preserving or enhancing the appearance and character of conservation areas and section 66 of the Act requires that special regard is paid to the desirability of preserving the setting of listed buildings.
- 2.3 Taking into account the aforementioned statutory duties, for the reasons given in paragraphs 8.70 and 8.71 of the Committee Report, the proposal is considered to preserve and enhance the character and appearance of the York Square Conservation area and to preserve and enhance the setting of nearby listed buildings including the Grade II listed Troxy and the Grade II* Royal Foundation of St Katharine.

3.0 Corrections

- 3.1 The drawing list in paragraph 1.0 should include drawing 3330-AL(20)09 Rev A and attribute the Energy & Sustainability Statement to JS Lewis Ltd.

3.2 Paragraph 8.14 of the report should state the residential density of the site as 1598 habitable rooms per hectare.

3.3 The Borough Framework rents for the E1 post code, set out in paragraph 8.25 of the Committee Report, should read: 1 bed - £234pw, 2 bed - £253pw and 3 bed - £275pw.

3.0 RECOMMENDATION

3.1 Officers' original recommendation to GRANT planning permission remains unchanged.

Agenda Item 6

Committee: Development	Date: 9 March 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

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:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

Development Plan unless material planning considerations support a different decision being taken.

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Development	Date: 9 th March 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Chris Stacey-Kinchin	Ref No: PA/15/02917
	Ward: Bow East

1.0 APPLICATION DETAILS

Location: Bow Boys Secondary School, Paton Close, London, E3 2QD

Existing Use: Class D1 (Non-Residential Institution)

Proposal: Creation of a new 3FE primary school (630 places) and 3 class Nursery (75 places) (use class D1) on a former secondary school site, including demolition of existing temporary structures and outbuildings, alterations and internal refurbishment of a locally listed board school.

Drawings and documents: BW-01, Rev A
BW-02, Rev A
BW-03, Rev A
BW-04, Rev B
BW-05, Rev B
BW-06, Rev B
BW-07, Rev B
BW-08, Rev A
BW-20, Rev B
BW-21, Rev A
BW-22, Rev B
BW-23, Rev B
BW-24, Rev A
BW-25, Rev B
BW-26, Rev A
BW-27, Rev A
BW-28, Rev A
BW-29, Rev A
BW-30, Rev B
BW-31, Rev B
BW-32, Rev B
BW-33, Rev B
BW-34, Rev B
BW-35, Rev B

BW-350
 BW-36, Rev B
 BW-37, Rev B
 BW-38, Rev B
 BW-39, Rev B
 BW-40, Rev B
 BW-41, Rev A
 BW-42, Rev A
 BW-43, Rev B
 BW-45, Rev A
 KAI-0051-E-00-100, P01
 Air Quality Neutral Assessment, Rev 01
 Amendments Tracker, 08/09/2015
 BREEAM Pre-Assessment + Tracker, Sep 2015
 Below Ground Drainage & SUDS Report for Planning,
 Rev 1
 Design & Access Statement, Version 2.1, Feb 2016
 Energy & Sustainable Design (ESD) Statement, Sep
 2015
 Energy Assessment, Feb 2016
 Environmental Noise Survey, A601/R01B
 External Lighting Design Statement, 18/02/2016
 Ground Contamination Planning Application
 Statement, BJJ/12066 Contamination
 Heritage Statement, 12/0793, Feb 2016
 Phase 1 Desk Top Study Report, 11446
 Phase 2 Environmental Report, 11446
 Transport Statement, Issue 003
 Ventilation Design Statement, 09/09/2015

Applicant: LBTH Children's Services
Ownership: London Borough of Tower Hamlets
Historic Building: School Building is Locally Listed
 Adjacent to application site: 19-49 Fairfield Road is
 Locally Listed
Conservation Area: Fairfield Road Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Development Committee as the proposal would result in the demolition of unlisted buildings within a conservation area on a site owned by the Council.
- 2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan

(Consolidated with Alterations since 2013) (London Plan 2015) and the National Planning Policy Framework and all other material considerations.

- 2.3 The proposal is for the creation of a new 3FE primary school (630 places) and 3 class nursery (75 places) (Use Class D1), including the demolition of existing temporary structures and outbuildings, alterations and the internal refurbishment of the locally listed board school along with the construction of a new three storey building with a glazed link structure and associated external landscape works.
- 2.4 The creation of a new primary school in this location is considered acceptable given the need for additional primary school places in the Borough in accessible locations such as this and accords with Policy 3.18 of the London Plan (2015), Policy SP07 of the Core Strategy 2010 and Policy DM18 of the Managing Development Document 2013.
- 2.5 The proposed design and layout is considered satisfactory within the context of the site. The development would make a number of sensitive alterations to the locally listed board school building and would retain the caretaker's lodge, which whilst unlisted is considered to positively contribute to the Fairfield Road conservation area. The proposed new school building is considered acceptable in design terms and will contribute towards the diverse architecture present within the Fairfield Road conservation area. The proposal therefore accords with Policies 7.4, 7.6 and 7.8 of the London Plan (2015), Policies SP10 and SP12 of the Core Strategy 2010 and Policies DM24 and DM27 of the Managing Development Document 2013.
- 2.6 Subject to the management of the impacts through the use of conditions and the implementation of a Travel Plan, the proposed school would not unacceptably impact on the public transport network or the highway. This would accord with Policies 6.3, 6.9 and 6.13 of the London Plan (2015), Policy SP09 of the Core Strategy 2010 and Policies DM20 and DM22 of the Managing Development Document 2013.
- 2.7 Subject to conditions, it is considered that the development would not have an unacceptable impact on the amenity of adjoining residents in terms of noise, overlooking, natural light and construction impacts in accordance with Policy SP10 of the Core Strategy 2010 and Policy DM25 of the Managing Development Document 2013.
- 2.8 The proposed design and layout is considered acceptable in access terms in accordance with Policy 7.2 of the London Plan (2015), Policy SP10 of the Core Strategy 2010 and Policy DM23 of the Managing Development Document 2013.
- 2.9 The refuse provision on site is generally considered to be acceptable in accordance with Policy 5.17 of the London Plan (2015), Policy SP05 of the Core Strategy 2010 and Policy DM14 of the Managing Development Document 2013.
- 2.10 Subject to conditions, it is considered that the proposed development does not raise any adverse issues with respect to environmental considerations. This would accord with Policies 5.2, 5.3, 5.7, 5.11, 5.21 and 7.14 of the London Plan (2015), Policies SP03, SP04 and SP11 of the Core Strategy 2010 and Policies DM9, DM11, DM29 and DM30 of the Managing Development Document 2013.

3.0 RECOMMENDATION

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

- a) That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.2 Conditions on planning permission

1. Time limit
2. Development to be built in accordance with the approved plans (*compliance*)
3. Construction management plan (*pre-commencement*)
4. Scheme of surface water drainage (*pre-commencement*)
5. Contaminated land desk study report and site investigation report (*pre-commencement*)
6. Further design details: cladding, details and samples (*prior to superstructure*)
7. Landscaping, boundary treatments, external lighting and biodiversity enhancements, external lighting (*prior to superstructure*)
8. Scheme of highways improvements (S.278) (*prior to superstructure*)
9. DLR radio communications (*prior to superstructure*)
10. Details of measures taken to reduce internal noise levels (*prior to superstructure*)
11. Details of sustainable design features (*prior to superstructure*)
12. Contaminated land remediation (*pre-occupation*)
13. Details of plant and machinery (*pre-occupation*)
14. Travel plan (*pre-occupation*)
15. School management plan (*pre-occupation*)
16. Servicing management plan (*pre-occupation*)
17. BREEAM certificates (*post-occupation*)
18. Cycle parking (*compliance*)
19. Refuse (*compliance*)
20. Hours of construction works (*compliance*)

3.3 Informatives on planning permission

1. Contact DLR

4.0 LOCATION AND PROPOSAL DETAILS

Site and Surroundings

- 4.1 The application site relates to a rectangular plot of land approximately 0.4 hectares in size sited in between Paton Close and Hartfield Terrace directly to the east of the DLR and to the west of a number of terraced properties which front Fairfield Road.
- 4.2 The site falls within the Fairfield Road conservation area (designated September 1989) and is surrounded by a number of both locally and statutory listed buildings. The residential terraced properties which sit to the north of the site on Hartfield Terrace and to the east of the site on Fairfield Road are all locally listed, whilst to the south of the site sits the Grade II listed former Poplar Town Hall.
- 4.3 The surrounding area is predominantly residential in character, however some non-residential uses are also present within the surrounding area, notably the other former Bow School site and the former Poplar Town Hall which is currently in use as a business development centre.
- 4.4 The application site previously housed Bow School of Computing and Science, a 600 place 5FE secondary school which was located both on the proposal site as well as

an adjacent site to the south side of Paton Close. This school moved to a new site at Bow Lock in June 2014 and has since expanded.

- 4.5 There are currently 4 permanent buildings on the site in addition to a number of temporary classroom cabins. These buildings include: the locally listed board school in the northern part of the site which is 4 storeys in height and was constructed in 1913; the former caretakers lodge (built in the same style as the board school building) in the south east corner of the site which is 2 storeys in height and also constructed in 1913; the existing science block in the south west corner of the site which is 3 storeys in height and constructed in the 1960s, and; the former design technology shed in the north west of the site which is a single storey structure and was constructed in the 1990s.
- 4.6 The site does not sit within a flood zone or an archaeology priority area and does not feature any trees within its curtilage. The site has a PTAL rating of 6a indicating an excellent level of public transport accessibility and is located within controlled parking zone B2 which is operation between 8:30am to 5:30pm Monday to Friday with residents parking bays.

Proposal

- 4.7 This applicant seeks full planning permission for the creation of a new 3FE primary school (630 places) and 3 class nursery (75 places), including the demolition of existing temporary structures and outbuildings, alterations and the internal refurbishment of the locally listed board school along with the construction of a new three storey building with a glazed link structure and associated external landscape works.
- 4.8 The buildings to be demolished include the temporary classroom cabins located to the south and the west of the board school building, the 1960s science block which is located within the south west corner of the site, and the 1990s design technology shed which is located in the north west corner of the site.
- 4.9 The existing locally listed board school is to be retained and sensitively refurbished with a number of minor external alterations, and will accommodate the majority of the facilities required for the 3FE primary school. Internally a number of reconfiguration works are proposed which will include the removal of some existing walls and the construction of some new partition walls. The existing caretakers lodge is also to be retained (an amendment to the original proposal which would have seen this building demolished), however its future use is currently undecided by the applicant, and any future amendments to this building will be subject to a separate planning application.
- 4.10 A new 3 storey building which will accommodate the 3 class nursery, the main reception area, ancillary facilities (such as school offices), the school hall and a rooftop multi-use games area (MUGA) is proposed to be located in the south west corner of the site and will be connected into the existing board school building by a 3 storey high glazed link.
- 4.11 In addition to the above it is also proposed to re-landscape the site to suit the new use of the site, however it should be noted that the landscaping currently proposed is purely illustrative and the final landscaping scheme for the site will be secured via condition.

Relevant Planning History

- 4.12 PA/59/00253 – Outline of planning permission - erection of three storey science block as shown on the plan No.316/12. (Permission granted 10/03/1960)
- 4.13 PA/76/00293 – Workshop extension. (Permission granted 29/09/1976)
- 4.14 BW/89/00162 – ERECTION OF A DOUBLE HUTTED CLASSROOM IN SCHOOL YARD. (Permission granted 21/09/1989)
- 4.15 BW/91/00144 – CHANGE OF USE OF OFFICE BUILDING TO FORM EXTENSION OF BOW SCHOOL INCLUDING NEW BOUNDARY TREATMENT AND LANDSCAPED PLAY AREAS. (Permission granted 18/08/1993)
- 4.16 BW/92/00089 – ERECTION OF TECHNICAL STORE AND WORKSHOP. (Permission granted 17/12/1992)
- 4.17 BW/93/00082 – ERECTION OF A ROOF EXTENSION TO MAIN SCHOOL BUILDING TO PROVIDE A NEW GYMNASIUM AND THE CONSTRUCTION OF A THREE STOREY EXTENSION TO THE SCIENCE BLOCK FOR TEACHING FACILITIES WITH LANDSCAPING. (Permission granted 28/10/1993)
- 4.18 BW/93/00101 – DEMOLITION OF REAR PITCHED ROOFS TO MAIN SCHOOL BUILDING, SINGLE STOREY EXTENSION TO SCIENCE BLOCK, EXTERNAL W.C.'S GARAGE AND STAIRCASE. (Permission granted 28/10/1993)
- 4.19 BW/94/00103 – New entrance gates, wall and perimeter fencing to School. (Permission granted 18/10/1994)
- 4.20 PA/01/01034 – External and internal remodelling including additional fencing, general repairs, demolition of former commercial building on Paton Close and extension of hard play area. (Permission granted 10/09/2001)
- 4.21 PA/01/01035 – External and internal remodelling including additional fencing, general repairs, demolition of former commercial building on Paton Close and extension of hard play area. (Permission granted 10/09/2001)
- 4.22 PA/06/01752 – Replacement of existing timber windows and doors with UPVC sliding sashes and casement windows and UPVC doors. (Permission refused 26/12/2006)
- 4.23 PA/07/01922 – Erection of a two storey extension to existing learning support unit. (Permission granted 17/12/2007)

5.0 POLICY FRAMEWORK

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.3 Government Planning Policy

National Planning Policy Framework 2012

5.4 London Plan (Consolidated with Alterations since 2011) 2015

- 3.16 – Protection and enhancement of social infrastructure
- 3.18 – Education facilities
- 3.19 – Sports facilities
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 5.13 – Sustainable drainage
- 5.21 – Contaminated land
- 6.3 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.13 – Parking
- 7.1 – Lifetime neighbourhoods
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.6 – Architecture
- 7.8 – Heritage assets and archaeology
- 7.14 – Improving air quality

5.5 Core Strategy 2010

- SP03 – Creating healthy and liveable neighbourhoods
- SP04 – Creating a green and blue grid
- SP05 – Dealing with waste
- SP07 – Improving education and skills
- SP09 – Creating attractive and safe streets and spaces
- SP10 – Creating distinct and durable places
- SP11 – Working towards a zero-carbon borough
- SP12 – Delivering placemaking

5.6 Managing Development Document 2013

- DM8 – Community infrastructure
- DM9 – Improving air quality
- DM11 – Living buildings & biodiversity
- DM13 – Sustainable drainage
- DM14 – Managing waste
- DM18 – Delivering schools and early learning
- DM20 – Supporting a sustainable transport network
- DM22 – Parking
- DM23 – Streets and the public realm
- DM24 – Place-sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic environment
- DM29 – Achieving a zero carbon borough and addressing climate change
- DM30 – Contaminated land and development and storage of hazardous substances

5.7 Supplementary Planning Documents

Fairfield Road Conservation Area (designated September 1989) character appraisal

and management guidelines

6.0 CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

20th Century Society

6.3 No comments received.

LBTH Design & Conservation

6.4 LBTH Design officers consider that the proposal is generally of a high architectural quality and support the proposal, however would request that details of the proposed cladding to the new building are given more thought and reserved by condition, as it is not considered as though the current cladding is successful. LBTH Conservation officers generally support the proposal, however would agree with Historic England's evaluation of the caretaker's lodge, and therefore would insist that it is retained.

DLR

6.5 DLR have no in principle objections to the application however have requested a number of conditions.

LBTH Education Development Team

6.6 The application has been submitted on behalf of this directorate.

LBTH Energy Efficiency Unit

6.7 No comments received.

LBTH Environmental Health – Air Quality

6.8 No objections.

LBTH Environmental Health – Contaminated Land

6.9 EH have no in principle objections to the application however have requested a number of conditions.

LBTH Environmental Health – Noise & Vibration

6.10 In the event that additional plant is proposed, details of said plant will need to be submitted for the approval of the LPA.

Historic England

6.11 The alterations proposed to the main school building and the design approach behind the new block are acceptable. The school keeper's lodge should be retained as it contributes to the conservation area.

LBTH School Development Advisor

6.12 No comments received.

LBTH Surface Water Run Off

6.13 No comments received.

TFL

6.14 TFL have no objection to the application in principle, however would wish to see cycle parking provided in line with the London Plan (2015) and would also request a Delivery and Servicing Plan and Construction Management Plan by condition as well as a Travel Plan by S.106.

LBTH Transportation & Highways

6.15 Officers have concerns surrounding the number of potential vehicle trips generated by the proposed primary school and the proposed turning area on Paton Close along with the width of the footways along Paton Close, however these issues can be mitigated by a stringently monitored robust travel plan which will need to be in place prior to the occupation of the school. Cycle parking should be provided in line with FALP standards and provision should also be made for scooters and buggies. Both a Service Management Plan and a Construction Management Plan should also be requested by condition.

LBTH Waste Policy & Development

6.16 No objections.

7.0 LOCAL REPRESENTATION

7.1 A total of 159 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in 'East End Life'.

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

No of individual responses:	Objecting: 4
	Supporting: 1

No of petition responses:	Objecting: 0
	Supporting: 0

7.3 The following issues were raised in objection to the proposal:

- No details relating to the existing brick boundary wall have been provided. If this wall is to be demolished it would have an impact on the conservation area and on neighbouring resident's amenity.
- The proposed demolition of the caretakers lodge would be detrimental to the conservation area and its demolition appears unnecessary given that no structure will replace it and the play area which is to replace it does not seem to be an appropriate use of this portion of the site.

- The proposed new building will lead to the loss of light in the living rooms of the adjacent houses on Fairfield Road in the afternoon and evening.
- The corridors on the eastern façade of the building which sit behind a transparent façade will act as viewing platforms causing overlooking of the properties on the western side of Fairfield Road. This building should be rotated by 30 degrees in order to mitigate this issue.

7.4 The following issues were raised in support of the proposal:

- The opening of a new school in this location will help to serve an area which has a large number of families with young children and will enhance an already strong community.

8.0 MATERIAL PLANNING CONSIDERATIONS

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

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

Land Use

- 8.2 The proposed development does not result in any change of use on this site, however through the demolition of existing redundant buildings and provision of new buildings results in a net loss of 251sqm of D1 floorspace.
- 8.3 Policy 3.18 of the London Plan (2015) states that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Furthermore those proposals which address the current and projected shortage of primary school places will be particularly encouraged.
- 8.4 The Council's Core Strategy policy SP07 (2) seeks to increase the provision of both primary and secondary education facilities to meet an increasing population.
- 8.5 The Council's Managing Development Document policy DM18 supports the development of schools or children's centres or extensions to existing schools or children's centres in appropriate locations.
- 8.6 The previous school on this site (Bow School of Computing and Science) vacated this site in June 2014, since when the buildings which occupy the site have been vacant, due to the constraints of this site. Whilst this site was not considered appropriate for another secondary school, feasibility studies undertaken by LBTH educational services found that the continued educational use of the site through the development of a 3FE primary school with associated nursery was appropriate in this location and would contribute towards the acute problems faced by the Borough in planning to meet the growth in need for school places.

- 8.7 Considering the above, officers conclude that the proposed development can be supported in land use terms, as it can be seen to be in accordance with the relevant policies as set out above

Design

- 8.8 The application proposes to demolish the existing science block and design technology shed along with the temporary classroom cabins, retains the caretakers lodge, internally reconfigure portions of the existing locally listed board school building and make a number of minor external alterations to this building, and construct a new 3 storey building with an associated glazed link. Whilst proposed landscaping has been illustrated within the submission, it should be noted that this is purely illustrative and the final landscaping scheme for the site will be secured via condition.
- 8.9 Policies 7.4, 7.6 & 7.8 of the London Plan (2015) seek to ensure that proposed buildings are of a high architectural quality and relate well to their surroundings. Where proposals affect the setting of heritage assets, they should be sympathetic to their form, scale, materials and architectural detailing.
- 8.10 The Council's Core Strategy policy SP10 seeks to ensure that proposals promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Proposals should also project and enhance heritage assets such as statutory listed buildings and their settings.
- 8.11 The Council's Managing Development Document policies DM24 and DM27 seek to ensure that development will be designed to the highest quality standards, incorporating principles of good design. Development is also required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 8.12 As part of the proposed development it is envisaged to demolish the temporary classroom cabins located to the south and the west of the board school building, the 1960s science block which is located within the south west corner of the site, and the 1990s design technology shed which is located in the north west corner of the site. None of the buildings to be demolished are of any architectural significance nor contribute positively to either the Fairfield Road conservation area or the setting of the locally listed board school building. As such the demolition of these buildings can be considered to be accepted in design and conservation terms.
- 8.13 The original proposal for the site sought permission to demolish the existing 1913 caretaker's lodge which was built at the same time as the locally listed board school building in a matching architectural style. The building which is located within the south east corner of the site was to be demolished as it is deemed surplus to the proposed school's requirements and would also allow the space that it currently sits upon to form part of the play space provision for the school. Whilst officers appreciate this position and the fact that the building is not either statutory or locally listed, it is considered that it contributes positively to the conservation area and should therefore be retained as the justification for its loss is does not outweigh the harm caused to the conservation area, this view has been shared by Historic England. After further discussions with the applicant during the application process it was subsequently agreed that the caretaker's lodge would be retained, however its future use is currently unclear and may be subject to a separate planning application in the future.

- 8.14 The existing board school building which housed Bow School of Computing and Science is to be internally reconfigured and altered externally in order to accommodate the 3FE primary school and bring the building up to modern teaching standards. The primary alterations involve: the demolition of a number of existing internal walls along with the insertion of new partitions which largely reverse some of the previous less sympathetic alterations to the building; the reinstatement of the existing 'marching corridors' to their original form at each level; the conversion of the second floor hall to create 6 classrooms, and; the replacement of a number of windows at ground floor level with doors to allow for direct access to the playground. Both the Council's conservation officer and Historic England are in agreement that the proposed alterations to the existing board school building are both sympathetic to the locally listed building and also necessary in order to allow the building to be used as a 3FE primary school.
- 8.15 It is proposed to construct a 3 storey building with an associated glazed link connecting the new building to the existing board school building in the south west corner of the site. The proposed building will measure 26.5m in width, 18m in depth and 15m in height (inclusive of the 1.25m high mesh 'hat' to the MUGA) and is of a contemporary appearance. The main portion of the building is rectangular in form and features a recessed ground floor level which is clad in curtain walling comprising of both glazing and cladding panels and accommodates the school reception entrance on the building's south east corner adjacent to the main entrance to the site. The upper levels of the building are also to feature external cladding panels, however the exact details of the proposed cladding is to be reserved by condition as it requires further design development in collaboration with the Council's design officer. There are few window openings on the upper levels of the building, however a number of ventilation louvers for the school hall do help to break up the overall mass of the façade. Directly above the 4m high parapet walls around the MUGA sits a mesh 'hat' to the building which is 1.25m in height and has been proposed in order to prevent balls or other equipment from the MUGA escaping this space. On the west elevation of the building (fronting the DLR lines) is the fire escape staircase which is clad by a 12.5m high mesh clad tower. The overall form and scale of the proposed new building is generally acceptable as it is subservient to the existing board school building. It is also considered that subject to the relevant conditions being imposed (subject to permission being granted) that the overall design and appearance of the proposed new building is also acceptable.
- 8.16 The glazed link to the east elevation of the building is inset from the south elevation of the building by 3.5m and runs the entire length of the building connecting it to the existing board school building. The link creates a covered route beneath it which allows users to gain access to the board school building from the main entrance of the school on Paton Close largely undercover and features two vertically stacked sloping internal corridors (to address the differences in height between the new and existing buildings) which connect the MUGA and school hall to the board school building along with vertical circulation routes at its southern most end. The link is glazed and features slender angled steel columns giving it a transparent and lightweight appearance and steps down in height at its northern end to better address its junction with the existing board school building. Whilst the exact details of the link will be reserved by condition it is also likely to feature a number of coloured glazed panels to give it more visual interest. The Council's design officers were very supportive of the proposed glazed link and were of the opinion that it was of a high quality design and sensitively connected the new and old buildings on site.
- 8.17 Whilst the proposed landscaping strategy for the site is currently indicative (full details of which will be secured by condition), the proposed design will likely feature a

mixture of both hard and soft landscaping and will be zoned to allow for a variety of play spaces which provides the opportunity for large and small group teaching and social activities without being prescriptive with regards to function and age, and maximises the flexibility of the space. It is also proposed to stagger play/lunch time arrangements in order to maximise group play activities throughout the school day. To the front of the site (adjacent to Paton Close) an enlarged area of public realm has been proposed in the form of a shared surface area in order to provide a more generous gathering space for parents, pupils and staff to congregate before and after school. Whilst this element of the site will primarily feature hard landscaping, it is proposed to introduce additional trees into this area in order to soften its overall appearance. Officers consider that the general approach to landscaping including the play space provision and public realm to the front of the site (adjacent to Paton Close) is generally acceptable and further details will be secured by condition.

- 8.18 The existing boundary treatment to the site primarily comprises of a 2-2.5m high brick wall with a 3-5m high mesh fence above. Bar the Paton Close frontage of the site, the applicant seeks to retain the existing boundary treatment to the site and introduce elements of soft landscaping around the edges of the site, an approach which officers consider to be acceptable. Along the Paton Close edge of the site the applicant proposes to erect a new 2.8m high secure boundary fence along with a large sliding gate within the boundary fence which facilitate the large amount of pedestrian movement in and out of the site at both the start and end of the school day. It is also proposed to incorporate a defensible box hedge directly in front of the southern elevation of the new building in order to soften the boundary condition of the site. Subject to further details of the proposed boundary treatments to the front of the site (adjacent to Paton Close) which will be secured via condition officers are content with the proposed boundary treatment of the site.
- 8.19 Careful consideration has been given by the applicant to ensure that the proposed design of the school incorporates secure by design principles which aim to reduce opportunities for criminal behaviour and disorder. The applicant has consulted with the Crime Prevention Officer regarding the scheme and their comments have been incorporated to assist in designing out crime. Measures incorporated in the scheme include a secure gate on Paton Close, a carefully positioned school office which allows for the natural surveillance of the entrance and surrounding site and appropriate lighting. Officers consider that the measures taken are appropriate for this site and therefore satisfy the requirement for the scheme to be designed in mind of secure by design principles.
- 8.20 Considering the above, officers conclude that the proposed development is acceptable in design terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

Transportation & Highways

- 8.21 The application proposes to modify the main entrance to the site and make alterations to Paton Close including the introduction of a turning area. It is also proposed to incorporate cycle parking, scooter parking and disabled car parking within the scheme.
- 8.22 Policy 6.3 of the London Plan (2015) states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed and that development should not adversely affect safety on the transport network. Policy 6.9 states that developments should provide secure, integrated, convenient and accessible cycle parking facilities

in line with the minimum cycle parking standards which are set out in a table which forms a part of policy 6.13.

- 8.23 The Council's Core Strategy policy SP09 (3) seeks to ensure that all new development does not have an adverse impact upon the capacity of the road network.
- 8.24 The Council's Managing Development Document policy DM20 (2) states that development must be able to demonstrate that it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network. Policy DM22 (1 & 4) both state that development will be required to comply with the Council's minimum parking standards in order to ensure suitable provision for cyclists, however it should be noted that these standards have now been superseded by the parking standards set out within the recently adopted London Plan (2015), which this application is being assessed against.
- 8.25 The applicant has submitted a transport assessment with the application which outlines the likely impacts of the proposed school. This document concludes that the total number of vehicular trips generated by the proposed primary school will increase by 68 trips in the morning and 79 trips in the afternoon (when compared to the existing secondary school). Due to the fact that the majority of these vehicular trips will be generated within short timeframes both within the morning and the afternoon it is considered that the proposal does have the potential to result in increased congestion around the school, especially on Paton Close which is a relatively narrow 'dead-end' street. LBTH transport and highways officers have reviewed this document, and whilst they do have some concerns over the potential trip generation of the proposal they are of the opinion that a robust travel plan which adopts a zero car policy and encourages the use of walking, cycling and public transport can mitigate any potential adverse impacts of the proposed school upon the local highway network. It should be noted that the site has a PTAL rating of 5 meaning that its accessibility to public transport can be considered 'very good' which will aid in reducing the sites dependency on car use.
- 8.26 The proposed scheme seeks to make amendments to Paton Close and introduce an area for vehicle turning (i.e. for visitors/parents vehicles using disabled parking spaces, delivery vehicles and refuse vehicles) to the front of the two proposed disabled parking spaces. Officers do not have an in principle objection to this element of the proposal subject to a robust travel plan being in place which would minimise any vehicular trips to the school. In order to better understand how the proposed vehicle turning area will work in practice, further details of the servicing arrangements for the school should be provided within a Servicing Management Plan, which would be secured by a condition.
- 8.27 No car parking is provided as part of the proposal except for two disabled parking spaces to the front of the site adjacent to Paton Close which is welcomed by officers. It is envisaged that the school will employ 35 full time staff and 45 part time staff, the equivalent of 57.5 full time staff. FALP cycle parking standards require 1 cycle parking space per 8 staff meaning that this proposal would need to provide a minimum of 7 cycle parking spaces in order to be policy compliant. A total of 10 undercover secure cycle parking spaces adjacent to the staff entrance have been provided for staff which exceeds the FALP standards and this is welcomed by officers. The proposed school will house a total of 705 pupils (630 primary and 75 nursery). FALP cycle parking standards require 1 cycle parking space per 8 students meaning that this proposal (when at full capacity) would need to provide a minimum of 88 cycle spaces in order to be policy compliant, although these standards make no

mention of scooter parking which is an increasingly popular mode of travel for primary school pupils.

- 8.28 It is envisaged that the number of pupils at this site will build up over time and as such the full quota of cycle parking spaces has not been proposed at this time, although it should be noted that there is sufficient space to provide this full quota if necessary in the future. The applicant has instead proposed 36 cycle parking spaces along with additional space for scooter parking (which as previously mentioned is an increasingly popular mode of travel for primary school pupils) for the time being, and as numbers of pupils increase, additional space for both cycle parking and scooter parking will be provided as required. Officers consider that such an approach is acceptable as a sufficient level of cycle parking and scooter parking for the evolving school can be monitored through the travel plan and secured by way of condition. It should also be noted that in addition to the above, 4 cycle parking spaces for the use of visitors have also been provided which is welcomed by officers.
- 8.29 In order to understand the potential impacts upon the highway network during the construction phase of the proposal and how they will be mitigated against, the submission of a Construction Management Plan will be conditioned.
- 8.30 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in highways terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

Amenity

- 8.31 Officers have assessed the amenity implications of the proposal, including the proposed use of the site, the alterations to the existing building, and the construction of a new 3 storey building with an associated glazed link.
- 8.32 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.33 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that all development protects the amenity of surrounding building occupiers.
- 8.34 The Council's Managing Development Document policy DM25 states that development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants by not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.
- 8.35 The proposed development is for the creation of a 3FE primary school (630 places) and 3 class nursery (75 places). Up until June 2014 the site housed Bow School of Computing and Science, a 600 place 5FE secondary school. Considering that the site was last in use as a school, officers do not consider as though the principle of the development (i.e. the proposed use of the site as a primary school) raises any additional amenity concerns, especially considering that school uses are generally considered compatible within residential areas.
- 8.36 Whilst the exact hours of the school day for both the primary school and nursery have not yet been decided, it is proposed that the school will open at 8am for the breakfast club and close at 6pm after all after-school activities have finished. It is not proposed to open the school on evenings or weekends except in exceptional

circumstances and when in need by the School. Given the limited hours of use of the site, which are primarily limited to the daytime, officers do not consider that residents of nearby houses will be subject to noise disturbances during unsociable hours.

- 8.37 The alterations proposed to the existing board school building are limited to internal alterations and the installation of a number of new doors in place of existing windows at ground floor level. Given the nature of these works officers do not consider that they raise any additional amenity concerns.
- 8.38 The new 3 storey building with an associated glazed link which is to accommodate the nursery, school hall and MUGA and is to be sited in the south west corner of the site will measure 26.5m in width, 18m in depth and 15m in height (inclusive of the 1.25m high mesh 'hat' to the MUGA). The proposed building (inclusive on the glazed link) is located 22.5m from the rear boundaries of the properties which front onto Fairfield Road and 30m from the rear of the properties themselves. The position of the new building has been carefully considered in relation to the locally listed terraced houses which front onto Fairfield Road to avoid any loss of daylight or sunlight and falls beneath the BRE 25 degree line which is taken from the centre point of the lowest window from the nearest property affected (see page 64 of the design and access statement), meaning that the proposal is unlikely to result in any adverse daylight and sunlight impacts for the terraced houses which front onto Fairfield Road.
- 8.39 Concerns have been raised by neighbouring residents as to the levels of overlooking that they may be subjected to as a result of the new building, particularly the glazed link which sits on the eastern side of the building. It should be noted however that the glazed link merely acts as a corridor connecting the existing board school building to the proposed new building meaning that it is unlikely that users of the school will be lingering in this space. Furthermore it should also be noted that the nearest habitable windows of the properties that front onto Fairfield Road are 30m from the proposed glazed link. Given the above officers consider that the proposed new building does not raise any significant concerns with regard to the overlooking of neighbouring residents who reside in the properties which front onto Fairfield Road.
- 8.40 The top level of the proposed new building is to feature a multi-use games area (MUGA) which will be open during the same times as the school (8am-6pm Monday-Friday), and may also be open outside of these hours to members of the local community which is welcomed. In order to protect the amenity of neighbouring residents officers will impose a condition requiring the submission of a school management plan prior to the occupation of the school which will be required to set out the hours of use of the MUGA to be agreed, to ensure that it is not used during sensitive hours. It should be noted that the proposed MUGA does involve floodlighting however due to the nature of the design of the new building which features 4m high parapet walls surrounding the MUGA, the proposed floodlighting will be attached to the inside edge of the parapet walls down-lighting the space meaning that the impact of light pollution from the proposed MUGA on neighbouring residents will be minimal.
- 8.41 In addition to the floodlighting proposed for the MUGA, a degree of external lighting is also proposed around the site, primarily in the form of low energy luminaires and lamp fittings. The proposed external lighting has been positioned well away from the adjacent residential properties to avoid light spillage.
- 8.42 The proposed new building is likely to feature mechanical plant, however the accompanying environmental noise survey stipulates that the proposed plant noise

limits will be set 10dB below the measured background noise levels which is considered an acceptable approach in order to ensure that surrounding residents and building occupiers are not adversely affected by noise pollution. A condition requesting full details of any proposed mechanical plant will be imposed in the event that permission is granted.

- 8.43 In order to protect the amenity of future users of the proposed school measures to minimise the levels of noise experienced internally will be undertaken, however it is recognised that there is a limit to the levels of work practicable for the existing board school building. Full details of the measures undertaken to reduce noise levels internally will need to be submitted as part of a condition to be imposed on the proposal in the event that permission is granted.
- 8.44 In order to ensure that the proposed development does not cause significant adverse impacts upon the surrounding residents and building occupiers during its construction phase, a condition will be imposed requiring the submission of a construction management plan in the event that permission is granted.
- 8.45 Considering the above, officers conclude that the proposed development is acceptable in amenity terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

Access

- 8.46 The applicant has provided details on how the proposed school has been designed with inclusivity in mind. These details are outlined on pages 77-79 of the design and access statement.
- 8.47 Policy 7.2 of the London Plan (2015) seeks to ensure that development demonstrates how it has incorporated the principles of inclusive design, including the specific needs of older and disabled people.
- 8.48 The Council's Core Strategy policy SP10 (4) seeks to ensure that development promotes good design principles to create buildings that are accessible, flexible and adaptable to change.
- 8.49 The Council's Managing Development Document policy DM23 (1) states that development should be should be easily accessible for all people by incorporating the principles of inclusive design.
- 8.50 The proposed development has been designed to be fully compliant with Building Regulations Approved Document Part M and features level thresholds throughout, level access by lift to each upper floor level, level changes between the new building and the existing building and wheelchair accessible sanitary facilities on each floor. It should also be noted that users with disabilities enjoy the same access/circulation arrangements as other users.
- 8.51 Two disabled car parking spaces are to be provided at the main entrance to the school off of Paton Close which is welcomed by officers. It is also considered that the main entrance itself has been well designed in terms of accessibility as it is highly visible from Paton Close and features level access from the public highway to all ground floor areas of the school.

- 8.52 Considering the above, officers conclude that the proposed development is acceptable in access terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

Refuse

- 8.53 A large refuse store has been located within the south west corner of the site which is located within close proximity to the vehicle turning area at the end of Paton Close which is to be used by refuse and servicing vehicles.
- 8.54 Policy 5.17 of the London Plan (2015) states that all developments should plan for waste management, and should minimise waste and achieve a high level of performance with respect to reuse and recycling.
- 8.55 The Council's Core Strategy policy SP05 (1) states that the Council will ensure that development implements the waste management hierarchy of reduce, reuse and recycle by ensuring that building users reduce and manage their waste effectively.
- 8.56 The Council's Managing Development Document policy DM14 (2) states that development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle.
- 8.57 LBTH waste officers have been consulted with on this application and have not raised any objections to the proposed waste strategy for this site. Officers consider that the refuse store is located in an appropriate location on site and is of a suitable size for such a proposal. Further details of the waste strategy for the site will need to be provided within a Servicing Management Plan which will be secured by condition.
- 8.58 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in refuse terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

Environmental Considerations

Air Quality

- 8.59 Policy 7.14 of the London Plan (2015) seeks to ensure that development minimises increased exposure to existing poor air quality and is at least 'air quality neutral' and does not lead to further deterioration of existing poor air quality.
- 8.60 The Council's Core Strategy SP03 seeks to ensure that development addresses the impact of air pollution in the Borough by minimising and mitigating the impacts of air pollution and managing and improving air quality wherever possible.
- 8.61 The Council's Managing Development Document policy DM9 states that applications for development will be required to submit details outlining practices to prevent or reduce associated air pollution during construction or demolition.
- 8.62 The applicant has submitted an Air Quality Neutral Assessment which concludes that as there are no adverse air quality impacts associated with the proposal development, no further mitigation measures in order to improve air quality and reduce air pollution are required. This document has been reviewed by LBTH air quality officers who have concluded that the submitted document is acceptable.

- 8.63 Considering the above, officers conclude that the proposed development is acceptable in terms of air quality, and therefore can be seen to be in accordance with the relevant policies as set out above.

Biodiversity

- 8.64 Policy 5.11 of the London Plan (2015) seeks to ensure that development proposals are designed to include roof, wall and site planting, especially green roofs and walls where feasible.
- 8.65 The Council's Core Strategy SP04 seeks to ensure that development protects and enhances biodiversity value through the design of open spaces and buildings.
- 8.66 The Council's Managing Development Document policy DM11 states that development will be required to provide elements of a 'living building' and that existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 8.67 Whilst neither the existing nor proposed buildings incorporate elements of a 'living building', due to the historic nature of the existing board school building and the fact that the proposed new building features a MUGA on its roof, officers do not consider it practical in this instance to propose elements of a 'living building'.
- 8.68 In order to meet the Council's policy requirements of enhancing biodiversity, the applicant has instead proposed a number of 'habitat areas' around the site's boundary which will take the form of soft landscaping. It is proposed that these areas may be used to encourage connections between the pupils and nature enabling pupils to further their understanding of nature and health and nutrition, and would feature raised growing beds, set at low levels to provide access for all pupils to participate, along with wild meadow plants encouraging natural wildlife. Officers support such an approach, however a condition requiring further details of the proposed biodiversity enhancements to the site will be imposed in the event that permission is granted.
- 8.69 Considering the above, officers conclude that the proposed development is acceptable in terms of biodiversity, and therefore can be seen to be in accordance with the relevant policies as set out above.

Contaminated Land

- 8.70 Policy 5.21 of the London Plan (2015) seeks to ensure that appropriate measures are taken to ensure that development on previously contaminated land does not activate or spread contamination.
- 8.71 The Council's Managing Development Document policy DM30 states that where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to deal with the contamination.
- 8.72 The site lies in an area which is considered to be potentially contaminated. The applicant has submitted both a desk top study and a site investigation report which identify the extent to which the site is contaminated and the measures which will be taken in order to decontaminate the site. In order to ensure that the necessary works have been undertaken prior to the occupation of the site conditions will be imposed in order to control this based on the advice of a LBTH Contaminated Land officer.

- 8.73 Considering the above, and subject to the necessary conditions officers conclude that the proposed development is acceptable in terms of contaminated land, and therefore can be seen to be in accordance with the relevant policies as set out above.

Energy and Sustainability

- 8.74 Policies 5.2, 5.3 and 5.7 of the London Plan (2015) seek to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions, demonstrate that sustainable design standards are integral to the proposal and integrate on-site renewable energy generation, where feasible.
- 8.75 The Council's Core Strategy SP11 seeks to ensure that carbon emission are reduced in non-domestic buildings by supporting non-domestic developments that promote the use of renewable energy technologies and reducing the carbon emissions of all public buildings in the Borough.
- 8.76 The Council's Managing Development Document policy DM29 states that all development will be required to be accompanied by an Energy Assessment to demonstrate its compliance with the Borough's carbon reduction targets and will also need to demonstrate that climate change mitigation measures are maximised within development.
- 8.77 The applicant has submitted a BREEAM Pre-assessment and tracker, an Energy and Sustainable Design (ESD) Statement, and an Energy Assessment as part of the application. The applicant is targeting a BREEAM 'very good' rating for the proposed works to the existing building, however it is recognised that there is a likely chance of the proposed works achieving a BREEAM 'excellent' rating. Given the constraints of the existing building officers consider that this approach is acceptable. Due to the scale of the proposed extension, a BREEAM pre-assessment has not been carried out for this element of the proposal. A condition requiring the submission of the relevant final certificates within a set period of occupation will be imposed.
- 8.78 The Energy and Sustainable Design (ESD) Statement submitted outlines the measures that are being taken in order for the proposal to contribute towards the Council's sustainability goals. This includes: a range of passive cooling measures including a building fabric in excess of building regulations 2013, low solar transmittance glazing, and a combination of natural and mechanical ventilation; a 46% reduction in site wide regulated CO2 emissions resulting from a combination of demand reduction, energy efficiency and renewable technology measures; and water saving measures including low flow appliances and fittings, metering and flow control devices. This document also notes that if the planned district heating zones were extended or amended then a future connection to such a system could be possible.
- 8.79 The Energy Assessment submitted outlines the proposed strategy for the proposal with regard to reducing CO2 emissions. The proposed development will exceed the LBTH target of reducing CO2 emission by at least 45% through focusing on an energy efficient design for both the refurbished heritage block and new build extension coupled with a new photovoltaic (PV) array approximately 27sqm in size located on the bridge link and new build extension along with an air source heat pump to provide low carbon space heating for the new build extension. Officers consider that the proposed measures are acceptable, and further details of these will be requested via condition.

8.80 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in energy and sustainability terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

9.0 HUMAN RIGHTS CONSIDERATIONS

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

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

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

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

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

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

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

10.0 EQUALITIES ACT CONSIDERATIONS

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

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

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

11.0 FINANCIAL CONSIDERATIONS

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

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

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

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

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

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

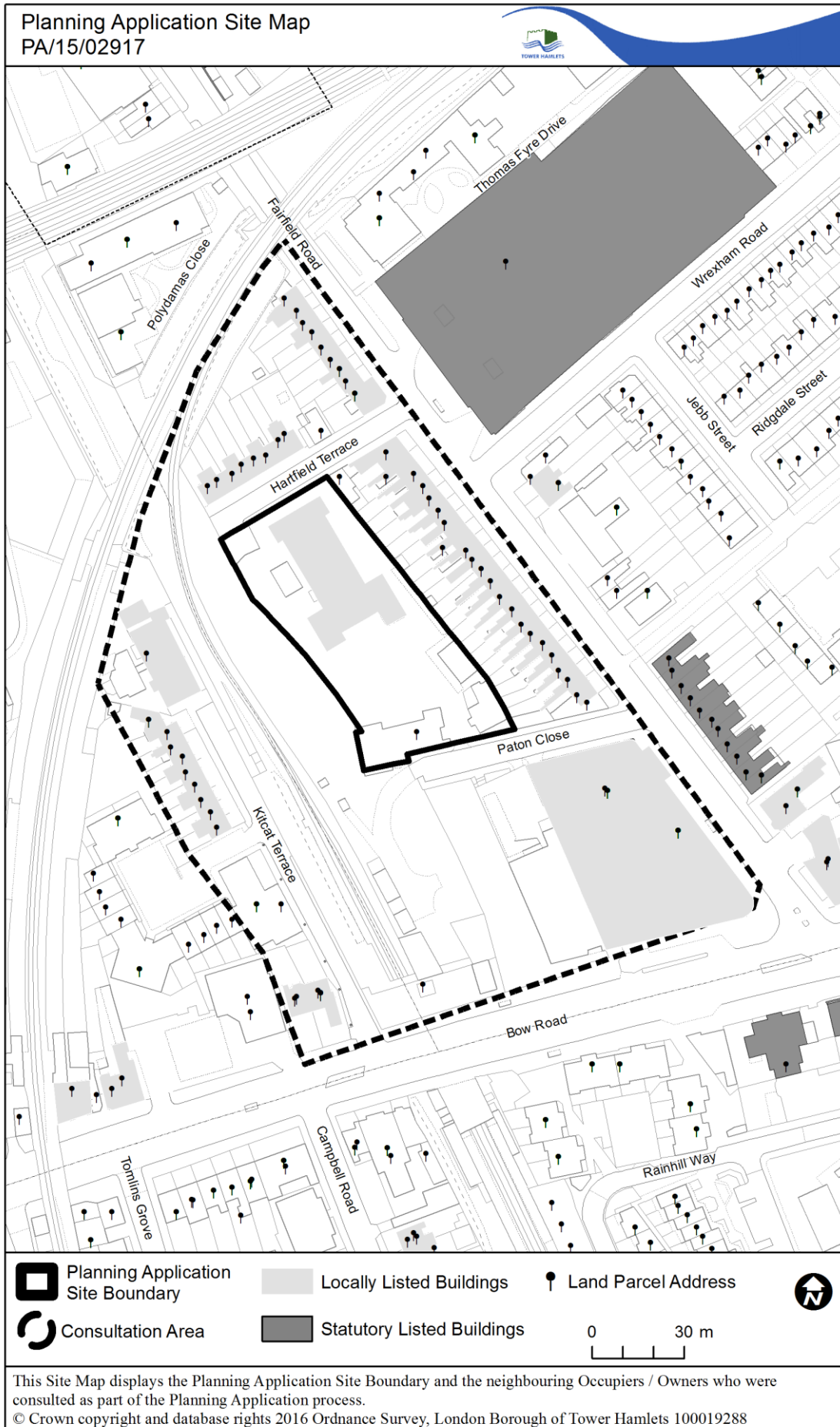
11.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however proposals for D1 uses (non-residential institutions) are not liable for Mayoral CIL.

11.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. Again, the proposal would not be liable for Borough CIL as proposals for D1 uses (non-residential institutions) do not attract CIL payments.

12.0 CONCLUSION

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

13.0 SITE MAP



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Agenda Item 6.2

Committee: Development	Date: 9 th March 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Tim Ross	Ref No: PA/15/01985 & PA/15/01984
	Ward: Bethnal Green

1.0 APPLICATION DETAILS

Location: Railway Arches, 157-170 Malcolm Place, London, E2 0EU
Existing Use:
Proposal: Change of use of railway arches to flexible use A1 – A4, B1 and / or B8 and associated external alterations.

Drawings and documents: 14-3624-PL-019F; 14-3624-PL-020F; 14-3624-PL-021F;
14-3624-PL-022F; 14-3624-PL-023F; 14-3624-PL-025 REV.D;
14-3624-PL-037 REV.B; 14-3624-PL-038 REV.B;
14-3624-PL-039 REV.B; 14-3624-PL-041C; 14-3624-PL-042C;
14-3624-PL-043C; 14-3624-PL-044C;
14-3624-PL-045 REV.B; 14-3624-PL-046 REV.B;
14-3624-PL-050 REV.B; 14-3624-PL-051 REV.B;
14-3624-SK-202; 157A-170

Design and Access Statement, July 2015
Delivery and Servicing Plan. REV C
Noise Assessment 1011120-RPT-AS00001
Retail Impact Assessment, Savills July 2015
Soft Marketing Strategy
Tenant Management Strategy
Boundary Planning Document REV B
Applicant: Network Rail

Ownership: Network Rail

Historic Building: Contains a listed building reference LB932 (Listed Building consent also sought)

Conservation Area: Located opposite the Bethnal Green Gardens Conservation Area

2.0 EXECUTIVE SUMMARY

2.1 This application is reported to the Development Committee as the proposal has received over 20 objections.

2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy

(2010) and Managing Development Document (2013) as well as the London Plan (Consolidated with Alterations since 2013) (London Plan 2015) and the National Planning Policy Framework and all other material considerations.

- 2.3 The proposal is for the redevelopment of 14 railway arches at 157A-170 Malcolm Place, Bethnal Green and is the subject of a planning and listed building consent application.
- 2.4 On balance, taking into account the character of the site and its environs and the site's likely employment potential, it is considered that the change of use of 14 railway arches from A1 B2, D2 and Sui Generis Use Classes, in accordance with the Use Classes Order 2015 to flexible uses A1, A2, A3, A4, B1 and/or B8 will not disproportionately affect local provision of employment floorspace for small enterprises while positively contributing to achievement of the placemaking vision for the area. Retail including A3/A4 uses in this location with a mixed inner London character is not considered to undermine the viability and vitality of adjoining designated town centres. This is in accordance with the principles of the National Planning Policy Framework (2012), policies 2.15, 4.7, 4.8 and 7.1 of the London Plan (2011), policies SP01, SP06 and SP12 of the Core Strategy (2010), and policies DM0, DM1 and DM15 of the Managing Development Document (2013). These policies aim to support the borough's economy, prioritise provision of business floorspace for small enterprises and seek to support the vitality and viability of the borough's town centres.
- 2.5 Subject to conditions, the operation of the proposed uses (specifically the A3/A4 uses) will not lead to an unacceptable impact on the amenity of adjoining occupiers or the general amenity of the public realm in accordance with the National Planning Framework, policies 3.2, 7.3 and 7.15 of the London Plan (2011), policies SP03 and SP10 of the Core Strategy (2010), and policy DM25 of the Managing Development Document (2013). These policies seek to ensure protection of the amenity of surrounding existing and future residents and building occupants as well as that of the public realm.
- 2.6 The proposal is considered to be satisfactory in terms of design, use of materials and detailed execution, and will relate sympathetically to the fabric of the host railway viaduct and the Grade II listed building will not be adversely affected. The proposal will also provide inclusive access and maintain a safe environment. This is in accordance with the National Planning Policy Framework (2012), policies 7.1, 7.2, 7.3, 7.4, 7.6 and 7.8 of the London Plan (2011), policies SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM23, DM24 and DM27 of the Managing Development Document (2013). These policies aim to ensure that development is of high quality design, positively responds to its setting and preserves the architectural quality and setting of borough's heritage assets. Additionally, development is required to be appropriately designed with regards to inclusive access, safety and security.
- 2.7 Subject to condition, the proposal will incorporate adequate facilities and measures for the storage and disposal of waste and recyclables in accordance with policy 5.17 of the London Plan (2011), policy SP05 of the Core Strategy (2010), and policy DM14 of the Managing Development Document (2013).
- 2.8 Subject to conditions, with reference to transport matters including access, deliveries, servicing and cycle & disabled parking, the proposed change of use is acceptable and accords with the National Planning Policy Framework, policies 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policy SP09 of the Core Strategy (2010), and policies DM20 and DM22 of the Managing Development Document (2013). These

policies seek to ensure safe and efficient operation of the borough's transport network and to promote sustainable transport.

- 2.9 Subject to conditions, the development will contribute to reduction of carbon dioxide emissions and incorporate sustainable drainage in accordance with the National Planning Policy Framework (2012), policies 5.2, 5.3 and 5.13 of the London Plan (2011), policies SP04 and SP11 of the Core Strategy (2010), and policies DM13 and DM29 of the Managing Development Document (2013).

3.0 RECOMMENDATION

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

- a) That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.2 Conditions on planning permission

1. Time Limit – 3 years to implement permission (*compliance*)
2. Development to be built in accordance with the approved plans (*compliance*)
3. Further design details: cladding, details and samples (*pre-commencement*)
4. Landscaping, boundary treatments, external lighting and biodiversity enhancements (*pre-commencement*)
5. Demolition and Construction management plan (*pre-commencement*)
6. Scheme of highways improvements (S.278) (*pre-commencement*)
7. No more than 1,091sqm shall be A1, A2, A3 or A4 uses, of which no more than 332sqm shall be A3/A4 use classes (*compliance*)
8. Hours of Operation (*compliance*)
9. No amplified sound audible from nearest residential properties (*compliance*)
10. Details of ventilation: fumes and noise levels (*pre-occupation*)
11. Accessible entrance doors (*pre-commencement*)
12. Contaminated land remediation (*pre-occupation*)
13. Details of refuse (*pre-occupation*)
14. Sustainability (*pre-occupation*)
15. Details of external security measures (*pre-occupation*)
16. Delivery and servicing management plan (*pre-occupation*)
17. Cycle parking (*compliance*)
18. Refuse (*compliance*)

3.3 Informatives on planning permission

None

- 3.4 That the Committee resolve to **GRANT** Listed Building Consent subject to the conditions as set out below.

1. Time Limit.
2. Completion in accordance with approved drawings.
3. Details of External Materials

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

4.0 LOCATION AND PROPOSAL DETAILS

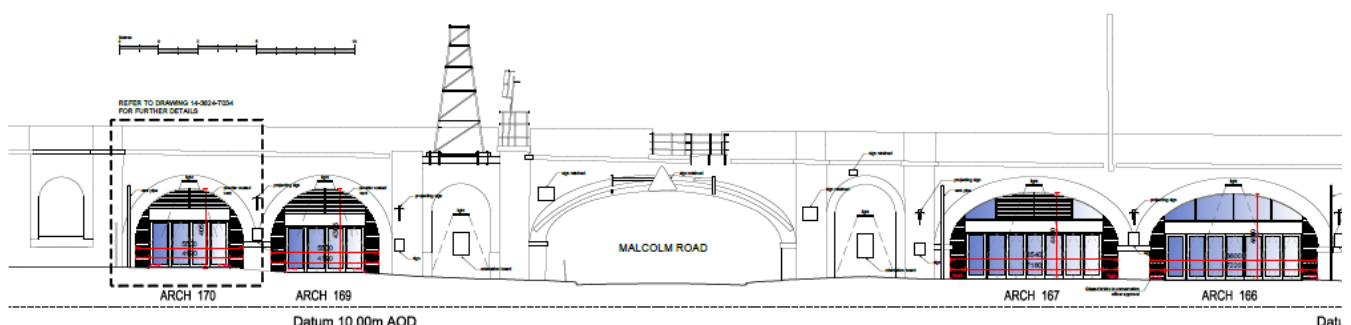
Site and Surroundings

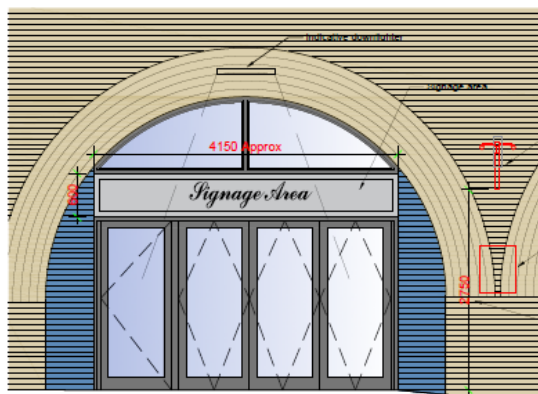
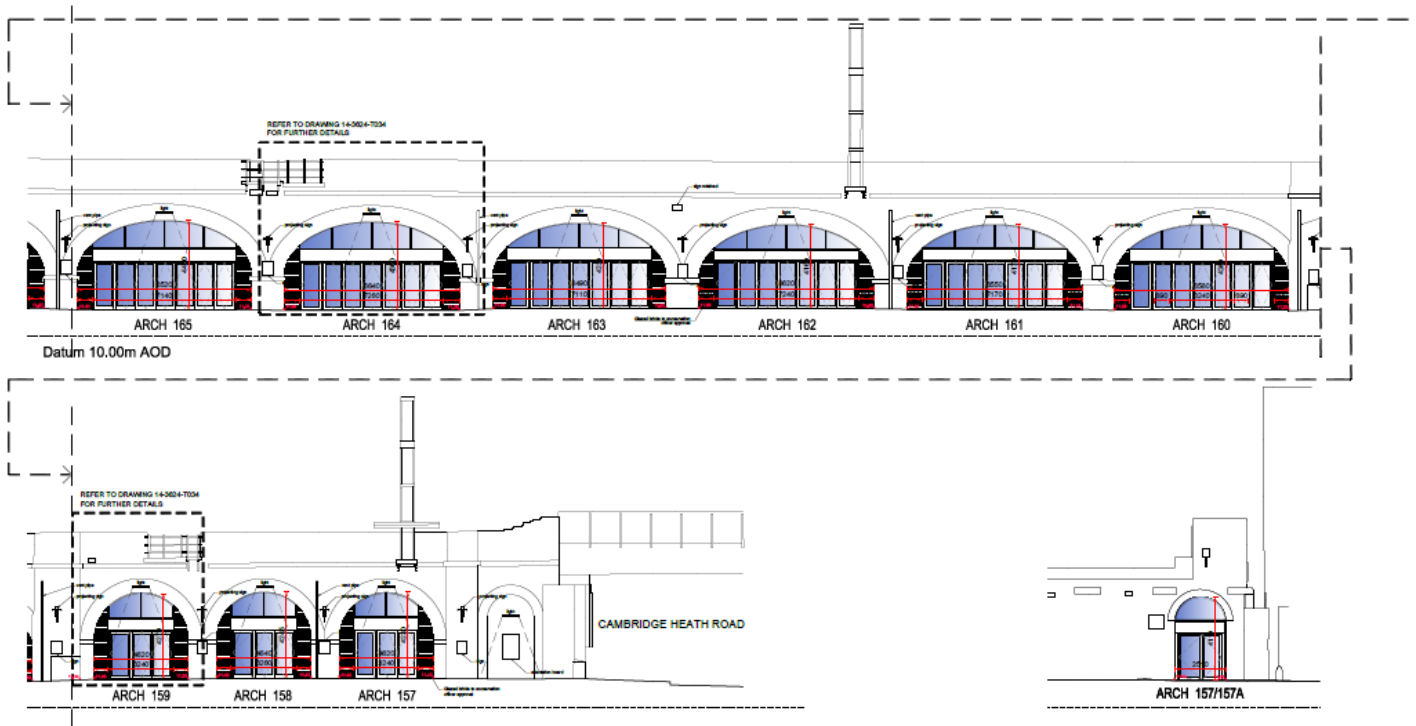
- 4.1 The application site lies on the edge of Bethnal Green District Centre, and approximately 300m south of Bethnal Green underground station and 325m east of Bethnal Green Railway Station. Arches 157A-170 are located within the Grade II listed Eastern Counties Railway London Viaduct traveling west towards London Liverpool Street Railway Station. This is one of the earliest, and longest, examples of a first generation railway structure to survive in Greater London.
- 4.2 The site is bounded by Bethnal Green Gardens to the north, Braintree Street to the east (that alters to Malcolm Road from the viaduct south) and Cambridge Heath Road to the west (A107).
- 4.3 The surrounding area is mixed in character including A1, B2, D1, D2 and sui generis industrial uses, however some residential uses are also present within the surrounding area. The railway arches units are 250 metres from the edge of Bethnal Green's defined Shopping Frontages on Bethnal Green Road.
- 4.4 The application site comprises 14 railway arches totalling 1,710sq.m. At present 8 of these units are occupied by Class B1/B2 employment use (829sq.m). Class A1 retail uses (273 sq.m) occupy 2 units, 2 are Class D2 gym use (279sq.m) and the remaining 2 units are Sui generis
- 4.5 The site does not sit within a flood zone or an archaeology priority area and does not feature any trees within its curtilage. The site has a PTAL rating of 6a indicating an excellent level of public transport accessibility and Malcolm Place is located within controlled parking zone (weekday occupancy for resident or business permit holders only, or 'pay and display at the machine').

Proposal

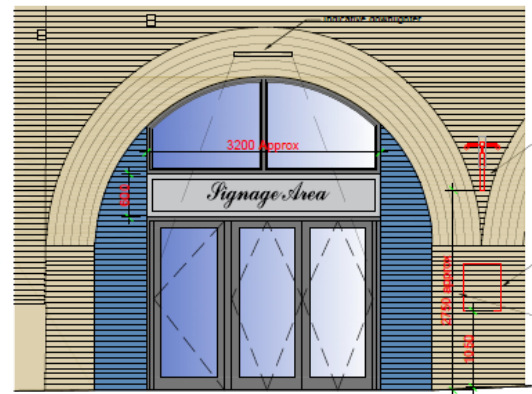
- 4.7 This applicant seeks full planning permission and listed building consent for the conversion of 14 railway arches totalling 1,710sqm of usable floorspace from light industrial and warehousing use (B1c and B8 use class) to flexible restaurant/café or drinking establishment use (use classes A3 and A4) with associated alterations
- 4.8 The existing listed arches will be retained however it is proposed to change the use and provide new front elevations for each arch. The proposal includes alterations to the fascia design, namely the introduction of a glazed brick for the piers and alterations to the stainless steel fascia to ensure there is a uniform appearance across all arches.

Figure 1 (below) shows the proposed converted arches.

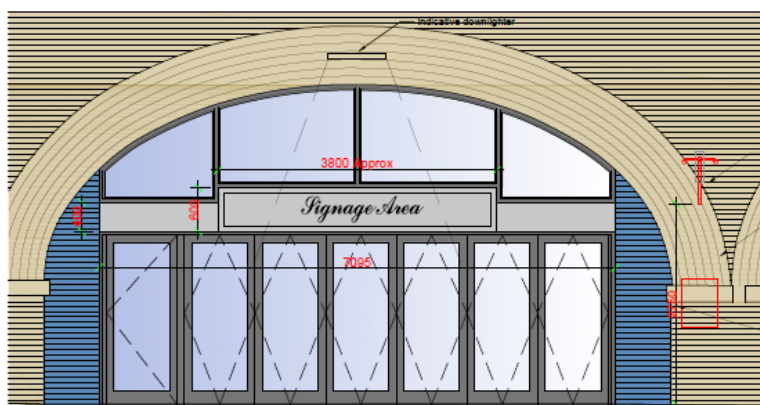




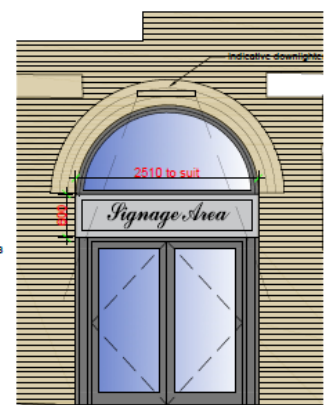
Arch 170 Front Elevation - Scale 1:25
(Typical to Arches 169 to 170)



Arch 159 Front Elevation - Scale 1:25
(Typical to Arches 157 to 159)



Arch 164 Front Elevation - Scale 1:25
(Typical to Arches 160 to 167)



Arch 157/157A Front Elevation - Scale 1:25
(Cambridge Heath Road)

- 4.10 The applicant has agreed that the proposed development should be subject to planning conditions limiting the total amount of retail space (A1-A4 use classes) to no more than 1,091sqm (equivalent to approximately 7 arches depending on their size).

Of this 1,091sqm no more than 332sqm will be permitted for A3 (restaurant or café) or A4 (drinking establishment) use classes i.e. no more than 2 arches can be a restaurant/ cafe or a pub/ bar. These A3 and A4 uses will only be permitted within the arches nearest to Cambridge Heath Road i.e. arches 157, 157a, 158 – 163.

- 4.11 The remaining arches will be flexible uses for A1 (shops), A2 (professional services), B1 (business) or B8 (storage and distribution). The table below provides a summary of how the proposed uses would be distributed across all the arches. The proposed development excludes any A5 uses (hot food takeaways).

Unit	Proposed flexible use classes	Size (sqm)
Arches 157/ 157A/ 158	A1, A2, A3, A4, B1, or B8	332
Arch 159	A1, A2, A3, A4, B1, or B8	160
Arch 160	A1, A2, A3, A4, B1, or B8	196
Arch 161	A1, A2, A3, A4, B1, or B8	134
Arch 162	A1, A2, A3, A4, B1, or B8	136
Arch 163	A1, A2, A3, A4, B1, or B8	133
Arch 164	A1, A2, B1, or B8	137
Arch 165	A1, A2, B1, or B8	137
Arch 166	A1, A2, B1, or B8	136
Arch 167	A1, A2, B1, or B8	98
Arch 169	A1, A2, B1, or B8	63
Arch 170	A1, A2, B1, or B8	48
Total		1,710
<i>N/B - A1-A4 uses will not exceed 1,091sqm across the whole scheme, and there will be no more than 332sqm of A3 and A4 uses combined.</i>		

Relevant Planning History

- 4.12 PA/12/01758 & PA/12/01759 - Redevelopment to provide 93 residential units in buildings ranging from three to six storeys including amenity space, landscaping, disabled car parking and cycle parking. Site at land adjacent railway viaduct, Mantus Road, London. Registered 16 Aug 2012 (including associated listed building consent)
- 4.13 PA/12/02878 - Use of railway arch for use class B8 (storage and distribution) including the infilling of the area underneath the railway bridge with brick built walls flush with the elevation of the bridge. Railway Arch 171, Hadleigh Street, London. Refused 04 Feb 2013.
- 4.14 PA/12/03257 - Listed Building Consent (S8 P&LBC 1990) Works in connection with use of railway arch for Use Class B8 (storage and distribution), including the infilling of the area underneath the railway bridge with brick built walls flush with the elevation of the bridge. Railway Arch 171, Hadleigh Street, London. Refused 04 Feb 2013.
- 4.15 PA/11/00639 - Change of use from Light Industrial (Use Class B1c) to a Gym (Use Class D2). 9 Malcolm Place, Railway Arch, London. Withdrawn 06/06/2011.
- 4.16 PA/10/00612 - Certificate of Lawful Development Determination as to whether the existing use of the land and premises for the purposes of vehicle repairs is lawful. 10 & 11 Williams Buildings formally 169 - 170 Braintree Street, London E2. Refused 23 Jun 2010.
- 4.17 PA/09/01626 and PA/09/01627 - Erection of five, blocks from three to five storeys with ground floor business space and 29 flats above including private and communal

roof terraces, amenity space, private gardens, refuse stores, cycle stores and three wheelchair accessible parking space. Site at land adjacent railway viaduct, Mantus Road, London. Refused 20 Nov 2009 and associated listed building consent.

5.0 POLICY FRAMEWORK

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

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

5.3 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance

5.4 London Plan (Consolidated with Alterations since 2011) 2015

- 2.9 Inner London
- 2.15 Town centres
- 3.2 Improving health and addressing health inequalities
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4 Retrofitting
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.15 Reducing noise and improving soundscapes

5.5 LBTH Local Plan - Core Strategy 2010

- SP01 - Refocusing on our town centres
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP06 - Delivering successful employment hubs
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking (Bethnal Green)

5.6 **LBTH Local Plan - Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- DM13 - Sustainable drainage
- DM14 - Managing waste
- DM15 - Local job creation and investment
- DM20 - Supporting a sustainable transport network
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environment

5.7 **Supplementary Planning Documents**

Bethnal Green Gardens Conservation Area character appraisal and management guidelines

6.0 **CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

Historic England

6.3 Do not consider that it is necessary for this application to be notified to Historic England.

Network Rail

6.4 No comments received.

Transport for London

6.5 No objection on the premise that all construction work that requires Wheel-free (i.e. no trains running) be carried out at night so that it does not disrupt any scheduled train service.

LBTH Environmental Health – Contaminated Land

6.6 EH have no in principle objections to the application however have a verification report shall be produced on completion of the remediation works to demonstrate effective implementation of the remediation strategy prior to occupation of the building’.

LBTH Environmental Health – Noise & Vibration

6.7 No comments received

LBTH Transportation and Highways

6.8 The extent of the ownership of the forecourt was initially disputed but this has now been agreed and the applicant is required to enter into a s278 for highways works (estimated cost £100k). The applicant is also required to formally alter the highway boundary (approximately a 3 month legal process, and cover all costs including legal fees). Conditions also required for a delivery and servicing plan, cycles parking delivery, and demolition and construction management plan

7.0 LOCAL REPRESENTATION

7.1 A total of 207 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in 'East End Life'.

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

No of individual responses:	Objecting: 1 Supporting: 0
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No of petition responses:	Objecting: 1 petition of 402 signatures Supporting: 0
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7.3 The following issues were raised in objection to the proposal:

- Waste and litter
- Employment
- Noise nuisance
- Promoting unhealthy lifestyles
- Undermining the historic character of the area
- Area does not need more fast food takeaways
- Feelings of outrage that would be engendered locally

8.0 MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Amenity
3. Design and Heritage
4. Waste
5. Highways and Transportation
6. Sustainability
7. Contaminated Land

Land Use

8.2 The proposed uses are intended to be flexible, whereby a range of different land-uses e.g. A1 (shops), B1 (business) and B8 (storage and distribution) are proposed. Each arch would then have to be used in accordance with one of these use classes. This allows Network Rail more flexibility to find an end user. Flexible uses mean that once a use class is established by an arch being occupied and used in accordance with a permitted use class this becomes its lawful use, and planning permission is required to change the use again unless it can be done under permitted development rules.

Retail uses

- 8.3 This application is presented to Members on the basis that any permission is subject to planning conditions limiting the amount of floorspace so that A1-A4 use classes (i.e. shops, professional services, restaurants, cafes, and drinking establishments) will not exceed 1,091sqm across the whole scheme, and there will be no more than 332sqm of A3 and A4 uses combined i.e. no more than 2 units will be a pub, bar, restaurant or café.
- 8.4 These retail uses have been limited as the site is not within a designated Town Centre nor is it an edge of town centre location. Local Plan Policy DM1 is clear regarding the need to promote the vitality and viability of the borough's major, district and neighbourhood centres (collectively known as town centres). DM1 states that this is to be achieved by directing restaurants, and pubs to town centres. The proposed development is approximately 250m from Bethnal Green District Centre (a short walk via Cambridge Heath Road), and approximately 415m from both Roman Road West District Centre, and Whitechapel District Centre (the closest part is the Sainsbury's superstore).
- 8.5 DM2 states that "*Development of local shops outside of town centres will only be supported where:*
- a) *there is a demonstrable need that cannot be met within the existing town centre;*
 - b) *they are of an appropriate scale to locality;*
 - c) *they do not affect amenity or detract from the character of the area; and*
 - d) *they do not form part of, or encourage a concentration of uses that would undermine nearby town centres.*"
- 8.6 The primacy of town centres for retail uses A1-A4 is established by the National Planning Policy Framework (2012) such that it requires development to be focused in town centres, or if no in-centre sites are available, on sites on the edges of centres that are well integrated with existing centre. The Mayor of London Town Centres Supplementary Planning Guidance (2014) acknowledges that the evening and night time economy can make a significant contribution to town centre vitality and viability through generating jobs and improving incomes from leisure and tourism activities, contributing not just the vitality of the town centre but also making it safer by increasing activity and providing passive surveillance. It advises that any disadvantages of concentration such as noise, crime, anti-social behaviour, community safety problems and detrimental effect on public health, particularly evident in the case of drinking establishments, should be considered in the context of the economic benefits arising from the clustering of related activities.
- 8.7 Policy SP01 of the Core Strategy (2010) with objectives SO4 and SO5 seek to ensure that the scale and type of development is proportionate to the town centre hierarchy and to promote mixed use at the edge of town centres and along main streets. The policy also seeks to ensure that town centres are active, well-used and safe during day and night and to encourage evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality. Evening and night time uses should not be over-concentrated where undue detrimental impact on amenity would result, of a balanced provision and complementary to the adjoining uses and activities. Policy DM1 of the Managing Development Document (2013) expands on strategic policy SP01 and, to support the vitality and viability of town centres, directs restaurants and drinking establishments to town centres provided that they do not result in overconcentration and that in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.

- 8.8 Policies 2.15 and 4.7 of the London Plan requires new uses in town centres to:
- support the vitality and viability of the centre,
 - accommodate economic growth through intensification and selective expansion in appropriate locations,
 - support and enhance the competitiveness, quality and diversity of town centre retail, leisure, arts and culture, other consumer and public services,
 - be of scale related to the size, role and function of the centre
 - be easily accessible by public transport.
- 8.9 The application site is located outside of a town centre location, but has many of the characteristics of a town centre or edge of town centre location, for example it is off a main road with high footfall and excellent public transport links. The character of the area is mixed in terms of land-uses including residential use in the immediate vicinity.. Indeed the site sits next to Cambridge Heath Road between two district centres, Bethnal Green and Whitechapel which is evident from the pattern of land use, the amount of footfall and the inner city mixed character of the area.
- 8.10 The proposed development is approximately 250m from Bethnal Green District Centre (a short walk via Cambridge Heath Road), and approximately 415m from both Roman Road West District Centre, and Whitechapel District Centre (the closest part is the Sainsbury's superstore. Surveys were carried out on 28th September 2015 to assess vacancy rates in these town centres. Bethnal Green and Whitechapel have low vacancy rate of 4.84% and 4.73% respectively (compared to London average of 8.8% and LBTH average of 8.7%), and Roman Road is comparable with these averages at 8.77%. As such they are all healthy and viable town centres. To determine whether there is a demonstrable need that cannot be met within the existing town centre it is also necessary to consider future expenditure growth.
- 8.11 Officers commissioned expert retail assessment consultants NLP whose impact figures for all scenarios tested (i.e. the three town centres identified above) suggest the level of trade diversion and impact on Bethnal Green, Roman Road West and Whitechapel is likely to be offset by future expenditure growth between 2015 and 2020. The consultants conclude that *"The residual expenditure growth, over and above the development, should be available to allow existing businesses to increase their turnover efficiency and allow the reoccupation of vacant shops within centres."*
- 8.12 The only major planned investment identified within the three centres is the proposed replacement Sainsbury's store at Whitechapel. The vacancy rate in Whitechapel is relatively low and expenditure growth should be sufficient to support the Sainsbury's investment, taking into account trade diversion to Malcolm Place.
- 8.13 NLP's figures suggest there will be surplus expenditure growth (comparison, convenience and FAB – food and beverage) taking into account the impact of the proposed development at 2020. Unless there are significant pipeline development or commitments that will absorb this growth within Bethnal Green, Roman Road, Whitechapel then it will be difficult to argue there is no need for retail development within the Bethnal Green area.
- 8.14 NPL report that if the Council is minded to approve the planning application then a planning condition is required to restrict the maximum amount of Class A1 to A4 to not more than 1,091 sq.m gross. This has been agreed with the applicant and the any permission would be conditioned accordingly. This is intended to ensure the proposed retail units (use classes A1-A4) are of an appropriate scale to its locality

- 8.15 The impact analysis above focuses on the main designated town centres. However Policy DM2 refers to the negative impact on existing local shops (often local independent businesses) which are serving the needs of the local community. NPL consider that “Given the existing mix of uses, these parades are unlikely to be affected by a comparison retail or a food/beverage scheme at Malcolm Place. The impact of a new convenience store on the independent convenience store may be the main concern.” However the physical constraints of arches and that the structure is listed prevents the consolidation of the retail floorspace, meaning the units will be retained for small operators only rather than a ‘local’ convenience supermarket or such like.
- 8.16 The sequential approach to retail provision is unlikely to be a sustainable ground for refusal, because:
- the NPPF and recent legal and Secretary of State decisions indicate the applicant is not required to disaggregate their development proposals, therefore it would not be inappropriate to accommodate the proposals within a number of separate vacant units;
 - there is no evidence to suggest there is a site large enough and available in the same timeframe to accommodate 1,091sq.m of retail uses; and
 - the proposals seek to regenerate railway arches, and these regeneration benefits may be considered to be location specific, therefore other locations would not be suitable to meet the objectives of the proposed development.
- 8.17 Given that Bethnal Green, Whitechapel and Roman Road West town centres are between 250-420m away, and currently have 12%, 9.5%, 12% A3/A4 uses respectively it is not considered that the proposed A3/A4 uses form part of, or encourage a concentration of uses that would undermine nearby town centres.
- 8.18 The proposed shops, café/ restaurant and pub/ bar A3/A4, as well as the business uses mean the customer services offered, activity and footfall generated, and the quality of the public realm has the potential to enhance the area and support the vitality and viability of the nearby designated town centres. Given this, and the location of the site off Cambridge Heath Road - a busy thoroughfare with high footfall, mix of uses in the immediate vicinity, excellent public transport accessibility, the town centre character of adjoining uses and close proximity to the core areas of the Bethnal Green and Roman Road West District Town Centres, it is considered that A3/A4 uses are appropriate in this location.
- 8.19 Nevertheless, to prevent overconcentration of A3 and A4 uses, to support the function of the civic hub and adjoining town centres by provision of a balance of uses generating activity and footfall for longer proportion of a day or week, to respect the scale and intensity of uses in the area, and to protect the amenity of adjoining occupiers and that of the public realm from undue disruption, it is considered that it is necessary to restrict the number of A4 and A3 uses combined to 2 arches at any time or 332sqm which equates to the largest unit or two smaller units.
- 8.20 The proposed development is considered to support the Core Strategy (2010) policy SP12 vision for Bethnal Green to reinforce its role as the retail, commercial and civic hub of the area, making it a place to work, shop and socialise. Three of the 5 priorities identified for the area are relevant to this application:
- to improve the town centre as a place for commerce, retail and small and medium enterprises,
 - to promote a better quality of uses in and along the railway arches, improving their attraction and accessibility, and
 - to reinforce the civic hub in and around Bethnal Green tube station and town centre, encompassing the Museum of Childhood, St John’s Church, York Hall and the historic green spaces.

Employment uses

- 8.21 While the site does not form part of a designated office or local industrial area, the site currently comprises 14 railway arches totalling 1,710sq.m. At present 8 of these units are Class B1/B2 employment use (829sq.m), 2 are use class A1 retail uses (273sq.m), 2 are Class D2 gym use (279sq.m) and the remaining 2 units are Sui generis.
- 8.22 The London Plan (2011) policy 4.1 seeks to promote and enable the continued development of a strong, sustainable and diverse economy, ensuring the availability of sufficient workplaces in terms of type, size and cost. More specifically, policy 4.4 requires Local Planning Authorities to adopt a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of industrial and other related uses, including good quality and affordable space. The Council's Core Strategy (2010) policy seeks to maximise and deliver investment in the borough by supporting the competitiveness, vibrancy and creativity of the local economy, ensuring a sufficient range, mix and quality of employment uses and spaces with a particular focus on the small and medium enterprise sector, and through ensuring job opportunities are provided in each place and at the edge of town centres. Objective SO16 is to support the growth of existing and future businesses in accessible and appropriate locations.
- 8.23 This strategic policy is to be realised through the provisions of policy DM15 of the Managing Development Document (2013) which specifies that development should not result in the loss of active and viable employment uses, unless it can be shown that the site has been actively marketed or that the site is unsuitable for continued employment use due to its location, accessibility, size and condition. Development should also not adverse impact on or displace existing businesses.
- 8.24 The proposal includes a minimum of 619sqm of employment floorspace (i.e. 1,710sqm minus maximum amount of retail proposed of 1,091sqm). This is a potential loss of circa 200sqm of employment uses, albeit that the retail uses will generate additional jobs. On balance the uplift in the quality of employment accommodation, and that the new units will cater for SMEs which are likely to achieve significantly higher employment densities the proposed development is considered to accord with policy DM15(1).
- 8.25 Pursuant of DM15(3) the new employment floorspace is considered to provide a range of flexible units less than 250sqm and less than 100sqm to meet the needs of Small and Medium Enterprises (SMEs).
- 8.26 Policy DM15(2) states that development which is likely to adversely impact or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs to the business are better met elsewhere. This policy is pertinent as the arches are currently occupied. Officers have worked with the applicant to ensure an effective relocation strategy is in place to accommodate existing occupiers. Network Rail has been in on-going discussions and negotiations with tenants since March 2015. Network Rail has visited each affected occupier to give a brief summary of the refurbishment. Several follow up meetings have occupied to discuss the plans in greater detail and support packages have been offered. The table below sets out the existing businesses and how they have been provided for elsewhere in the borough, typically within alternative arches within the borough, and owned by Network Rail.

Unit	Existing Occupier	Relocation Agreed	Comments
Arches 157/158	MR RAHMAN	Yes – Hadleigh Street	The tenant is vacating in March and has already moved to alternative NR accommodation.
Arch 159	BUBBLES CAR CARE LIMITED	Yes – Hadleigh Street	The tenant has vacated the property.
Arch 160			
Arch 161	TREVOR CELISSE	Yes – Andrews Road	The tenant left the property in January 2016 and has moved to alternative NR accommodation.
Arch 162	ARCH JOINERY LIMITED	Alternative accommodation offered, tenant has decided to rent with private landlord.	The tenant has vacated the property.
Arch 163	MR JAHAN	Yes – temporarily only	The tenant has accepted the offer to relocate to temporary accommodation during the construction period. He will then return at an agreed rent.
Arch 164	JETYRES LIMITED	Yes – Dunbridge Street	The tenant left the property in November 2015 and has moved to alternative NR accommodation.
Arch 165	CROSSFIT LONDON LIMITED	Yes – Cudworth Street	The tenant has agreed to vacate and move to alternative NR accommodation.
Arch 166			
Arch 167	ARCH JOINERY LIMITED	See above (Arch 162)	See above (Arch 162)
Arch 169	TYRE WORLD TRADING LTD	Yes - Hadleigh St Railway Viaduct (adjoining property)	Agreed to rent the adjoining property to the tenant. The tenant will relocate as soon as the adjoining property is ready to move into
Arch 170			

8.27 As such, on balance, taking into account the character of the site and its environs and the site's likely employment potential, it is considered that the change of use of 14 railway arches from A1, D1, B1/B2 and sui generis to an increase in retail uses will not disproportionately affect local provision of employment floorspace for small enterprises while positively contributing to achievement of the placemaking vision for the area. A3/A4 uses in this inner London location with a mixed use character will support rather than undermine the viability and vitality of adjoining designated town centres. This is in accordance with the principles of the National Planning Policy Framework (2012), policies 2.15, 4.7, 4.8 and 7.1 of the London Plan (2011), policies SP01, SP06 and SP12 of the Core Strategy (2010), and policies DM0, DM1, DM2 and DM15 of the Managing Development Document (2013). These policies aim to

support the borough's economy, prioritise provision of business floorspace for SMEs and seek to support the vitality and viability of the borough's town centres.

Amenity

- 8.28 The National Planning Policy Framework identifies sustainable development as the main purpose of the planning system and specifies three main dimensions: the economic, social and environmental. These roles are mutually dependant and should not be undertaken in insolation. Of particular relevance to the protection of amenity as part of sustainable development are Paragraphs 123 and 125 of the NPPF which require planning to:
- avoid adverse impacts on health and quality of life which could arise from noise
 - mitigate and reduce other amenity impacts, including through the use of conditions limit the impact of light pollution on local amenity.
- 8.29 The Council's relevant policies are SP10 of the Core Strategy and DM25 of the Managing Development Document (2013). These policies aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure. Additionally, policy SP01(2c) aims to avoid overconcentration of evening and night time economy uses in areas where they would have a detrimental impact on local people and land uses.
- 8.30 Policy 3.2 of the London Plan acknowledges the impact of the environment on health of the population and requires new developments to be designed, constructed and managed in ways that improve health and promote healthy lifestyles. Policy 7.3 aims to ensure creation of safe and secure environments where crime and disorder and the fear of crime do not undermine quality of life. This policy also acknowledges that daytime and managed night time uses can positively contribute to safety of an area through creation of a level of natural surveillance resulting from the activity generated in and around the site.
- 8.31 The proposal at Mantus and Malcolm Road includes 93 residential properties in close proximity which could experience disturbance to their amenity are located immediately to the south of the application site. Excessive noise and smells could emanate from the rear of the arches but this would be controlled by conditions to ensure extraction fans are appropriately located and noise is within acceptable limits. Furthermore A3 and A4 uses will only be located towards Cambridge Heath Road which is busier and away from a large proportion of the residential uses within the vicinity.
- 8.32 The application proposes conversion to A3/A4 use - restaurant/café or drinking establishment. The proposed opening hours are 11am - 11pm Monday Friday, 11am to 1am on Saturdays and 11am to 11pm on Sundays.
- 8.33 While no detailed floor plans showing the number of tables or statements outlining the likely number of patrons were provided with the application. If a high proportion of the units were to be used as an evening drinking establishment be it through creation of one large venue or a few individual ones, a significant disruption could result to adjoining residents through the cumulative comings and goings and customers congregating outside the premises. It is considered that this issue could be resolved through imposition of a condition restricting the number of A4 to a maximum of 332sqm (or two units) and that these uses would be located towards Cambridge Heath Road

- 8.34 Taking into account the patterns of activity in the area it is considered that late night opening hours up to 1am on Saturdays are inappropriate and would result in undue disturbance to adjoining residential occupiers and to the general amenity of the area. This is particularly with regards to noise and disturbance associated with comings and goings. The opening hours of 11pm every day are considered more appropriate. It is also considered that the A3 establishments i.e. cafes could successfully cater to the needs of commuters and open as early as 8am without undue disturbance to adjoining occupiers. Members are advised that a condition should therefore be attached to restrict the opening hours to 8am to 11am every day.
- 8.35 It is also considered expedient to condition the delivery hours to 8am - 6pm Monday to Friday, 8am - 1pm Saturdays with no deliveries on Sundays and Bank Holidays. This is in the interest of the amenity of adjoining occupiers which could be disturbed from noise associated with loading and unloading as well as vehicular movements within the narrow Malcolm Place.
- 8.36 No details of kitchen extract, ventilation systems or servicing plant were provided as part of the application. Full details and an acoustic report should be conditioned. This is to ensure that all noise emanating from mechanical plant or equipment is at least 10dBA below the lowest recorded background noise level at the nearest affected façade [L90-10dB(A)]. Extract systems should meet DEFRA guidance and not result in disturbance to residents from unpleasant cooking smells and odours.
- 8.37 Additionally, no music should be audible at any noise sensitive façade at any time - inclusive of different frequencies of music noise. The applicant will also be required to submit a CCTV strategy to reduce the likelihood of disturbance.
- 8.38 Subject to the above recommended conditions the likely resulting impact on amenity of adjoining occupiers is considered not to be uncommon for a busy inner city location.
- 8.39 As such, subject to conditions, the operation of the proposed A3/A4 use will not lead to an unacceptable impact on the amenity of adjoining occupiers or the general amenity of the public realm in accordance with the National Planning Framework, policies 3.2, 7.3 and 7.15 of the London Plan (2011), policies SP03 and SP10 of the Core Strategy (1010), and policy DM25 of the Managing Development Document (2013). These policies seek to ensure protection of the amenity of surrounding existing and future residents and building occupants as well as that of the public realm.

Design and Heritage

- 8.40 When determining applications affecting the setting of Listed Buildings, Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, require that special regard should be paid to the desirability of preserving the significance of the heritage asset. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the above mentioned Act.
- 8.41 The National Planning Policy Framework emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, extent of loss or damage as result of development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.

- 8.42 The relevant London Plan policies are policies 7.4, 7.6 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail.
- 8.43 The Council's Core Strategy (2010) strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance borough's Conservation Areas and Statutory Listed Buildings and to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual distinctive character and context. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.44 Policy SP10 is realised through the detailed development management policy DM27 of the Managing Development Document (2013) protecting heritage assets and policy DM24 which aims to ensure that development is designed to the highest quality standards and is sensitive to and enhances the local character and setting of the development by respecting the design details and elements, scale, height, mass, bulk and form of adjoining development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements in the vicinity. Development is also required to utilise high quality building materials and finishes.
- 8.45 The Victorian elevated railway viaduct which is subject to this application is of some value to the setting of the Bethnal Green Gardens Conservation Area and contains a number of features which will be better exposed by the proposed elevations. Most notably, the new infill frontage is to be of a more lightweight appearance with more glazing. This arrangement accentuates the arches and enhances their contribution to the setting and appearance of the conservation area. Furthermore the brick work of the viaduct will be blast cleaned to accentuate its appearance.
- 8.46 The frontage will consist of bifolding powder-coated aluminium doors spanning the full width of the arch, a stainless steel fascia and high level glazed screen. The bifolding doors will be framed with brick piers. Each archway will contain an internal shutter. A condition will be placed to ensure that the shutter is perforated and does not result in creation of dead frontage. The details were reviewed by the Council's Urban Design Officer who made no adverse comments.
- 8.47 Overall, it is considered that the proposal is of a high quality design and will enhance the setting of the Bethnal Green Gardens Conservation Area and that of the Grade II Listed Viaduct. Moreover the proposal allows the continued use of the listed structures which enables them to be maintained for the benefit of future generations.
- 8.48 Policy 7.3 of the London Plan (2011), SP09 of the Core Strategy (2010) and DM23 of the Managing Development Document (2013) require development to be designed with safety and security in mind. Of relevance to this application are the following requirements: location of entrances in visible, safe and accessible locations, creation of opportunities for natural surveillance and avoidance of the creation of concealments points or areas suffering from lack of clear distinctions between public,

semi-public and private spaces. Security measures should not compromise good design or prevent creation of inclusive environments.

- 8.49 It is considered that the proposed frontage has an acceptable relationship with the streetscene and will not result in any adverse impact on the streetscene with respect to safety or perceived safety. Installation of CCTV and external lighting will be secured by condition to reduce impact from A3/A4 land use and to ensure appropriate appearance of the safety features.
- 8.50 The proposed units are on ground level with no obstructions to access by people with impaired mobility. As such they are considered to comply with the inclusive access policies.
- 8.51 Overall, the proposal is considered to be satisfactory in terms of design, use of materials and detailed execution, and will relate sympathetically to the fabric of the host railway viaduct and preserve the appearance and character of the Bethnal Green Gardens Conservation Area. The setting of adjoining Grade II listed buildings will not be adversely affected. The proposal will also provide inclusive access and maintain a safe environment. This is in accordance with the National Planning Policy Framework (2012), policies 7.1, 7.2, 7.3, 7.4, 7.6 and 7.8 of the London Plan (2011), policies SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM23, DM24 and DM27 of the Managing Development Document (2013). These policies aim to ensure that development is of high quality design, positively responds to its setting and preserves the architectural quality and setting of borough's heritage assets. Additionally, development is required to be appropriately designed with regards to inclusive access, safety and security.

Waste

- 8.52 The proposal does not incorporate dedicated areas for storage of waste and recyclables prior to collection or any waste management arrangements. It is considered that adequate facilities can be provided within each unit and this will be secured by condition. Additionally, as it is considered necessary to ensure that the waste storage arrangements are adequate in perpetuity and that refuse is not left on the public highway, a Waste Management Plan should be secured by condition. The Waste Management Plan should also include provisions for disposal of cooking oils in accordance with Thames Water guidance and provide for installation of fat traps.
- 8.53 As such, subject to condition, the proposal will incorporate adequate facilities and measures for the storage and disposal of waste and recyclables in accordance with policy 5.17 of the London Plan (2011), policy SP05 of the Core Strategy (2010), and policy DM14 of the Managing Development Document (2013).

Highways and Transportation

- 8.54 Policy 6.3 of the London Plan (2011) and SP09 of the Core Strategy (2010) aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by policy DM20 of the Managing Development Document (2013).
- 8.55 The extent of the ownership of the forecourt/ pavement outside the arches was initially disputed between Network Rail and the Highways Authority but this has now been agreed and the applicant is required to enter into a s278 for highways works (estimated cost £100k). The applicant is also required to formally alter the highway boundary (approximately a 3 month legal process, and cover all costs including legal fees). LBTH Transportation and Highways has confirmed that from highways

perspective, the design proposed for Malcolm Place is workable, subject to the detail being worked out.

- 8.56 Conditions also required for a delivery and servicing plan, cycles parking delivery, and demolition and construction management plan
- 8.57 In line with policy 6.3 of the London Plan (2011) and policy DM22 of the Managing Development Document (2013) development is required to meet and preferably exceed the minimum standards for bicycle parking. For the proposed use 1 cycle space is required per 10 staff and 1 per 20 peak visitors. No general car parking is proposed in line with policy DM22 but the development should incorporate 1 disabled car parking space. These matters can sufficiently addressed by a condition although the applicant has already provided an indicative cycle parking plan demonstrating that this level of cycle parking can be provided.
- 8.58 There are no details provided regarding an assessment of numbers of vehicles expected. The area is subject to a 7.5t weight limit and this will restrict (and possibly increase) the type and frequency of vehicles involved in servicing the development. Arches 169 and 170 are situated in the cul-de-sac section of Malcolm Place and it is stated that these will be serviced from the front as existing. This requires vehicles to either reverse in or out of this section of the road into Braintree Street and whilst this may be the existing situation it is far from ideal as the sightlines at that junction are very poor. As such, full details of servicing areas as well as a Deliveries and Servicing Plan will be secured by condition to ensure safe and efficient operation of the borough's highways system.
- 8.59 As such, subject to conditions, with reference to transport matters including access, deliveries, servicing and cycle & disabled parking, the proposed change of use is acceptable and accords with the National Planning Policy Framework, policies 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policy SP09 of the Core Strategy (2010), and policies DM20 and DM22 of the Managing Development Document (2013). These policies seek to ensure safe and efficient operation of the borough's transport network and to promote sustainable transport.

Sustainability

- 8.60 The National Planning Policy Framework (2012), policies 5.2, 5.3 and 5.4 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 seek reductions in carbon dioxide emissions from all development.
- 8.61 As the proposal is for substantial retrofitting it is considered that a Sustainability Scheme should be conditioned to ensure that the Be Lean, Be Clean and Be Green measures are maximised.
- 8.62 Policy 5.13 of the London Plan (2011), policy SP04 of the Core Strategy (2010) and policy DM13 of the Managing Development Document (2013) require development to implement sustainable drainage methods to reduce the stress on the wastewater infrastructure. As the proposal incorporates a large paved forecourt, details of sustainable drainage will be secured by condition.
- 8.63 Subject to conditions, the development will contribute to reduction of carbon dioxide emissions and incorporate sustainable drainage in accordance with the National Planning Policy Framework (2012), policies 5.2, 5.3 and 5.13 of the London Plan (2011), policies SP04 and SP11 of the Core Strategy (2010), and policies DM13 and DM29 of the Managing Development Document (2013)

Other issues raised in consultation

- 8.64 An issue raised in objection which is not material a planning matter is “feelings of outrage that would be engendered locally” while this issue has not been substantiated by the objector in any way, the number of signatures on the petition may suggest a degree of disquiet amongst local people.
- 8.65 The individual objector is an existing occupier at Tyre World who also coordinated the petition. It is understood that Network Rail and Tyre World have been engaged in on-going negotiations regarding the relocation of this business

9.0 HUMAN RIGHTS CONSIDERATIONS

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

10.0 EQUALITIES ACT CONSIDERATIONS

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

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

11.0 FINANCIAL CONSIDERATIONS

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

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

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

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

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

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

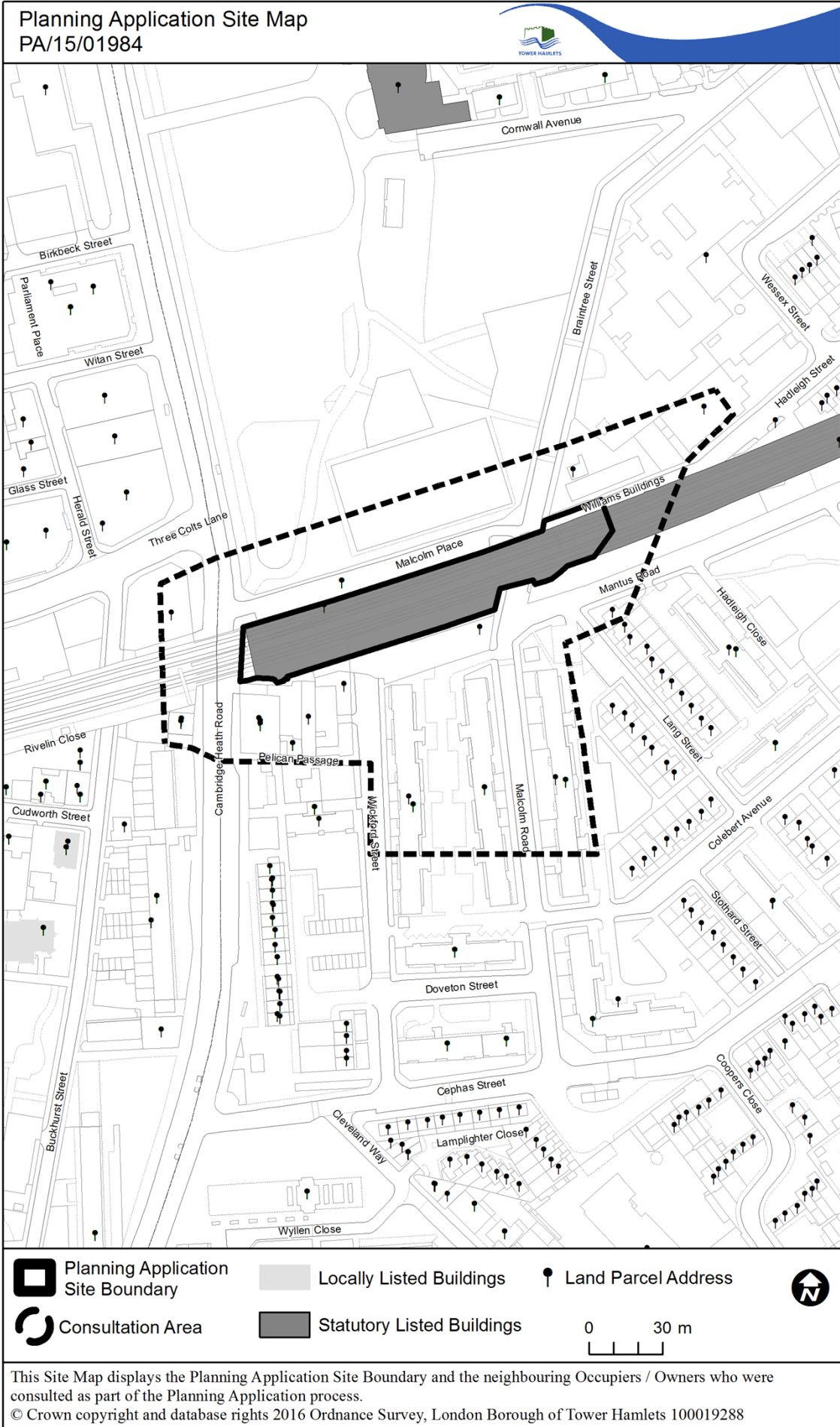
11.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however proposals which do not create new floorspace and are not residential uses are not liable for Mayoral CIL.







11.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. Again, the proposal would not be liable for Borough CIL.

12.0 CONCLUSION

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

13.0 SITE MAP



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

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