

# STRATEGIC DEVELOPMENT COMMITTEE

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Thursday, 19 November 2015 at 7.00 p.m.  
Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

The meeting is open to the public to attend.

**Members:**

Chair: Councillor Marc Francis  
Vice Chair : Councillor Danny Hassell  
Councillor Helal Uddin, Councillor Asma Begum, Councillor Andrew Cregan, Councillor  
Muhammad Ansar Mustaquim, Councillor Shahed Ali, Councillor Gulam Robbani and  
Councillor Julia Dockerill

**Deputies:**

Councillor Khaled Uddin Ahmed, Councillor John Pierce, Councillor Denise Jones,  
Councillor Oliur Rahman, Councillor Md. Maium Miah, Councillor Suluk Ahmed,  
Councillor Chris Chapman, Councillor Peter Golds and Councillor Andrew Wood

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Tuesday, 17 November 2015**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Wednesday, 18  
November 2015**

**Contact for further enquiries:**

Zoe Folley, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
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Web: <http://www.towerhamlets.gov.uk/committee>

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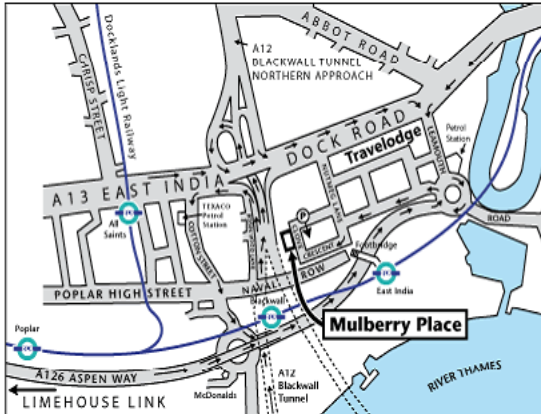
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## **APOLOGIES FOR ABSENCE**

Cllr Hassell Apologies – John Pierce Deputy

### **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 - 16)**

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 8<sup>th</sup> October 2015

### **3. RECOMMENDATIONS**

To RESOLVE that:

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

### **4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 17 - 18)**

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>5. DEFERRED ITEMS</b>	<b>19 - 20</b>	
<b>5.1 Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX (PA/15/00641)</b>	<b>21 - 94</b>	<b>Lansbury</b>
<p>Proposal:</p> <p>Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 153 units including 28 undercroft and surface car parking spaces and a central landscaped courtyard</p> <p>Recommendation:</p> <p>That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure planning obligations, conditions and informatives.</p>		
<b>6. PLANNING APPLICATIONS FOR DECISION</b>	<b>95 - 96</b>	
<b>6.1 47 Brierly Gardens, London E2 0TF and 55 Brierly Gardens, London E2 0TF (PA/15/01337- PA/15/01832)</b>	<b>97 - 102</b>	<b>Bethnal Green</b>
<p>The Committee is recommended to:</p> <p>(i) Accept that the decisions of the Development Committee of 3 September 2015 in respect of applications PA/15/01337 and PA/15/01832 were procedurally flawed and invalid; and</p> <p>(ii) Consider the applications afresh.</p>		
<b>6.2 47 Brierly Gardens, London E2 0TF (PA/15/01337)</b>	<b>103 - 120</b>	<b>Bethnal Green</b>
<p>Proposal:</p> <p>The proposed works are for a new 4.6m x 4.1m single storey rear extension which facilitates the provision of two new bedrooms, alongside a reconfigured living/dining/ kitchen.</p> <p>Recommendation:</p> <p>That the Committee resolve to GRANT planning permission subject to the conditions and informatives as set out in the Committee report.</p>		

**6 .3 55 Brierly Gardens, Location E2 0TF (PA/15/01832)**

**121 - 136**

**Bethnal  
Green**

Proposal:

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

Recommendation:

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

**6 .4 Enterprise House, 21 Buckle Street, London, E1 8NN (PA/15/01141)**

**137 - 180**

**Whitechapel**

Proposal:

Demolition of existing 6 storey office building and erection of a ground plus 17 storey mixed use building (AOD 74.7m to parapet ) comprising 1,185sq.m of office space (B1 Use Class) and 106 (C1 Use Class) serviced apartments (2,985sq.m) together with ancillary facilities and associated cycle parking.

Recommendation:

That the Committee resolve to REFUSE planning permission for the reasons set out in the Committee report subject to any Direction by the London Mayor.

**Next Meeting of the Strategic Development Committee**

Thursday, 10 December 2015 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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# Agenda Item 1

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

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

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

### **Interests and Disclosable Pecuniary Interests (DPIs)**

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

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

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

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

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

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

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

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

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

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

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

**Further advice**

For further advice please contact:-

Monitoring Officer, Telephone Number: 020 7364 4801



## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 8 OCTOBER 2015**

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

**Members Present:**

Councillor Marc Francis (Chair)  
Councillor Danny Hassell (Vice-Chair)  
Councillor Helal Uddin  
Councillor Asma Begum  
Councillor Andrew Cregan  
Councillor Muhammad Ansar Mustaqim  
Councillor Shahed Ali  
Councillor Gulam Robbani  
Councillor Julia Dockerill  
Councillor Md. Maium Miah (Substitute for Councillor Muhammad Ansar Mustaqim for Item 5.1)  
Councillor John Pierce (Substitute for Councillor Asma Begum for Item 5.1)

**Other Councillors Present:**

None

**Apologies:**

None.

**Officers Present:**

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Nasser Farooq	– (Deputy Team Leader, Planning Services, Development and Renewal)
Jerry Bell	– (Applications Team Leader, Development and Renewal)
Shay Bugler	– (Planning Officer, Development and Renewal)
Robert Lancaster	– (Deputy Team Leader, Development and Renewal)
Jermaine Thomas	– (Planning Officer, Development & Renewal)
Alison Thomas	– (Acting Service Head Strategy Sustainability and Regeneration, Development and Renewal)

Pat Watson

– (Head of Building Development,  
Childrens and Adults Resources)

Marcus Woody

– (Legal Advisor, Legal Services)

Zoe Folley

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

## 1. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

## 2. **MINUTES OF THE PREVIOUS MEETING(S)**

That the minutes of the meeting of the Committee held on 27 August 2015 be agreed as a correct record and signed by the Chair subject to the inclusion of Councillor Muhammad Ansar Mustaqim in the list of apologies

## 3. **RECOMMENDATIONS**

The Committee **RESOLVED** that:

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

## 4. **PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

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

## 5. **DEFERRED ITEMS**

### 5.1 **Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London (PA/14/03195)**

Update report tabled.

**Councillor Danny Hassell (Chair)**

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the demolition and redevelopment of the site.

He explained that the application was initially considered at the 4 June 2015 meeting of the Committee where Members deferred the consideration of the application for a site visit and to address concerns about the scheme. The application was brought back to the Committee on 21 July 2015 where Members, having considered the additional information, were minded to not to accept the scheme due to concerns over:

- Insufficient provision of affordable housing and the affordability of the family sized intermediate units.
- Lack of supporting infrastructure to accommodate the density of the scheme in particularly the additional car parking and servicing from the development.

Nasser Farooq, (Deputy Team Leader, Planning Services, Development and Renewal) presented the detailed report. He reminded Members of the site location and surrounding developments, the proposed layout, height of the scheme, the number of units and the proposed new school.

In relation to the affordable housing, it was noted that according to the viability appraisal, the maximum amount that the scheme could provide had been secured and that the 3 bed intermediate units would be affordable in line with the Greater London Authority (GLA) affordability criteria. However, in view of the concerns about the affordability of the units, the application had been amended to omit 19 of the three bed intermediate units and to replace these with a range of smaller units within the same tenure. The proposed rent levels for the units were clarified. It was also clarified that the 3- 4 bed affordable units would be delivered at social rent and that this had been factored into the viability appraisal.

In relation to highways, whilst the width of the proposed servicing route remained the same, Officers still considered that it was appropriate for servicing. In support of this, the applicant had provided information showing likely usage of this route during peak hours. Transport for London and LBTH Highways had reviewed this information and considered that it was acceptable. The servicing would be conditioned which would include details of servicing hours to avoid peak hours.

It was also pointed out that the level of car parking fell short of the maximum allowed in policy for the density proposed.

As a result, Officers remained of the view that the scheme should be granted permission. However, if Members were minded to refuse the scheme, they were directed to the three suggested reason in the deferred report.

In response to questions, Officers clarified the proposed rent levels for the social rent units that excluded service charges. The rents would be ensured in perpetuity and controlled by way of a S106 obligation.

The viability report had been tested, based on the premises that the 3-4 four bed affordable units would be delivered as social rent (which it always had been). The report was found to be sound. There would be opportunities to reassess the viability of the scheme should there be a delay in implementing the scheme. The triggers and timescales for this were noted.

Officers also answered questions about the housing mix and the downsides in requesting that parking spaces be reserved for the rented units. According to LBTH Housing and the Developer, this would have an impact on their service charges. It was also explained that the scheme would be subject to the Council's permit transfer scheme, allowing residents of the family social housing to transfer their permits to the scheme.

In conclusion, Members welcomed the changes to the scheme and felt that the scheme would provide much needed affordable units.

On a vote of 4 in favour and 1 against, the Committee **RESOLVED**:

1. That planning permission be **GRANTED** at Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London for the demolition and redevelopment with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium (PA/14/03195)

Subject to

2. Any direction by The London Mayor.
3. The prior completion of a legal agreement to secure the planning obligations set out in the 4<sup>th</sup> June 2015 Committee report and 8<sup>th</sup> October 2015 Committee report.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
5. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the 4<sup>th</sup> June 2015 Committee report.

## 6. PLANNING APPLICATIONS FOR DECISION

## **6.1 Land at 160-166 Chrisp Street (PA/15/00039)**

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the item for the demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to twelve storeys to provide a mixed use development.

Shay Bugler, (Planning Officer, Development and Renewal) presented the detailed report and update. The application was originally presented to the Committee on 27<sup>th</sup> August 2015, where Members were minded to not to accept the scheme due to concerns over:

- (i) Height bulk mass;
- (ii) Impact on amenity of neighbouring properties;
- (iii) The lack of a study on the impact upon the social infrastructure;
- (iv) The density; and
- (v) Shortfall of play space.

Since that meeting, the applicant had made a number of material changes to the scheme to address the above issues. As a result, the application was being resubmitted to the Committee as a new application in accordance with the Council's Constitution.

The Committee were advised of the key features of the scheme in terms of the site location, character of the area including the new residential developments nearby, the public transport links and the existing use of the site.

The Committee were also advised of the changes to the scheme to address the concerns in terms of the reduction in units, the provision of addition family units (with 25 in the affordable target tenure), the reduction in height to better respond to the area and reduce the impact on amenity and the increase in child play space. The level of affordable housing remained at 35%.

A further round of consultation on the revised application had been carried out and the outcome of this noted. None of the original respondents had raised concerns.

Officers were still of the view that the development responded well to the local area (given the materials, scale, the variations in height and the recent changes to the scheme). The site had good public transport links and showed no signs of overdevelopment. The impacts on amenity would be minor in nature. Given these points, the density of the scheme could be supported.

Careful consideration had been given to the impact on local infrastructure. Taking into account the capacity analysis of local schools and healthcare facilities, it was considered based on the expert advice that there was sufficient capacity in the area to accommodate the development.

In summary, Officers remained of the view that the scheme should be granted planning permission. However, if Members were minded to refuse the scheme, they were drawn to the suggested reasons for refusal in the Committee report.

In response to questions, Officers highlighted the contributions for education and the number of recently created school places. Pat Watson (Head of Building Development Childrens and Adults Resources) also highlighted the factors taken into account when planning school places across the Borough that included population forecasts from planned developments. She also pointed out that there would be a number of new schools coming forward including the new Bromley Hall Primary School that should relieve pressure on school places from the scheme. Furthermore, given the anticipated timescales for building out the scheme, there would be plenty more opportunities for the Authorities to plan for the additional population. Whilst the development would have some impact on the GP practices, the data showed that the nearest practice could accommodate additional patients. The patient to GP forecasts with the addition of this scheme, was noted.

Officers also answered questions about the impact on the highway, the circumstances where apprenticeships for local people may be sought and the Community Infrastructure Levy.

In conclusion, Members welcomed the level of affordable housing and considered that the revisions to the scheme generally addressed their initial concerns.

On a vote of 5 in favour 0 against and 2 abstentions the Committee **RESOLVED:**

1. That planning permission be **GRANTED** at Land at 160-166 Chrisp Street for the demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to twelve storeys to provide 254 residential units (comprising 99 x 1 bed; 100 x 2 bed; 51 x 3 bed: 4 x 4 bed), together with associated car parking, amenity space, child playspace, gym and infrastructure works (REVISED DESCRIPTION) (PA/15/00039) subject to
2. Any direction by the Mayor of London
3. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the planning obligations set out in the 27 August 2015 Committee report and 8<sup>th</sup> October 2015 Committee report and update.
4. That the Director of Development & Renewal is delegated authority to negotiate the Section 106 legal agreement referred to above.



5. That the Director of Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the matters set out in the 27 August 2015 Committee report.
6. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Councillor Shahed Ali did not vote on this item having not been present for the full consideration of the item

**6.2 Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX (PA/15/00641)**

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the item for the demolition of existing buildings on the site and erection of buildings ranging in height containing for a mixed use development.

The Chair invited registered speakers to address the meeting.

Catherine O'Mahony (Aqua Vista Development) Andy Ager (Silver Wharf Development) spoke in opposition to the scheme. Whilst supporting the development of the site to address anti social behaviour (asb) they objected to the scheme on the following grounds:

- Height and density of the scheme in relation to the surrounding area.
- That the scheme conflicted with the Council's policies that stated that developments in this area should be low rise and low density unless there were good reasons why they shouldn't be. This had not been demonstrated.
- Loss of light to neighbouring properties. Many of the neighbouring properties were single aspect properties and would lose a lot of light.
- Loss of privacy due to the position of the windows and balconies that faced neighbouring properties.
- Increased sense of enclosure.
- Lack of consultation by the developers, specifically with the units located behind the site. A site visit should be arranged to see how it was possible to exclude these households from the consultation and the assessment.
- Loss of views to Canary Wharf and Bartlett Park.
- A low rise scheme would address the concerns, protect the setting of area and comply with planning policy.

In response to Members questions, the speakers clarified their concerns about the height of the scheme, the impact from this on the surrounding area and the lack consultation by the developer. They expressed support for a low

to medium density scheme at this site with taller developments nearer Chrisp Street as originally promised.

Krystian Groom (Applicant's Agent) spoke in support of the application. He spoke about the extensive nature of the consultation with residents and Officers. This included individual letters to surrounding residents, door step canvassing, stakeholder and consultation events and engagement with schools and the health services. As a result, the applicant had reduced the height, massing and increased the affordable housing within the scheme. As stated in the report, the scheme makes best use of a brown field site without leading to overdevelopment. This benefits of the scheme were explained.

In response to questions, he explained that consultation was carried out at both pre and post submission stage as detailed in the Statement of Community Involvement document. There was genuine support for the scheme. At this point, Officers reminded Members that the Localism Act 2011 required developers to engage and consult the community. It was up to the Committee to decide how much weight should be put on the developers consultation. However, it was suggested that more weight should be given to the Council's consultation that could be more easily evidenced.

The speaker went on to report that the developer had worked closely with the health centre to facilitate it's request for further funding to expand. He also answered questions about the improved access arrangements, the reductions in height, the design that would preserve the setting of the park and the exclusion from the plans of a direct link to the tow path given the concerns that it would create asb.

Robert Lancaster, (Deputy Team Leader, Development and Renewal) gave a detailed report presentation of the application, describing the existing site and surrounds, the layout and the appearance of the scheme. Consultation had been carried out and there were representations in support and objections. The reasons given were noted.

As explained above, the scheme had been amended to reduce the height, number of units and increase the affordable housing. Overall, it was considered that it was a well designed scheme that would complement the surrounding area and the setting of the Conservation Area.

He also explained the level of affordable housing, the rent levels, the level of amenity space open to all residents of the scheme. The quality of accommodation complied with policy. The scheme passed the BRE guide for daylight. Whilst some of the neighbours that faced onto site would experience a loss of light, they would still receive good levels of light. Furthermore, due to the separation distances and orientation of windows, there would be little impact on privacy.

He also explained the car parking and cycle parking plans, the Highways improvements, the Community Infrastructure Levy and S106 agreement.

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

In response, Members asked questions about:

- The density of the scheme given the Public Transport rating of 2 and its position at the edge of the town centre in the Council's Core Strategy suggesting that schemes in this area should be lower in density.
- Height in relation to surrounding buildings and the recently approved schemes in the area.
- Impact on sunlight and daylight to neighbouring properties in view of the failings listed in the Committee report.
- Impact on Bartlett Park and the contributions for this.
- Impact on local services.
- The housing mix
- Car parking from the scheme and the impact this would have on the highway.
- The measures to maintain the canal and tow path environment.
- Number of wheelchair assessable units and the location of these units.

In response, it was reported that there were conditions to mitigate the issues raised by the Canal and Rivers Trust. Most of their suggested conditions would be implemented save for the request that the applicant repair the water way wall. There was no evidence that the development would affect it. 10% of the residential units would be wheelchair accessible in compliance with policy and be spread round the development facilitated by the lifts in the blocks.

In terms of the housing mix, it was considered that the intermediate units, were genuinely affordable given the location, noting the lack of one bed units and emphasis on 2-3 bed units in this tenure.

Whilst the density clearly exceeded that envisaged in the London Plan, and the Core Strategy, the Greater London Authority and Officers were supportive of the plans given the lack of negative impacts and the benefits of the scheme. The density matrix in the London Plan was only guidance. The key test was whether the plans would cause any real harm to the area. As explained above, it was difficult to see that it would.

It was emphasised that the impact on sunlight and daylight to surrounding properties was acceptable. Despite the slight loss, the vast majority of the properties complied with the tests in policy and would continue to receive good levels of light. In many cases, the slight losses were due to the fact that the properties currently benefited from excellent light levels. The outcome of the testing was explaining including the impact on Craig Tower due to the position of the balconies above.

Whilst the plans would have some impact on the local GP Practice, the predicted GP to patient ratio, with the addition of the scheme, was still well within the maximum ratio recommended.

Officers also answered questions about the increase in the affordable housing and the management of Council owned parks. They also referred to other schemes coming forward that included contributions for Bartlett Park.

Officers also clarified the waste collection, cycling and car parking plans.

In conclusion, Members noted the issues around the scale of the scheme and impact on the area. In order to understand these issues more, Councillor Marc Francis proposed seconded by Councillor Shahed Ali that the application be deferred for a site visit.

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

That the planning application be **DEFERRED** for a SITE VISIT to enable Members to better understand the impact of the scheme on the area.

Councillor Gulam Robbani was not present for the consideration of this item.

### **6.3 2 Trafalgar Way, London (PA/15/02668)**

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the item for a deed of variation to the section 106 agreement dated 10 Nov 2009 ref PA/08/01321.

Jermaine Thomas (Planning Officer, Development and Renewal) presented the detailed report. He explained the background to the application. In March 2015, the Applicant submitted an application under a new provision known as Section 106B to change the affordable housing requirements of the 2014 and the 2009 permission to reduce the off-site contribution and to remove the 66 on site affordable units. The Council's Viability Consultants have carried out a robust assessment and agree with the developer that the 2014 scheme was unviable with the current affordable housing requirement.

However, the application was refused in April 2015 on the basis that it did not represent a stalled scheme and that an alternative viable scheme has planning permission and is capable of being built. .

The applicant had since submitted an appeal against the refusal to be determined at a Public Hearing scheduled for November 2015. The possible outcomes of the appeal were noted.

As part of the process of planning for the hearing, the applicant and the Council have met to explore ways to provide a good level of affordable housing without compromising the viability of the scheme, by agreeing a variation to the current legal agreement under Section 106A.

One option considered, that was the subject of this application, was that the applicant would remove entirely the onsite requirement for affordable housing but would increase the off-site contribution.

The table in the committee report showed a clear comparison between the consented schemes and the proposal.

The application complied with policy given the results of the viability assessments, that it would deliver additional affordable housing in the Borough and that the contribution met the relevant tests in policy.

In view of the issues, Officers were recommending that the variation be approved.

In response, some Member questioned the need for the proposal given the market value of the proposed units within the scheme. It was also questioned whether the proposal represented a fair exchange and why, given the nature of the amendment, it could be considered a variation.

In response to these points, it was reported that, if approved, it was likely that the parallel appeal would be withdrawn. However if the appeal proceeded, the applicant's offer and the Council's decision on the Section 106A variation would be a material consideration.

The Greater London Authority have been consulted and have confirmed that they do not wish to make any further comments.

In response to further questions, Officers explained the issues that would be taken to account at the appeal. It was also pointed out that given the difficulties with delivering affordable housing on the site due to the site constraints, this was a unique case.

In conclusion, Members noted the need for affordable housing in the Borough and that there were a number of other scheme coming forward that would provide contributions for the public realm. Councillor Marc Francis proposed, seconded by Councillor Andrew Cregan that the contribution towards public realm be added to the sum towards off site affordable housing. This was agreed

On a vote of 7 in favour, 1 against and 0 abstentions, it was **RESOLVED**:

1. That a modification under s106A of the 1990 Planning Act of the 2009 Agreement (as modified by the 2014 Agreement) be **APPROVED** at 2 Trafalgar Way, London (PA/15/02668) subject to:
2. Any direction by The London Mayor.
3. The prior completion of a second deed of modification to secure the planning obligations in the Committee report subject to the following change to the financial obligations:

That the contribution towards public realm be added to the contribution towards affordable housing.

4. That the Corporate Director Development & Renewal is delegated power to negotiate the second deed of modification referred to at 3.3 above within normal delegated authority.

The meeting ended at 10.15 p.m.

Chair, Councillor Marc Francis  
Strategic Development Committee

## Guidance for Development Committee/Strategic Development Committee Meetings.

### Who can speak at Committee meetings?

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

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

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters.  This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul>
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](http://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><b>Deadlines.</b>                  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 <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"> <li>• Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure).</li> <li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions).</li> <li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions).</li> </ul>	 Council’s Constitution



# Agenda Item 5

<b>Committee:</b> Strategic Development	<b>Date:</b> 19 <sup>th</sup> November 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b>		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. DEFERRED ITEMS

2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
8 <sup>th</sup> October 2015	(PA/15/00641)	Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX	Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 153 units including 28 undercroft and surface car parking spaces and a central landscaped courtyard.	Formal Committee site visit

## 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.

6.1 PA/15/00641 Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX

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

### LOCAL GOVERNMENT ACT 2000 (Section 97)

#### LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

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

<b>Strategic Development Committee</b>	<b>Date:</b> 19 <sup>th</sup> November 2015	<b>Classification:</b>	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal  <b>Case Officer:</b> Paul Buckenham		<b>Title:</b> Planning Application for Decision  <b>Ref No:</b>  <b>Ward(s):</b>	

## 1. BACKGROUND

- 1.1 An application for demolition of existing buildings and erection of buildings that range in height from 3 to 14 storeys containing 153 residential units, car parking and central landscaped courtyard was considered by the Strategic Development Committee at their meeting on 8 October 2015. The officer recommendation was to grant planning permission with conditions and planning obligations, subject to any direction by the London Mayor.
- 1.2 The Committee resolved to defer the application in order to undertake a site visit. The site visit took place on Thursday 22 October, with four committee members attending. At the visit members asked for clarification on two specific planning issues:
  - The comparative height of the tallest part of the application proposals and the height of the existing residential buildings on the corner of Bow Common Lane and the Limehouse Cut Canal – Craig Tower and Werner Court.
  - Further information about the impact of the proposed development on the amenity of local residents in Craig Tower and Werner Court, in terms of daylight and sunlight.

## 2. COMPARATIVE BUILDING HEIGHTS

- 2.1 The application proposes redevelopment of the site with four-storey buildings fronting Broomfield Street, seven-storey buildings fronting Upper North Street, seven-storey buildings fronting the canal with a tower element rising up to fourteen storeys above the canal towpath, on the corner of the site fronting Upper North Street and the canal.
- 2.2 The tower would be 41.5 metres high, taken from the level of the towpath. It would appear less tall when viewed from the adjacent Bow Common Bridge due to the difference in levels of approximately 3 metres.
- 2.3 The development at 2-10 Bow Common Lane, that includes Craig Tower and Werner Court, was granted planning permission in 2007. The development is now completed and has been occupied for some years. The scheme includes 157 flats and comprises a part 11, part 12 storey building at Craig Tower (approximately 35.8 metres tall) and a lower 6 storey building at Werner Court, with a communal open space for residents in a courtyard between the blocks.
- 2.4 The lower element of the application proposals facing the Limehouse Cut Canal would be similar in height to Werner Court. The taller 14 storey element would be two storeys or 5.7 metres taller than Craig Tower.

- 2.5 The face to face distance between opposing windows and balconies across the canal would be 26.5 metres.

### **3. DAYLIGHT**

- 3.1 The applicant has provided further information that summarises the assessments carried out to support the application, on properties at Craig Tower and Werner Court.

#### Werner Court

- 3.2 Sixty windows within Werner Court overlooking the site have been tested. 33% of those windows do not currently achieve the recommended minimum level of daylight based on the Vertical Sky Component (VSC) analysis. VSC tests the amount of light enjoyed on the face of the window at its mid-point.
- 3.3 If the development were built, 40 of the windows tested would experience a reduction in their current VSC of greater than 20% and of these 11 would experience a reduction of more than 40%. The greatest level of reduction would be 50.2%. The most significant effects are to windows on the ground to 4th floor levels of the building.
- 3.4 As the internal layout of Werner Court is known, in accordance with the BRE Guidelines and BS8206, it is appropriate to consider the Average Daylight Factor (ADF) each room will enjoy. This analysis takes into account the size of the window or windows serving the room, the size of the room and its use. The results show that all rooms will achieve the recommended minimum ADF, with some exceeding this by over 100%.
- 3.5 In terms of daylight distribution within each room, analysis shows that all except two rooms, will have a significant portion of the room (greater than 80%) in front of the No Sky Line contour. The two rooms that do not achieve the above, both are within 0.8 times the existing and are over 70%, therefore in accordance with the BRE Guidelines, the reduction should not be noticeable.
- 3.6 The update note confirms the applicants analysis that whilst there would be reductions in the Vertical Sky Component, the daylight enjoyed by the habitable rooms facing the site would remain good and well distributed.
- 3.7 The applicant's position is consistent with the Council's technical consultant's review (April 2015) which concludes that for Werner Court, "whilst the reduction in VSC is going to be noticeable, the sky visibility in the rooms will remain at a good level and the ADF results show that the rooms will remain adequately lit and in many cases well lit."

#### Craig Tower

- 3.8 Forty five windows to Craig Tower that look out over the site have been tested. Even with the current open outlook, none of the windows achieve the recommended minimum VSC. As a result, any development on the site will have a disproportionate effect on the daylight these windows will enjoy, based on a VSC analysis. 28 of the 45 windows would experience a reduction in VSC of more than 20% and 6 of these more than 40%. The greatest loss is 52%. The windows experiencing the most significant reductions (i.e. more than 20%) serve flats on the ground to 7th floor levels of the building.
- 3.9 The VSC analysis does not take into consideration the large windows serving flats in this property. Hence an Average Daylight Factor (ADF) analysis in accordance with the BRE Guidelines and BS8206 is considered more appropriate. This analysis demonstrates that the recommended minimum ADF is exceeded by more than 100% in all cases. In some instances the ADF is as much as 400% above the recommended minimum for a living room.

- 3.10 Whilst all rooms within Craig Tower may have a noticeable reduction in their daylight, due to the under developed nature of the application site, they will still enjoy a very good levels of daylight.
- 3.11 In relation to daylight distribution, the analysis demonstrates that all rooms will have a significant portion of their area (over 80%) in front of the No Sky Line. This again demonstrates that the rooms within Craig Tower will enjoy a good level of daylight.
- 3.12 The applicant's conclusion is consistent with a review carried out by the Council's technical consultant (April 2015) which says "the ADF results for this property are very high and the rooms will be left with a very well lit internal environment."

#### **4. SUNLIGHT**

- 4.1 Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation, for example north facing windows may receive sunlight on only a handful of occasions in a year and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore, BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed.
- 4.2 The windows in Craig Tower and Werner Court looking toward the application site face south east. In determining a material impact, BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these and the loss from existing is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period.

##### Werner Court

- 4.3 The applicant's assessment shows that all windows analysed will achieve or exceed the recommended minimum levels of sunlight throughout the year and during the winter months.
- 4.4 The Council's technical consultant agrees with these findings.

##### Craig Tower

- 4.5 The applicants assessment shows that all except nine windows out of forty-three tested will achieve the BRE Guidelines in relation to total sunlight hours enjoyed through the year and during the winter months.
- 4.6 Closer interrogation of the results shows that the most severe effects are on sunlight to windows at levels one to six of Craig Tower, where 31% of the windows would experience significant percentage reductions greater than 20% in in two cases up to 100%.
- 4.7 The Council's technical consultant agrees that the losses are significant but are in part due to the projecting balconies above the windows limiting direct sunlight when the sun is highest in the sky, during summer months. The balconies themselves would enjoy good levels of sunlight.
- 4.8 All windows to Craig Tower would exceed the BRE minimum throughout the winter months.

## **RECOMMENDATION**

- 3.13 The additional information has been considered in the context of the relevant Development Plan policies and the officer recommendation to **GRANT** planning permission remains unchanged.

Strategic Development Committee	<b>Date:</b> 8 <sup>th</sup> October 2015	<b>Classification:</b> Unrestricted	
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<b>Report Of:</b> Director of Development and Renewal	<b>Title:</b> Application for Full Planning Permission
<b>Case Officer:</b> Robert Lancaster	<b>Ref No:</b> PA/15/00641
	<b>Ward:</b> Lansbury

## 1. APPLICATION DETAILS

**Location:** Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX

**Existing Use:** Site is currently in use as a food wholesaling business

**Proposal:** Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 153 units including 28 undercroft and surface car parking spaces and a central landscaped courtyard.

**Drawings:**

P0-001 Rev P3; P1-100 Rev P3; P1-150 Rev P2; P1-300 Rev P3; P1-350 Rev P2; P0-100 Rev P7; P2-000 Rev P8; P2-001 Rev P7; P2-002 Rev P5; P2-003 Rev P5; P2-004 Rev P5; P2-005 Rev P5; P2-006 Rev P5; P2-007 Rev P5; P2-008 Rev P5; P2-009 Rev P4; P2-010 Rev P3; P2-011 Rev P3; P2-012 Rev P3; P2-013 Rev P3; P2-016 Rev P4; P2-100 Rev P8; P2-101 Rev P7; P2-102 Rev P4; P2-103 Rev P4; P2-104 Rev P4; P2-105 Rev P4; P2-106 Rev P5; P2-107 Rev P5; P2-108 Rev P5; P2-109 Rev P4; P2-110 Rev P3; P2-111 Rev P3; P2-112 Rev P3; P2-113 Rev P3; P2-116 Rev P4; P2-150 Rev P7; P2-151 Rev P6; P2-152 Rev P6; P2-153 Rev P6; P2-154 Rev P4; P2-155 Rev P4; P2-156 Rev P4; P2-157 Rev P4; P2-158 Rev P4; P2-159 Rev P1; P2-200 Rev P2; P2-350 Rev P4; P2-351 Rev P5; P2-352 Rev P4; P2-353 Rev P4; P3-110 Rev P4; P3-111 Rev P3; SK-006 Rev P2; FNH414/FD100; 4704704-SK-012 Rev B; P0-200 Rev P1; P0-300 Rev P4; P0-101 Rev P4; P0-102 Rev P4; P0-103 Rev P4; Elevations and Materials; Composition and Detailing; FNH414 SK01;

**Supporting Documents:**

- Planning Statement by Fairview Homes Ltd
- Draft Heads of terms by Fairview Homes Ltd

- Daylight/Sunlight Assessment (including addendums) by CHP
- Design and Access Statement by ColladoCollins
- Lifetime Homes Standard Assessment by Fairview Homes Ltd
- Employment Floorspace Assessment by JLL
- Sustainability Statement by Silver
- Contaminated Land Report by CGL
- Transport Statement (including Travel Plan) by URS/AECOM
- Addendum to Transport Statement dated 12<sup>th</sup> June 2015 by AECOM
- Flood Risk Assessment by URS/AECOM
- FNH 414 PHOENIX WORKS – Method Statement
- Archaeological Desktop Study by CgMs
- Energy Efficiency Statement by Silver
- Air Quality Assessment by MLM
- Noise Assessment by Grant Acoustics
- Statement of Community Involvement by Curtain and Co (and September addendum)
- Landscape Design Strategy by MCA
- Refuse Strategy by ColladoCollins
- Secure by Design Statement by Fairview New Homes Ltd
- Biodiversity Assessment by Aspect Ecology

<b>Applicant:</b>	Fairview Homes Ltd
<b>Ownership:</b>	Fairview Homes Ltd
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	Adjacent to Limehouse Cut Conservation Area

## 2. RECOMMENDATION

2.1 To **GRANT** planning permission subject to:

2.2 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 111 of the Local Government Act 1972 within three months of the date of this resolution, to secure the following planning obligations:

- 34.2% Affordable Housing by habitable room (28 rented units/14 intermediate units)
- Contribution of £61,904 towards construction skills and training
- Local training, procurement and access to employment strategy (20% local goods and services procurement by value)
- 20% local employment during construction
- 6 apprenticeships
- Code of Construction Practice



- Off-site highway improvement works, including zebra crossing and junction improvements.
  - Residential Travel Plan
    - Travel Plan commitment for oyster card annual membership (1 per unit) for three years (cost equivalent - £43,740)
  - Monitoring fee equivalent to £500 per each Head of Terms in the Legal Agreement.
- 2.3 In addition to the above, the development would be liable for approximately £300,000 to the Mayor of London's Community Infrastructure Levy (CIL) and £300,000 for the London Borough of Tower Hamlets CIL.
- 2.4 That the Director of Development & Renewal is delegated authority to negotiate the Section 106 legal agreement referred to above.

### **Planning Conditions**

- 2.5 That the Director of Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:

#### Compliance conditions

1. Time Limit 3 years
2. Compliance with plans and documents;
3. Compliance with Energy and Sustainability Strategy;
4. All residential accommodation to be completed to Lifetime Homes standards;
5. All amenity space including child play space to be accessible to all future residents of the development;
6. Waste Management Plan
7. Control over hours of construction;
8. All residential units are designed to meet noise requirements set out in BS:8233 (2014) and vibration requirements set out in BS: 6472;
9. All lifts operational prior to occupation of the relevant part of the development;

#### Approval of details, prior to commencement / occupation as applicable

10. Approval of Demolition and Construction Environmental Management and Logistics Plan including piling method and details of protecting the towpath, the safety of water way users and the integrity of Limehouse Cut (in consultation with CRT and Thames Water);
11. Scheme of ground contamination investigation and remediation;
12. Scheme of Details of Archaeological investigation;
13. Estate Management Plan including external lighting and, if necessary, CCTV (in consultation with CRT);
14. Approval of all external facing materials including brickwork, render, cladding, window reveals, frames and screening, doors and canopies, guttering, post boxes, soffits and all rooftop structures, including flues and satellite dishes;
15. Hard and soft landscaping details and boundary treatment;
16. Approval of child playspace equipment
17. Approval of details of the wheelchair housing specification/standards
18. Approval of details of all Secure by Design measures (Part 2 Secure by Design Accreditation in consultation with Metropolitan Police);
19. Approval of details of biodiversity enhancements within the site;

20. Detailed specification, tilt angle and location of photovoltaic panels;
  21. Scheme of Highway improvement works;
  22. Car Parking Allocation Management Plan;
  23. Details of 20% electric vehicle provision (maximum 10% passive provision);
  24. Drainage Strategy (including SUDs) (in consultation with CRT and Thames Water);
  25. Final energy calculations to show how the scheme has delivered the carbon emission reductions;
  26. Details of cycle storage to be agreed prior to occupation;
  27. Servicing Management Plan;
  28. Details of obscure glazing and privacy screens;
  29. Details of noise insulation measures between plant room and adjoining residential units;
  30. Feasibility study to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclables) in consultation with CRT;
  31. Details of design and method statement based on agreed Flood Risk Assessment (in consultation with EA);
  32. Details of wind mitigation measures – areas to be mitigated are terrace on north-west corner and play space on north-east corner.
- 2.6 Any other planning condition(s) considered necessary by the Strategic Development Committee and/or Corporate Director Development & Renewal.

### **3. EXECUTIVE SUMMARY**

- 3.1 Application for redevelopment of existing site to provide a mix of housing. The principle of development would be acceptable in policy terms.
- 3.2 Following representations from local residents and statutory consultees the application has been amended to address those concerns, where appropriate. The height of the tower has been reduced by two storeys and the tallest courtyard block has been reduced in height by one storey to address issues relating to the visual impact of the scheme on the surrounding area, the impact on the amenity of neighbouring residents and concerns relating to the density of the scheme.
- 3.3 The affordable housing provision (34.2% by habitable room) is the maximum the development can viably provide.
- 3.4 Subject to the recommended conditions and obligations, the proposal would be a sustainable development in accordance with the National Planning Policy Framework.
- 3.5 The proposed development is acceptable in design terms and would provide good quality housing that would meet or exceed minimum standards.
- 3.6 The application is in accordance with the provisions of the Development Plan (London Plan and Tower Hamlets' Local Plan) and there are no other material considerations which would indicate that it should be refused. The officer recommendation to the Committee is that permission should be granted, subject to any direction by the Mayor of London.

## **4. APPLICATION SITE AND SURROUNDINGS**

### **Application site**

- 4.1 The application site is 0.43 ha in size, located adjacent to the Limehouse Cut and Bartlett Park. The application site is currently in use as a food wholesaling business. The site comprises a service yard and several poor quality industrial buildings.
- 4.2 The site has previously been used as a cement and chemical works, associated with the Limehouse Cut, an industrial canal built in 1850.
- 4.3 The surrounding area is urban and predominantly residential, with a number of new residential developments recently completed or under construction.
- 4.4 The canal and pedestrian towpath borders the site to the north, with Bow Common Bridge crossing the canal adjacent to the north-west corner of the site. Beyond the site's north-eastern boundary are residential dwellings at Metropolitan Close.
- 4.5 To the south-east is Broomfield Street, which comprises of a rows of terraced housing dating from the 1960s to 1980s. Bartlett Park is located close to the site, across Upper North Street to the west.
- 4.6 The site public transport accessibility is low, scoring a level of 2 on TfL's Public Transport Accessibility Level (PTAL) rating. The closest rail or tube station is Langdon Park DLR station approximately 560m to the east. There are two TfL Cycle Hire docking stations adjacent to the site on the north and south side of Bartlett Park.
- 4.7 The northern end of Chrisp Street district centre is approximately 510m away and is the closest shopping centre to the development.
- 4.8 The site is not within a conservation area and none of the existing buildings are listed. However, the site is adjacent to, and within the setting of, the Limehouse Cut Conservation Area. Langdon Park Conservation Area is approximately 315m to the east and Lansbury Conservation Area is approximately 260m to the south. The closest Listed Building is the Grade II Celestial Church of Christ (formerly Church of St. Saviours) located on Northumbria Street approximately 135m to the south across Bartlett Park.
- 4.9 The site is within an 'Area of Regeneration' as defined by the GLA's London Plan. The Limehouse Cut forms part of the Blue Ribbon Network and both Upper North Street and the Limehouse Cut forms part of the Council's Green Grid. Upper North Street is also part of Tower Hamlet's Local Cycle Network. The Limehouse Cut is a Site of Importance for Nature Conservation. For the purposes of Tower Hamlet's Community Infrastructure Levy, this site falls within Zone 3 (residential).

### **Proposed development**

- 4.10 The proposed development is for the comprehensive redevelopment of the site for wholly residential purposes.
- 4.11 Its layout is a courtyard typology with buildings fronting the Limehouse Cut towpath, Upper North Street and Broomfield Street. The courtyard would provide space for servicing, 28 vehicular parking spaces, cycle parking spaces and communal amenity and child play space.

- 4.12 The block fronting Broomfield Street would be 4 storeys high, the block fronting Upper North Street would be 7 storeys high, there would be a tower element 14 storeys high on the corner on of Bow Common Bridge (as Upper North Street crosses over the Limehouse Cut) and the block fronting the Limehouse Cut would be 6 storeys high with a further set back storey.
- 4.13 The development would provide for 153 residential units (111 private units, 28 affordable rent units and 14 intermediate units.

#### **Relevant planning history**

- 4.14 There is no relevant planning history affecting the site that is material to this application. The most recent permissions were advertising consent and minor extensions to the existing building granted in 2011.

### **5 LEGAL & POLICY FRAMEWORK**

- 5.1 The Council in determining the planning application has the following main statutory duties to perform:-

- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

- 5.2 Spatial Development Strategy for Greater London – (London Plan, consolidated with alterations 2015)

- 1.1. Strategic Vision for London Borough of Tower Hamlets
- 2.1 London
- 2.9 Inner London
- 2.14 Areas for Regeneration
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 4.4 Managing Industrial Land
- 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
- 5.9 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
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.7 Streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.11 Tackling Congestion
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise
- 7.24-7.28 Blue Ribbon Network
- 7.30 London's Canals
- 8.1 Implementation
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

### 5.3 Tower Hamlets Adopted Core Strategy 2010

- SP02 Urban Living for Everyone
- SP03 Creating Healthy and Liveable Neighbourhoods
- SP04 Creating a Blue and Green Grid
- SP05 Dealing with waste
- SP06 Employment uses
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering place making
- SP13 Planning Obligations

## Annex 9 Placemaking: LAP 7&8 Poplar

### 5.4 Managing Development Document (2013)

- DM0 Delivering sustainable development
- DM3 Delivering Homes
- DM4 Housing standards and amenity space
- DM11 Living Buildings and biodiversity
- DM12 Water Space
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM15 Local Job Creation and Investment
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building Heights
- DM27 Heritage and the Historic Environment
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

### 5.5 National Planning Policy and Guidance:

- National Planning Policy Framework
- National Planning Policy Framework – Technical Guidance
- National Planning Practice Guidance (NPPG)

### 5.6 Supplementary Planning Guidance / Documents:

- Limehouse Cut Conservation Area Character Appraisal
- Tower Hamlets draft Planning Obligations SPD April 2015 (Version for Public Consultation)
- Planning Obligations SPD (2012)
- GLA's Control of Dust and Emissions during Construction and Demolition SPG (July 2014)
- GLA's Accessible London: Achieving an Inclusive Environment SPG (2014)
- GLA's Play and Informal Recreation (2012) SPG
- GLA's Housing SPG (2012)
- GLA's London View Management Framework (2012)
- Historic England: Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets

## 6. NOT USED

## **7. CONSULTATION RESPONSES**

- 7.1 The following consultees were consulted with regards to the application and responses are summarised below. Where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

### **Environmental Health**

- 7.2 The submitted Air Quality Assessment is acceptable and the development will not have a significant detrimental effect on the local air quality. However, an Air Quality Neutral Assessment (AQNA) is requested, in line with the London Mayor's Air Quality Strategy.
- 7.3 The Noise Report submitted with the application is satisfactory.
- 7.4 Environmental Health raises no objections in relation to contaminated land subject to appropriate conditions.

(OFFICER COMMENT: The applicant has subsequently submitted an AQNA, which has been assessed by the Council's Air Quality officer who advises that it meets the requirements of the GLA's Air Quality Strategy. Appropriate Conditions have been imposed.)

### **Energy Efficiency Unit**

- 7.5 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures (3%), use of a centralised CHP system (33%) and a PV array (15.9% / 49kWp). The CO2 emission reductions proposed are supported and would result in a circa 46% reduction against the Building Regulations 2013.
- 7.6 In relation to sustainability, the proposals are for the residential units to achieve Code for Sustainable Homes Level 4 with a score of 68%. This is supported by the sustainable development team and is in accordance with policy requirements for the development to meet the highest standards of sustainable design and construction.
- 7.7 There is insufficient information relating to the CHP plant room and pipe routing. In relation to the plant room, the applicant should demonstrate, with a plant room layout plan, that sufficient space exists for the proposed system as well as provision for connection to a district system should one be available in the future.
- 7.8 The applicant should set out a statement to identify the design has included: sufficient noise/vibration mitigation to reduce impact on future occupants; flue location and dispersion modelling to minimise any potential air quality impacts; and considerations for access and egress of the CHP engine for maintenance/replacement in the future.
- 7.9 We would also seek a schematic showing the pipe routing for the scheme to show that all uses within the proposals are supplied by the CHP system.

(OFFICER COMMENT: The applicant has submitted further details showing that there the plant room is of sufficient size to meet its purpose and appropriate

access/egress arrangements would be in place. Noise and vibration mitigation are recommended to be addressed by condition.)

## **Transportation & Highways**

- 7.10 The applicant's proposals for a raised table and tightening the radius of the junction at Broomfield Street / Upper North Street will improve safety, particularly in relation to large vehicles such as refuse trucks making left hand turns from Upper North Street into Broomfield Street. This can be funded through a s278 or s106 agreement, as appropriate. The developer has also offered £10,000 towards a new pedestrian crossing point in Upper North Street to the south of the junction with Broomfield Street. This will aid pedestrian movement to Bartlett Park.
- 7.11 The revised proposal for the site access has been subject to a Stage 1 safety audit which assessed the potential conflict between vehicles, pedestrians and cyclists. The audit raised some issues which, if implemented, would mitigate possible safety concerns of sharing the access and the applicant has taken these recommendations on board. Highways advise that in any case, the site access (although it is an existing vehicular access) is close to the junction of Upper North Street/Broomfield Street and it would be desirable for it to be moved further along Broomfield Street.
- 7.12 The overall parking provision of 29 spaces is in compliance with the Development Plan's parking standards. However, in terms of wheelchair accessible parking bays it was originally proposed to provide 6 accessible spaces. This has been reduced to 4 as the development needed to provide more cycle parking. Whilst the provision for accessible parking is still within the MDD policy standards it is Highway's view that the 6 accessible spaces originally provided should be maintained and the reduction in spaces should come from the general rather than disabled parking provision.
- 7.13 The proposed cycle parking provision is below London Plan standards.
- 7.14 The development does not provide direct access for residents from the site to the Canal which is a lost opportunity to promote cycling. The development has not provided a public link to the canal from Upper North Street, which would also help to promote cycling.
- 7.15 Conditions required to secure the scheme as 'permit-free', require approval of a car parking management plan, require approval of a Travel Plan, require approval of a Servicing Management Plan, require approval of a Demolition and Construction Management Plan and require approval of a Scheme of Highways Improvements Plan agreement to carry out works on the public highway adjacent to the site, including but not restricted to, the junction improvement works at Broomfield Street and Upper North Street.

(OFFICER COMMENT: The safety audit demonstrates that the shared surface access, in its proposed location, is safe. The number of residential cycle spaces has been increased to 272 and visitor cycle spaces increased to 10. This meets the London Plan standards for residential and visitor cycle spaces. The 6 wheelchair accessible parking spaces have been reinstated. The general needs (22 spaces including 1 car club space) and wheelchair accessible parking (6 spaces) proposals are in accordance with Development Plan policy. Access to the Canal is addressed in section 9 of the report. Appropriate conditions and obligations have been recommended.)



## **Enterprise & Employment**

- 7.16 The Section 106 agreement should ensure the developer targets 20% of the construction phase workforce will be local residents of Tower Hamlets and 20% goods/services by value procured during the construction phases should be achieved by businesses in Tower Hamlets. Having regard to the construction costs, 6 apprenticeships should be secured.
- 7.17 The council should secure appropriate financial contributions to support and/or provide the training and skills needs of local residents.
- 7.18 An existing business relocation strategy is required to address Policy DM15.2.

(OFFICER COMMENT: The above can be secured by way of condition and as part of the Section 106 Planning Obligations. A business relocation strategy is not necessary in this circumstance.)

## **Biodiversity**

- 7.19 Subject to ensuring that the new development minimises the level of lighting over the Limehouse Cut, there should not be a significant impact on the adjacent Site of Importance for Nature Conservation or protected species including bats.
- 7.20 As required by Policy DM11, the proposed landscaping should include a good variety of nectar-rich flowers to provide more forage for bumblebees and other pollinators. The inclusion of native trees, such as silver birch, will also benefit biodiversity. The Landscape Design Strategy includes an extensive list of climbing plants, but it is not clear if and where it is proposed to plant climbers. These might contribute to additional LBAP targets.
- 7.21 The Ecology Report recommends the inclusion of 10 bat boxes and 20 nest boxes for swifts in the new buildings. I can find nothing in the application documents to indicate that these are to be installed. The inclusion should be secured by condition.
- 7.22 Policy DM11 also requires elements of a living building, such as green roofs or green walls. The proposed buildings all have flat roofs, which appear ideal for green roofs, yet no green roofs seem to be proposed. Biodiverse green roofs, in line with best practice guidance published by Buglife would meet the living building requirement of DM11 and also contribute to a target in the LBAP. The applicant should be asked to consider biodiverse green roofs, or provide justification why green roofs are not feasible.

(OFFICER COMMENT: It is recommended that lighting within the landscaped areas and on the face of building is controlled by condition. A condition is recommended to secure the inclusion of the bird and bat boxes. No green roofs are proposed, as the roofs of the buildings are being used for, amongst other things, photovoltaic panels. The species planting for the landscaping can be controlled through condition.)

## Housing

- 7.23 The Housing team advises that the mix of units in the affordable rent tenure is a good match to our policies, slightly exceeding the requirements for family homes (3 and 4-beds) which is welcome.
- 7.24 The intermediate mix is for 0% 1-beds, 70% 2-beds and 30% 3-beds against policy requirement of 25/50/25% for 1, 2 and 3-beds respectively. Again, the proportion of family units is more than required and, given the current affordability problems with high value 3 bed units, it is queried why they are no 1-bed shared ownership units being provided.
- 7.25 The mix of open market unit sizes is 27/59/14% against a policy requirement of 50/30/20% for 1, 2 and 3-beds respectively. Given the GLA's advice, set out in the London Plan Housing SPG, that the private market is driven largely by demand rather than need, it is considered that the private mix provides an acceptable balance of different unit sizes.
- 7.26 The 4-storey affordable block fronting onto Broomfield Street does not have any lifts, which is not a problem in itself. However, there are two 4-bed and one 3-bed affordable rent units on the highest floor. It would not be acceptable for these large families to have no lift access in this circumstance. The layout should be reconsidered to address this issue, with family units located at ground and lower floors.
- 7.27 The proposed rental levels are in accordance with the Borough Framework rent levels.
- 7.28 The amount and quality of the child play space and communal space should be interrogated thoroughly. The nearby Bartlett Park cannot substitute for on-site play areas for the considerable number of children to be accommodated in this development.
- 7.29 17 wheelchair units are being provided, 15 in the private tenure and 2 in the affordable rent tenure. This results in the scheme meeting the 10% minimum requirement across the scheme as a whole. 2 of the 34 affordable (rent and shared ownership) units are wheelchair units i.e. less than 10%. However, those 2 units are ground floor rented units which are valuable for Council nominations. It is expected that the wheelchair units in the private tenure are 'adaptable' in accordance with our guidelines, whilst the wheelchair units in the affordable rent tenure are 'accessible' units i.e. they have been adapted. The layout of the wheelchair units is acceptable and detailed design can be appropriately controlled through condition.
- 7.30 Given that the proposal is for 28.2% affordable housing against our policy target of 35-50%, it is expected that the viability assessment will be robustly interrogated.

(OFFICER COMMENT: The mix of affordable rent units has been revised since the original submission, as set out in section 9 of this report. The scheme has been revised to minimise the number of family affordable units on upper floors which are not served by a lift. The applicant has provided additional information demonstrating that the three-bed intermediate units would be affordable to those on intermediate incomes. Play space and communal space is addressed in section 9 of this report. The level of affordable housing has been increased to 34.2%.)

## **Waste Services**

- 7.31 The overall strategy is overly complex for a site of only 162 residential units. Rotation of bins is also only really a cost effective solution where underground storage is used and street level collection space is restricted. This also hinders the ability of the landlord and the Council to identify contamination in recycling and to monitor the amount of waste that resident are creating; i.e. those who abuse the residential waste containers.
- 7.32 The Waste Department advises that the vehicular access arrangement for refuse trucks is acceptable.
- 7.33 The developer should consider the use of the Council's Underground Refuse and Recycling Service (URS) to alleviate the need for any bin stores at the site

(OFFICER COMMENT: The applicant has provided details confirming their management team is content with the arrangements. A waste management condition is recommended to provide more details to avoid contamination and abuse of the waste and recycling arrangements. There is no policy requirement to provide a URS system.)

## **Mayor of London / Greater London Authority (GLA)**

- 7.34 The GLA consider that the scheme is generally acceptable in strategic terms but makes the following observations:
- The principle of the loss of existing employment use is acceptable in strategic terms.
  - Generally the residential quality is generally high but there are concerns with the ground floor units, some of which are single aspect flats with bedrooms facing onto public realm, which could undermine their privacy. The applicant should reconsider the ground floor units as two-storey maisonettes so that the bedrooms could be raised above ground level.
  - There are insufficient details to determine whether the application would provide sufficient child play space.
  - The GLA advises that the viability assessment should be robustly assessed in relation to maximising affordable housing.
  - The GLA note that the proposed 16 storey tower is taller than surrounding buildings and not located within a transport hub or town centre. However, it is located on Bow Common Lane, an important route across Poplar, which would assist in creating a marker at a crossing over the Limehouse Cut.
  - A tall building should be of outstanding architectural quality and more details of the materials and detailed should be provided, in particular window reveals and quality of brick work.
  - The GLA advise that the scheme does not adequately address the changing levels across Bow Common Bridge and results in a convoluted and non-inclusive entrance arrangement.

- The GLA advise that they are concerned with the building line to the Canal. In particular, it protrudes further than the neighbouring site to the East and undermines the opportunity to create a wider and more generous tow path. The applicant should consider moving the building line to the South to create a new area of canal fronting public realm which would benefit the community and justify the height of the proposed tower.
- The GLA are generally supportive of the principles of the application's approach to climate change. However, they advise that further details should be submitted in respect of demonstrating how the development avoids overheating and consequent cooling demands and additional information to robustly evidence the energy efficiency claims.
- The GLA advises that, subject to the Environment Agency's advice, the principle of the development is acceptable in flood risk terms. They also advise that the applicant's approach to Sustainable Urban Drainage be re-considered as it is sequentially preferable to discharge rainwater (possibly following attenuation) into the Canal rather than the local combined sewerage network.

(OFFICER COMMENT: The applicant has provided privacy screens which addresses the GLA's concerns. The entrance arrangements have been revised to the GLA's satisfaction. Further information has been provided which have been assessed by the Council's energy officer who advises that the proposed strategy should address the GLA's concerns. The GLA has confirmed that they are now content with the relationship between the façade and the towpath. Block A has been amended to provide level access from Upper North Street.)

### **Environment Agency**

7.35 The Flood Risk Assessment (FRA) submitted with this application does not comply with the requirements set out in paragraph 10 of the Planning Practice Guide to the National Planning Policy Framework. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails because:

- It has not identified the presence of flood defences on the site or how the defence level will be maintained at the statutory defence level of 5.28m AOD after development. It has not provided sufficient information to show how the defences can be raised to the TE2100 crest levels of 5.70m by 2065 and 6.20m AOD by the year 2100.
- The defences are required to protect the site from flooding for the lifetime of the development (100 years due to the residential nature of the development).

(OFFICER COMMENT: The applicant has subsequently submitted additional information, which shows a sea defence wall to a crest level of 5.28m AOD which is the current statutory flood defence level, with the capability of increasing the height of the wall to meet the Environment Agency's long-term future proofing plans (TE2100 plan.)

## **Canals and Rivers Trust (CRT)**

- 7.36 CRT does not object in principle, to residential redevelopment of the site. However, they describe the lack of any landscaping between the development and towpath as disappointing and would want to see landscaping incorporated to soften views of the building from the canal.
- 7.37 CRT note that on the ground floor that Core B and Core C open directly on to the towpath. The towpath is not a public right of way and any access here would require an access agreement from the Canal & River Trust.
- 7.38 CRT advise that it is not acceptable for a fire exit egress to be located on the towpath due to the fact that the towpath is required to be closed on occasion for maintenance and other purposes.
- 7.39 The boundary treatment proposed at the boundary between the towpath and the development is unclear and the Trust would like to see further information in this regard.
- 7.40 CRT advise that they would like to see the site drainage strategy given the adjacent location to the canal.
- 7.41 CRT advise that conditions should be imposed:
- Survey and repair of waterway wall adjoining the site;
  - Construction method statement to ensure the safety of the water way users and the integrity of the canal;
  - Details of surface water drainage;
  - Details of lighting and CCTV;
  - Feasibility study to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclables)
  - Details of boundary treatment
- 7.42 CRT also advise that the introduction of 162 additional units into a canalside location such as this, will place an additional burden on the Trust's management of the waterspace and towpath environment. Residents, occupants of and visitors to the development will likely make use of the canal environment and its towpath, which will put additional pressure on this valuable open space. CRT are also concerned that the proposed tower will have a negative impact upon the waterspace due to increased shadowing which will have negative impacts upon biodiversity. Therefore, they advise that a contribution of £90,000 towards canal environment improvements and maintenance would be reasonable.

(OFFICER COMMENT: To accommodate CRT's first point would require the development to be re-designed with a set back from the towpath. This is not considered necessary to make the application acceptable. Emergency egress arrangements, these have been revised so as not to rely on CRT's land. Detailed plans have now been submitted to address the Environment Agency's concerns with flood defences. The site drainage strategy directs surface water into the combined sewer and so would not have a direct effect on the Limehouse Cut.

The condition requiring a survey and repair of the waterway way is not directly related to the impacts of this development and is not considered necessary to make the application acceptable.

In relation to CRT's request for £90,000 to improve the canal environment, Officers consider that the works proposed are 'infrastructure' within the meaning of Regulation 123 of the Community Infrastructure Levy Regulations. It would, therefore, only be appropriate to fund these works from the Levy, if such works were considered a priority.)

### **Thames Water**

- 7.43 Thames Water advise that there is insufficient information submitted to determine the waste water needs of this development and, consequently, advise that a drainage strategy condition be imposed.
- 7.44 Thames Water advises that their assets may be located underneath the site. Consequently, they advise that a piling method statement condition be imposed to safeguard these assets.
- 7.45 Thames Water does not object on the basis of water supply.
- 7.46 Thames Water would want to review the Site Drainage Strategy to satisfy their concerns in regards to the impact on the public sewer system.
- 7.47 The site is within the potential zone of influence that may affect the Thames Tideway Tunnel, which is a Nationally Significant Infrastructure Project. Thames Water advises, therefore, that permission should only be given subject to a number of conditions relating to the piling details and detailed design and method statement for ground floor structures, foundations and basements.

(OFFICER COMMENT: Appropriate conditions have been recommended which can address Thames Water's concerns.)

### **Crime Prevention Officer (Metropolitan Police)**

- 7.48 The Crime Prevention Officer advises that he has no objections to the development proceeding as agreed by incorporating measures to minimise the risk of crime and meet Secured by Design standards as discussed. Details of these measures can be found within the New Homes guide 2014 and via the Secured by Design website. The reason for this is to reinforce the committed approach and interest in the long term sustainability of both security and crime prevention measures throughout the development for the benefits of all future residents.

(OFFICER COMMENT: A condition is recommended to ensure the development achieves a Secure by Design accreditation.)

### **Transport for London**

- 7.49 The site's public transport accessibility is poor (PTAL 2).
- 7.50 The proposed vehicular and pedestrian/cyclist access to the site is from Broomfield Street. A Road Safety Audit is recommended to demonstrate it is acceptable in safety terms.

- 7.51 The 32 car parking spaces (including six disabled spaces and 1 car club space) are within London Plan parking standards and, therefore, acceptable. TfL advise that a parking management plan should be secured by condition.
- 7.52 The applicant's commitment for 20% active electronic vehicle charging points (EVCPs) and 20% passive EVCPs is welcome and should be secured by condition.
- 7.53 A Pedestrian Environment Review System (PERS) audit be undertaken to assess the current condition and identify needed improvements to walking routes in the vicinity. Tower Hamlets is recommended to secured improvements via S106/278 agreements as appropriate.
- 7.54 TfL advise that the scheme makes no improvement to access to the Limehouse Cut towpath or access through the area for cyclists or for cyclists of the development itself. The nearest access would presumably be Cotall Street, which is approximately 130m from the Bloomfield Street entrance of the site, but this information is not provided by the applicant. Overall, this represents a missed opportunity for a positive contribution to the cycle network.
- 7.55 To encourage the uptake of cycling, TfL strongly encourages that the applicant to provide one cycle hire membership for each residential unit for three years. This is a total of £90 x 3 (as it is £90 per year for membership). As this proposal comprises of 162 residential units, this equates to a total of £14,580 per annum. This measure should form part of the travel plan for the development and to be secured by s106 obligation.
- 7.56 The proposed 186 cycle parking spaces for residents and 5 for visitors does not meet London Plan standards for cycle parking, which require a minimum of 282 spaces for residents and 7 spaces for visitors for this development.
- 7.57 In relation to trip generation and highways impact assessment, TfL does not accept the comparable developments used and consider that the trip generation has been underestimated. The further advise that the public transport mode share should be disaggregated e.g. into buses, tube, light-rail, train etc.
- 7.58 The modelling of the impact on the Broomfield/Upper North Street junction cannot be accepted given the concerns with the trip generation assessment.
- 7.59 Given the concerns with the trip generation assessment, TfL have insufficient information to determine whether or at what level a bus contribution would be required.
- 7.60 TfL advise the submitted Travel Plan passes the ATTrBute assessment. However, TfL recommend that the mode share for public transport should be disaggregated into various modes to provide more specific targets. TfL also recommend that the provision of cycle hire membership be included forming part of the travel plan measure and secured by s106 agreement.
- 7.61 TfL advise that the servicing arrangements, which involve vehicles to reverse into the site would result in a conflict with other highway users. A delivery servicing plan and construction logistics plan be secured by condition.
- 7.62 TfL advise that the development will attract a Mayoral Community Infrastructure Levy and the Tower Hamlets rate is £35 per square metre.

(OFFICER COMMENT: The parking numbers have been reduced. The number of residential cycle spaces has been increased to 272 and visitor cycle spaces increased to 10. This is in accordance with the London Plan standards. The applicant has agreed to part-fund a pedestrian crossing, in the vicinity of the development, to make access to Bartlett Park and the Cotall Street towpath access more convenient and safe.

The development provides stepped access for blocks B&C to the towpath for residents of the development.

Additional information has been submitted to address TfL comments relating to trip generation and highway impacts. TfL will have the opportunity to review this information at Stage II referral.

The scheme and proposed highway works have been amended to allow refuse trucks to enter and leave the site in forward gear. The access arrangements have been revised and a Road Safety Audit submitted which demonstrates that the access arrangements are safe.)

### **Other consultees**

- 7.63 The following organisations have not responded to the consultation request: EDF Energy Networks Ltd; London Fire and Emergency Planning Authority; London City Airport; National Air Traffic Services Ltd.

## **8. LOCAL REPRESENTATIONS**

- 8.1 In March this year the Council sent 845 consultation letters to neighbouring properties, put up a notice in the vicinity of the site and placed a notice in the local press.
- 8.2 Following the initial consultation and in response to concerns raised by local residents and officers the scheme was amended. The main amendment was a two-storey reduction in the height of the proposed tower, from 16 to 14 storeys. An additional storey was proposed on the block fronting Upper North Street such that it was 9 storeys. In June this year the Council re-consulted all those who previously objected in writing to the application, drawing attention to the revised scheme. It is noteworthy that since that latest consultation the block fronting Upper North Street has been reduced by 2 storeys to a height of 7 storeys.

### **Representations in support**

- 8.3 In total, the Council has received 50 letters signed by 52 people and a petition signed by 34 people in support of the application. 8 of those who wrote in support also signed the petition.
- 8.4 Reasons given in support of the application include:
- Provides new homes
  - The appearance of the building is better than the current building



- Support the proposed parking restrictions [reference to the developer's offer to restrict new occupiers from applying for on-street parking permits]

8.5 The petition and a number of letters of support are contingent on the scheme not providing a public pedestrian link to the Limehouse Cut Towpath due to concerns about anti-social behaviour that a public link may create.

### **Representations in objection**

8.6 The Council also received 52 letters signed by 56 people and a petition signed by 29 people in objection to the scheme. 19 of those who wrote in objection also signed the petition.

8.7 Reasons given in objection to the scheme include:

- Lack of consultation undertaken by the developer;
- The size and height of the building is out of scale with neighbouring buildings
- Loss of daylight, sunlight, views and privacy;
- The development goes against Tower Hamlets policy for the Bow Common and Poplar area;
- The proposal will increase wind speeds at ground level;
- Noise and disturbance from construction.

### **Other Representations**

8.8 There were 2 further letters which did not explicitly object or support the proposal, including one from Chrisp Street Health Centre who advised that this development and a number of other recent developments are/will put pressure on the Practice due to increasing patient numbers and request that 's106 money' is invested in the Practice to meet this increasing demand.

8.9 Responses to the material objections raised are dealt with in the relevant topic area in Section 9.

## **9. MATERIAL PLANNING CONSIDERATIONS**

9.1 The main planning issues raised are as follows:

- Sustainable Development
- Land Use
- Place-making and Density
- Design
- Housing
- Neighbouring Amenity
- Transportation and Access
- Waste
- Energy and Sustainability
- Environmental Considerations
- Flood Risk and Water Resources
- Biodiversity
- Health Considerations
- Impact on Local Infrastructure / Facilities

- Local Finance Considerations
- Human Rights Considerations
- Equalities Act Considerations

## **Sustainable development**

- 9.2 Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government’s national objectives for planning and development management and the related guidance in the National Planning Practice Guidance.
- 9.3 The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean *“ensuring that better lives for ourselves don’t mean worse lives for future generations.”* The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *“Sustainable development is about change for the better.*
  - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
  - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
  - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 9.4 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and it is the Government’s view that policies in paragraphs 18 to 219, taken as a whole, of the Framework constitutes sustainable development
- 9.5 Paragraph 7 states that achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
  - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
  - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 9.6 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.

- 9.7 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life (NPPF Paragraph 9).
- 9.8 The NPPF's core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
  - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
  - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
  - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
  - encourage the effective use of land by reusing land that has been previously developed;
  - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
  - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 9.9 This is reflected in the Council's Core Strategy 2010 at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.
- 9.10 Paragraph 14 sets out a 'presumption in favour of sustainable development' and states that for decision-taking this means, inter alia, approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 9.11 Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development and accords with the Local Planning Authority's up-to-date Development Plan. There are no relevant policies that are out-of-date, silent or absent and no other material considerations, including policies within the Framework, which suggest that approval should be restricted for a scheme that accords with the Development Plan.

## **Land Use**

### Principles

- 9.12 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic

environment. These economic, social and environmental goals should be sought jointly and simultaneously.

- 9.13 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 enjoy leisure and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 9.14 If it can be established (see section below) that existing employment uses at the site are no longer viable or needed, the proposal for residential redevelopment of the site would be consistent with LBTH policy, which identifies housing as the priority land use for the Borough and highlights the need to maximise the supply of housing.
- 9.15 The NPPF attaches great importance to significantly boosting the supply of new housing. LBTHs Core Strategy Policy SP02 seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. This will be achieved by focusing the majority of new housing in the eastern part of the borough, including Poplar.
- 9.16 The London Plan (2015) sets a revised minimum 10 year housing target of 39,314 between 2015 – 2025 (3,931 per year) for Tower Hamlets. The development proposes re-use of an existing underutilised, brownfield site, making the best use of land. This approach accords with the core principles of the NPPF, which encourages the re-use of previously developed land.

#### Loss of industrial floorspace

- 9.17 The site does not fall within either a preferred or local office location or strategic or local industrial location. Core Strategy Policy SP06 encourages a managed approach to industrial land for the borough in order to assist in creating sustainable communities. Notably this includes continuing to implement the consolidation and managed release of industrial land in Poplar (Limehouse Cut) and a phased, managed and co-ordinated release of 20 to 50 Ha of industrial land, over the lifetime of the plan.
- 9.18 The key policy tests in relation to retention of employment uses are set out in the MDD Policy DM15 (Local Job Creation and Investment), paragraph 15.3. The redevelopment of employment sites outside of spatial policy areas will only be supported where either:
- a marketing exercise, that the site has been actively marketed (for approximately 12 months) [without success]; or
  - that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.
- 9.19 An Employment Floorspace Assessment has been produced by Jones Lang LaSalle Ltd (JLL) and is submitted with the planning application. It demonstrates that the location of the site is no longer appropriate for employment uses and any re-provision of employment floorspace would carry significant risk of remaining vacant.
- 9.20 The JLL Report identifies the key locations for employment growth, in the Borough, are focused around key established clusters of activity, including Canary Wharf,

Bishopsgate Corridor, Aldgate and Tower Gateway. The area immediately surrounding the site is not an established employment location and demand in this area is weaker than surrounding areas in the borough where there are greater clusters of employment activities. Phoenix Works is now within a mainly residential location and does not offer benefits in terms of direct proximity to other businesses. JLLs analysis, therefore, suggests the loss of warehouse and ancillary office space would not be detrimental to the area.

- 9.21 The proximity of the site adjacent to residential dwellings on two sides also means the site has significant potential constraints to both the occupational and developer / investor market. There is a considerable risk of imposed restrictions in respect of vehicle movements (deliveries etc.), particularly from HGV traffic, hours of use and occupier use restrictions.
- 9.22 The buildings are in a state of disrepair and need significant capital expenditure to return them to a satisfactory condition. The site in its current poor condition is therefore only likely to be of interest upon a highly opportunistic nature where pricing will be reduced significantly to take account of the expenditure required to create appropriate industrial / storage space. Occupational demand will therefore be of a short term nature and very limited relative to competing locations. It is noteworthy that the current occupier, formerly the owner having sold the site to the applicant, is currently occupying the site, on a short-term let, whilst looking for new premises. This does not significantly affect Officer's conclusion that, in the long-term, the site is not viable for its current purpose.
- 9.23 The maximum life expectancy of the warehouse and office buildings, if maintained in their current condition, would be 5 – 10 years before considerable construction and full redevelopment would be required. The buildings are likely to be unlettable in the absence of major expenditure, with the expenditure required anticipated to be unviable.
- 9.24 JLL conclude that future employment floorspace should be promoted in locations where it is likely to be sustainable in the longer term. Examples of clusters of small businesses in the borough tend to be in locations that are well connected, with a high level of supporting services and proximity to other small businesses. The site is not an appropriate location for development targeting small business or light industrial uses and these uses should therefore be directed towards established commercial estates within the surrounding area.
- 9.25 In light of the above evidence, and having regard to policy SP06 which envisages a strategic release of industrial land in this location the loss of employment-generating land is considered to accord with policy SP06 and DM15. This is particularly so when giving consideration to the priority given to the delivery of new dwellings (particularly on underused brownfield sites) that is advocated by the Development Plan and NPPF.

### **Place making and density**

- 9.26 The Core Strategy's place-making annex identifies Poplar as area that will become more economically prosperous through comprehensive regeneration, new development and housing-estate renewal. The ambition is for Poplar to be a 'great place for families set around a vibrant Chrisp Street and a revitalised Bartlett Park.' It further identifies the area around Bartlett Park for lower-rise, lower and medium-density family housing. It goes on to set out principles for new buildings, including for

them to be response and sensitive to the setting of Bartlett Park, Limehouse Cut and the conservation areas in Poplar.

9.27 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.

9.28 The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.

9.29 The site has a PTAL rating of 2 and is defined as being within an urban area. The London Plan sets out density ranges in Table 3.2 and Policy 3.4, which states that:

*"Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2."*

9.30 For the application site, the London Plan would suggest that a density of 55-145 units per ha, or 200-450 habitable rooms per hectare, is appropriate.

9.31 The net site area for the purpose of density calculations is 0.43ha. The density of the scheme is therefore 356 dwellings per hectare or 1,107 habitable rooms per hectare.

9.32 London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. Further guidance is provided by the Mayor of London Housing SPG.

9.33 Advice on the interpretation of density can be found in the SPG which reads as follows:

*"...the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions."*

9.34 The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:

- inadequate access to sunlight and daylight for proposed or neighbouring homes;
- sub-standard dwellings (size and layouts);
- insufficient open space (private, communal and/or publicly accessible);
- unacceptable housing mix;

- unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
- unacceptable increase in traffic generation;
- detrimental impacts on local social and physical infrastructure; and,
- detrimental impacts on visual amenity, views or character of surrounding area.

9.35 An interrogation of this scheme against these standards in the London Plan Housing SPG is set out in the following sections of this report. However, in summary it was found that the development would:

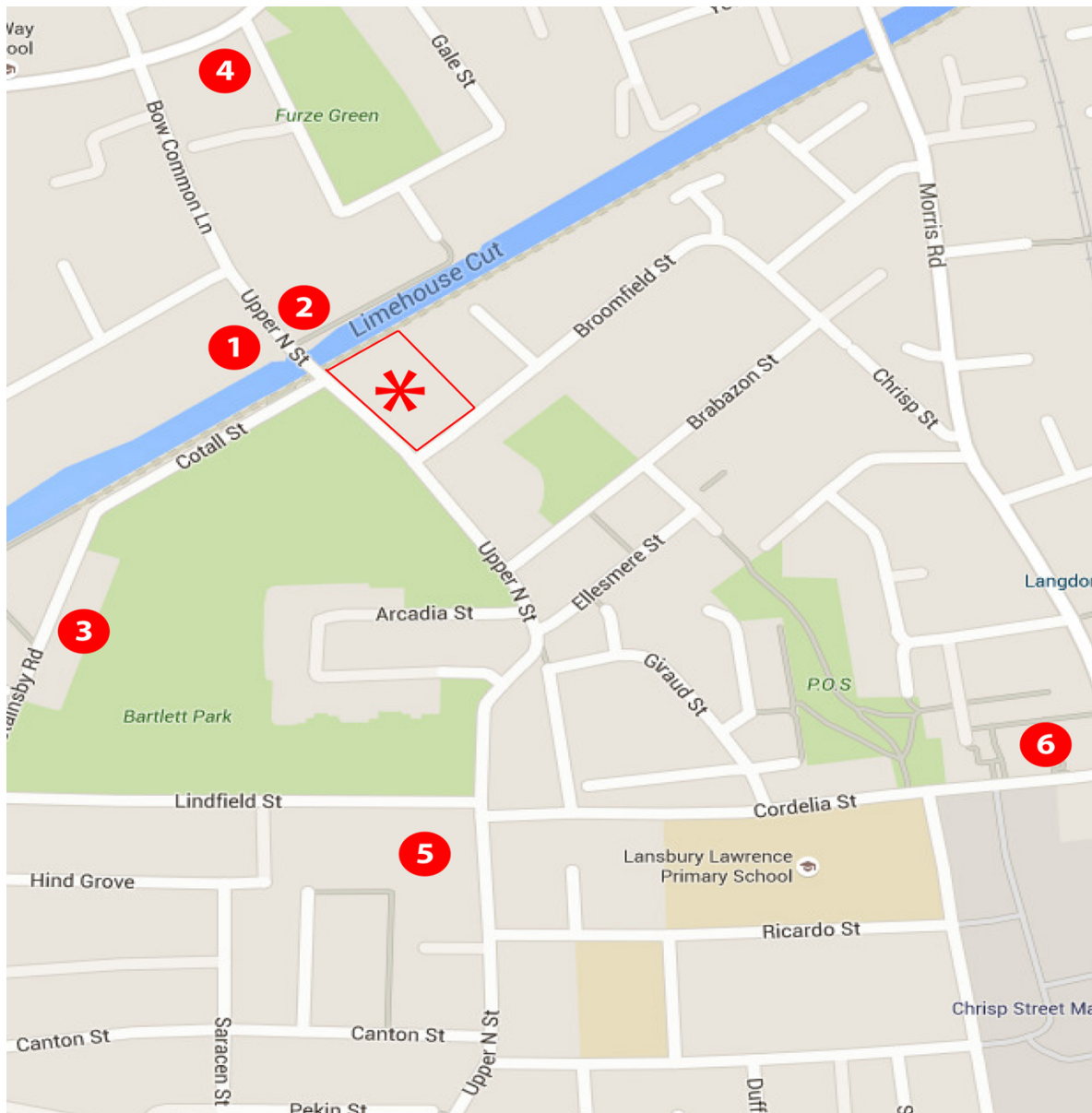
- enhance the setting of Limehouse Cut Conservation Area;
- the development does not result in undue loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
- the development provides a good mix of unit sizes across the range of tenures;
- due to its design and relationship with neighbouring properties, the development does not cause undue harm to the residential amenities of neighbours;
- the development is 'permit-free' and the numbers of parking spaces is in accordance with Development Plan standards. The development would not cause unacceptable traffic generation;
- The proposed development is liable for the Mayoral and Tower Hamlets Community Infrastructure Levy. Subject to this Levy, it is not foreseen that the additional impacts on local social and physical infrastructure cannot be mitigated;
- The materiality and design is considered to be of high quality and replaces a building which detracts from the quality of the built environment.

9.36 Turning to how the development responds to the Core Strategy's place-making ambitions for Poplar, The height and density of this proposal is greater than that envisaged in the Core Strategy. However, the development does provide a good amount of family homes, particularly in the affordable rent sector which accords with the Core Strategy annex. It is also worthwhile to note that the density and height of the proposal is not inconsistent with other recent permissions in the locality, a sample of which is set out below:

<b>App Ref (Date of Approval)</b>	<b>Address</b>	<b>Description</b>	<b>Density (hab rooms/hectar e)</b>
PA/06/199 2 (16 August 2007)	Ingot Tower, 48- 52 Tomas Road	Redevelopment to provide a mixed use development within 3 buildings ranging from 5 to 12 storeys (including a mezzanine level at the top floor). Development will comprise 182 residential units, of which 91 will be affordable dwellings, 750 sqm of B1 floorspace.	900
PA/07/002 98 (17 December 2007)	2 – 10 Bow Common Lane	Redevelopment up to 13 storeys to provide 157 residential units and 2 commercial units comprising 868sq.m of floorspace for A1, A2, A3, A4, B1,	960

		D1 or D2 use with car parking and landscaping.	
PA/12/028 56 (28 March 2013)	Stainby Road/Cotall Street	The erection of two buildings of 5, 6 and 10 storeys, comprising 150 units and commercial units.	1371
PA/06/010 96 (22 January 2007)	Former Site At Bounded By Bow Common Lane And Furze Street On Devons Road,	Development of 78 residential units comprising one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height from 3 to 6 storeys and the creation of 220 sq.m. of ground floor business/commercial space.	712.6
PA/10/001 61 (21 Sept 2010)	Upper North Street	490 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 9 and 14 storeys; a community centre.	728
PA/09/026 57 (26 March 2010)	Cordelia Street, Carron Street and Chrisp Street,	Construction of buildings between three and nine storeys to provide 117 residential units, 300 sqm of commercial floorspace comprising retail, restaurant, business and non-residential institution.	830





9.37 As can be seen from the above table, the development's density is broadly consistent with a number of developments in the area. Whilst there is some conflict with what was originally envisaged in the Core Strategy for this area of Poplar, the development is considered to optimise the development potential of the land in an appropriate manner without exhibiting undue signs of overdevelopment.

### Design

9.38 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character. Detailed Government policy on 'Requiring Good Design' is set out in chapter 7 of the NPPF.

9.39 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure,

and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

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

9.41 Policy DM26 and London Plan policy 7.7 sets out policy in relation to tall buildings. The criteria set out by both policies can be summarised as follows:

- Be of a height and scale proportionate to its location within the town centre hierarchy and generally directed to areas such as the Central Activities Zone, Activity Areas, town centres, opportunity areas, intensification areas and within access to good public transport;
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas;
- Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters;
- Should not adversely impact upon heritage assets or strategic and local views;
- Present a human scale at street level and enhance permeability of the site where possible;
- Provide high quality private and communal amenity spaces for residents;
- Provide public access to the upper floors where possible;
- Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- Comply with Civil Aviation requirements, not interfere with telecommunication and television and radio transmission networks and consider public safety requirements; and,
- Not adversely affect biodiversity or microclimates.

#### Layout

9.42 The scheme's layout is a courtyard design with development fronting three sides: Broomfield Street; Upper North Street and the Limehouse Cut. This approach has the benefit of providing an active frontage to these streets and towpath and clearly distinguishes between public and private realm. The courtyard is sized to allow for

off-street servicing and parking as well as communal amenity and child play space. The layout is an appropriate approach to the opportunities and constraints of the site and optimises development on the site.

### Appearance

- 9.43 The scheme's appearance is inspired by the *New London Vernacular* with elevations predominantly faced in brickwork, facades topped with a parapet, vertically emphasised windows emulating the regular grid pattern of Georgian fenestration, deeply recessed windows, and accented entrances where possible from the street. This approach complements other development in the area and is a tried and trusted approach which results in a legible and robust development.
- 9.44 The appearance of the development subtly varies around the site. The block facing the towpath is more solid with shallower window reveals, echoing the robust industrial buildings that historically sprang up along the canal. The Broomfield Street block's scale is reduced to suit the smaller neighbouring residential developments and the rhythm along this facade references town houses and smaller residential developments found along this street. The Upper North Street elevation is bolder reflecting its position along the busier Upper North Street with an accented and legible entrance to the tower.
- 9.45 The entrance into the external courtyard is from the corner of Broomfield Street. A double height gated entrance has been provided for pedestrians and vehicles. The views into the site, in particular up to the podium level help to make this an inviting, but secure, space.
- 9.46 The balconies which protrude from the elevations have balustrades with flat metal bars which provide privacy in a similar manner to a vertical venetian blind. The recessed balconies typically these have glazed balustrades to maximise the amount of light reaching the windows behind. This twin approach to balcony provision adds interest to the façade without appearing fussy.
- 9.47 In reference to traditional canal buildings and for contrast against the brickwork a dark material has been proposed for the detailing of the building for the infill panels and a bronze finish to selected recessed balconies. This detailing will contrast with the pale bricks and sheen of the anodised aluminium of the window and door frames.

### Scale

- 9.48 The Broomfield Street block is four storeys high, reflecting the more modest, domestic scale of the street. The block facing the Limehouse Cut is 7 storeys with the top storey set back. This broadly aligns with other recent approvals along the Limehouse Cut and would not appear as out of context with its surroundings. The Upper North Street block is 7 storeys, reduced by two storeys from the original scheme that was 9 storeys. The height reflects its position on the busier Upper North Street and would not appear out of scale with surrounding development and, consequently, would not appear dominating when viewed across Bartlett Park.
- 9.49 Located on the corner of Bell Common Bridge, as Upper North Street crosses the Limehouse Cut, a 14 storey tower is proposed. Its proportions are such that it would have a slender appearance. It acts as a marker on Bell Common Bridge where Bell Common Lane, an important thoroughfare through Tower Hamlets, crosses the Limehouse Cut. The tower has 'breathing space' with Bartlett Park to the West and the canal to the North with the closest development circa 25m away on the other

side. It effectively 'completes' the junction; with Ingot Tower and Craig Tower marking the northern corners and this tower and Bartlett Park marking the southern corners. The tower would be constructed from a similar palette of materials as the other blocks within the scheme. It also has a triple order element on its upper elements with bronze coloured cladding to subtly differentiate and add interest to its appearance.

- 9.50 Whilst the location of the tower is not within the locations explicitly supported by Local Plan policy DM26 and London Plan policy 7.7, for the reasons given a taller element in this location is considered appropriate. Its' height and scale are proportionate with the surrounding development, including Ingot and Craig Towers. The height of this tower has been reduced by two storeys from 16 storeys when the application was submitted.
- 9.51 It would relate well to surrounding development as well as Bartlett Park and the Limehouse Cut and incorporate the highest standards of design and architectural quality. There is no adverse impact upon heritage assets or strategic and local views and it would present a human scale at street level. The effects on the microclimate (wind levels localised around the development), as mitigated, are acceptable having to the Lawson Comfort Criteria. In relation to these issues, it would accord with the aforementioned tall buildings policies.

#### Landscaping

- 9.52 The indicative approach to landscaping, set out in the Design & Access Statement, is an appropriate one; recognising the different approaches to the landscaping fronting the footways and towpath and to the internal courtyard. The indicative approach shows that the landscaping could effectively soften the appearance of the building from the street as well as providing a good range of child play space features and native planting, which is good for biodiversity, within the courtyard. Subject to a condition requiring a more detailed landscape strategy the landscaping approach would be acceptable.

#### Secure by Design

- 9.54 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 9.55 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. A particular improvement is the level of natural surveillance to the Limehouse Cut.
- 9.56 The Crime Prevention Officer at the Metropolitan Police advises that the scheme raises no particular concerns in the manner it is designed and advises that the scheme should seek a Part 2 Secure by Design Accreditation. An appropriate condition has been recommended.
- 9.57 The proposal accords with the aforementioned policies.

#### Inclusive Design

- 9.58 Policy 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all

users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.

- 9.59 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The development has been designed with the principles of inclusive design in mind.
- 9.60 The entrances and circulation spaces are 'level' and the podium level amenity space can be accessed by way of a platform lift. 6 wheelchair accessible parking spaces are provided, in excess of the minimum required by Development Plan policy.
- 9.61 The proposed new homes are recommended be conditioned to comply with 'Lifetime Homes' standards, and provide for two of the affordable housing units to be wheelchair accessible with a further 15 market units being wheelchair adaptable.
- 9.62 Due to the requirements of the Environment Agency for a flood wall and raised finished floors levels, it is not practicable to provide accessible access to the towpath from the block fronting the towpath. Whilst, this would result in a conflict with the aforementioned policy, the approach is considered acceptable in prioritising flood defences in this instance.
- 9.63 Other than the aforementioned access between the towpath and adjacent block, the proposal accords with the aforementioned policies.

#### Blue Ribbon Network

- 9.64 The Blue Ribbon Network is a spatial policy covering London's and Tower Hamlet's waterways and water spaces and land alongside them. The site is situated adjacent to the Limehouse Cut which is part of the Network.
- 9.65 Blue Ribbon Network policies within the London Plan and Local Plan policy DM12 requires Council's, inter alia, to:
- To protect and enhance the biodiversity of the Blue Ribbon Network;
  - To protect and improve existing access points to, alongside and over the Blue Ribbon Network;
  - New sections to extend existing or create new walking and cycling routes alongside the Blue Ribbon Network as well as new access points should be provided as part of development proposals for Opportunity Areas;
  - To protect the unique character and openness of the Blue Ribbon Network and requires proposals for new structures to be accompanied by a risk assessment detailing the extent of their impact on navigation, hydrology and biodiversity, and mitigation measures;
  - To ensure existing and new safety provision is provided and maintained;
  - Development proposals adjacent to canals should be designed to respect the particular character of the canal to reflect London's rich and vibrant history; and,
  - To promote the vitality, attractiveness and historical interest of London's remaining dock areas by promoting their use for water recreation and promoting their use for transport.
- 9.66 The proposed development's appearance would be a significant improvement in comparison to the existing buildings on the site. With residential units overlooking the towpath it would provide a more active frontage and increase passive surveillance.

Subject to conditions, it minimises its impact on lighting over the canal and the development, subject to conditions, would enhance the site's biodiversity. The development would also enable the part-funding of a pedestrian crossing over Upper North Street, increasing the ease of access to Bartlett Park and the towpath access at Cotall Street. The design of the building's sympathetically reflect the industrial heritage of the canal. It is considered that the development accords with the intentions of the London and Local Plans' blue ribbon policies.

#### Microclimate

- 9.67 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose. DM26 of the Local Plan requires that the microclimate of the new development surrounding areas is not adversely affected by the proposal.
- 9.68 The application is supported by a desk-top microclimate study in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.
- 9.69 The modelling found that the development would cause some discomfort by the north-west corner of the development on the towpath. This, however, would only be for a short distance and would remain safe. The modelling also showed that the child play space in the north-east corner and on the residential terrace on the north-west corner would suffer from wind conditions that would not be appropriate for their intended use. Consequently, mitigation is proposed which is recommended to be secured by condition. The mitigation is likely to take the form of fencing or additional landscaping to mitigate these impacts.
- 9.xx Having regard to the assessment above, it is considered the development is of high quality design and is an appropriate response to redevelopment opportunities presented by this site. Whilst there is conflict with the locational element of the tall building policies, the proposal generally accords with the aforementioned policies.

#### **Heritage**

- 9.70 Policies in Chapter 7 of the London Plan (2015) and policies SP10 and SP12 of the CS and policies DM24, DM26 and DM27 of the MDD seek to protect and enhance the character, appearance and setting of heritage assets and the historic environment.
- 9.71 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF.
- 9.72 NPPF Paragraph 128 requires applicants to describe the significance of any heritage assets affected by a proposal. The applicant has not provided a heritage statement that includes a statement of significance for the built heritage assets affected by the application proposals, particularly the Limehouse Cut Conservation Area. Nevertheless, the Local Planning Authority considers it has sufficient information to reach an informed decision.

- 9.73 NPPF Paragraph 131 goes on to state that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,
  - The desirability of new development making a positive contribution to local character and distinctiveness.
- 9.74 NPPF Paragraph 132 notes that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 9.75 The NPPF at Paragraphs 133 and 134 respectively refer to proposals which cause substantial harm, or less than substantial harm, to designated heritage assets and establish relevant tests.
- 9.76 In considering the significance of the asset, NPPF paragraph 138 notes that not all elements of a Conservation Area will necessarily contribute to its significance and paragraph 137 advises local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. In addition, paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 9.77 Specifically relating to archaeology, NPPF Paragraph 139 advises that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
- 9.78 This section of the report considers the implications for the application in respect of the Limehouse Cut Conservation Area and potential undesignated archaeological heritage assets along with any other assets that may be impacted.

#### Limehouse Cut Conservation Area

- 9.79 The application site is adjacent to, and within the setting of, the Limehouse Cut Conservation Area. The current buildings on the site relate poorly to the conservation area. The dilapidated buildings are harmful to its setting and do not engage or provide an active frontage to the canal. The proposed buildings, constructed from brick and designed to respond to the industrial heritage along this part of the canal, would be of considerably higher quality and provide an active frontage and passive surveillance to the canal. It is considered they would enhance both the character and appearance of the conservation area and, therefore, make a positive contribution to its setting. The proposals accord with relevant Development Plan and NPPF policies in this respect.

### Other surrounding heritage assets

- 9.80 Having regard to the context, relationship and distance between this site and other surrounding designated heritage assets (identified in the site and surroundings section of this report) the proposal is not considered to have any material impact on the setting of these heritage assets.
- 9.81 There are not considered to be any non-designated heritage assets affected by this proposal.

### Archaeology

- 9.82 Section 12 of the National Planning Policy Framework and London Plan (2015) Policy 7.8 emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 9.83 In this case, a desk-top study has been submitted. It concludes that it is relatively unlikely that archaeological assets survive. However, it advises that there may be some archaeological assets of local importance. Therefore, it is considered that a condition is an appropriate response to the probability of finding archaeological assets of value. The condition would require a suitably qualified archaeologist has a watching brief over the development and action can be taken to appropriately record the findings if archaeological assets are located. Subject to this condition the proposal would accord with the aforementioned policies.

## **Housing**

### Principles

- 9.84 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” and “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.”
- 9.85 The application proposes 153 residential units. The consolidated London Plan identifies a housing need of at least 3,931 units per annum in Tower Hamlets.
- 9.86 The quantum of housing proposed will assist in increasing London’s supply of housing and meeting the Council’s housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

### Affordable Housing

- 9.87 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides 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 which can be expressed in absolute terms or as a percentage.

9.88 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:

- Current and future requirements for affordable housing at local and regional levels;
- Affordable housing targets;
- The need to encourage rather than restrain development;
- The need to promote mixed and balanced communities;
- The size and type of affordable housing needed in particular locations; and,
- The specific circumstances of the site.

9.89 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.

9.90 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: "the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened." Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing "negotiations on sites should take account of their individual circumstances including development viability" and the need to encourage rather than restrain development.

9.91 The applicant's revised offer is 34.2% affordable housing by habitable room, increased from 28% when the application was submitted. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council's financial viability consultants. The review, based on establishing land value by reference to the existing use value, demonstrates that the 34.2% affordable housing offer is the most the scheme can viably provide. Accordingly, it accords with the aforementioned policies.

9.92 London Plan policy 3.11 sets out, on a strategic basis, a preferred tenure split of 60:40 in favour of social/affordable rent to intermediate products. Tower Hamlets Local Plan seeks a tenure split of 70:30. The proposed development provides a tenure split of 68:32. Whilst the development does not fully accord in this respect with London Plan policy, it broadly meets Local Plan policy and it is noted that the GLA have not objected in this regard. The development's proposed tenure split is considered to closely reflect need for affordable housing in this location and is in accordance with the general aim of Development Plan policies.

## Housing Mix

- 9.93 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing and Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).
- 9.94 The table below compares the proposed target mix against policy requirements:

<b>Ownership</b>	<b>Type</b>	<b>Policy requirement (%)</b>	<b>Proposed mix (%)</b>
<b>Private</b>	Studio	0	0
	1 bed	50	31.5
	2 bed	30	55
	3 bed	20	13.5
	4+ bed	0	0
<b>Intermediate</b>	Studio	0	0
	1 bed	25	0
	2 bed	50	79
	3 bed	25	21
	4+ bed	0	0
<b>Affordable Rent</b>	Studio	0	0
	1 bed	30	28.5
	2 bed	25	28.5
	3 bed	30	32
	4+ bed	15	11

- 9.95 In relation to the affordable rent mix, the proposal broadly meets the policy targets.
- 9.96 In relation to the intermediate mix, there is an under-provision of 1-beds and over-provision of 2 and 3 beds. This doesn't meet the policy target, however the majority of schemes in Tower Hamlets have their intermediate mix skewed in favour of 1-beds rather than in this case which is skewed in favour of 2 and 3-beds. Therefore, having regard to the strategic aims of the policy, which is to provide a balance of intermediate units across component areas and the Borough as a whole, the proposed mix is not considered to be objectionable.
- 9.97 The proposed mix of private units does not reflect policy requirement and consequently, it would not be policy compliant with DM3 of the Local Plan. However, it is worth noting the advice within London Mayor's Housing SPG in respect of the market housing. The SPG argues that it is inappropriate to crudely apply "*housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements*".

- 9.98 On balance, whilst there is some conflict with policy targets, the scheme overall provides a balance of different unit sizes which contributes favourably to the mix of units across tenures within the Borough as a whole.

Quality of residential accommodation

- 9.99 Part 2 of the GLA's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 9.100 All of the flats meet the relevant London Plan space standards, would meet lifetime home standards and having a floor-to-ceiling height of 2.5m in accordance with the GLA's Housing SPG. No floor would have more than 8 units per core, again in accordance with the GLA's Housing SPG.
- 9.101 Approximately 80% of the flats would be dual or triple aspect and all of the flats would have either a terrace or balcony at a size which would be policy compliant.
- 9.102 There are some flats facing within 45 degrees due north that would be single aspect and, at ground floor, have slightly compromised privacy due to the relationship with the towpath. There are also some south-facing single aspect flats that face directly onto the podium or ground floor amenity area. These are relatively few in number, however, and conditions in relation to boundary treatments and defensive planting mitigates, to some extent, these issues.
- 9.103 There are also instances of potential overlooking between flats within the proposed development. In particular, in the knuckle of Upper North Street block and Limehouse block and between the balcony of one flat and a window to a single bedroom of another at the junction of the Upper North Street and Broomfield Street blocks. These are limited in number and often occur in courtyard developments. The angles of the respective windows are such that the loss of privacy does not extend across the whole room and relates to secondary bedrooms.
- 9.104 The applicant has submitted an independent daylight and sunlight analysis. This demonstrates that all the flats (and individual rooms) would meet the guidance set out in the BRE guide for minimum levels of average daylight factor (see appendix 2 for description of average daylight factor).
- 9.105 The analysis has also assessed the sunlight levels for relevant windows (those facing 90 degrees due south), 73% of those windows meet the standard for annual probable sunlight hours (see appendix 2 for description). Where the windows do not meet the standard, this is mainly as a result of the provision of balconies which restrict sunlight in summer season when the sun is at its highest in the sky. In any case, of those 27% of windows which do not meet annual sunlight standards, they all meet or exceed the standard for winter probable sunlight hours. Overall, the results demonstrate that the development would receive very good daylight and sunlight having regard to the urban location of the development.
- 9.106 The London Plan requires 10% of all new units to be wheelchair adaptable. The proposed development would provide two ground floor wheelchair accessible units

within the affordable rent tenure, which the Housing Department advise would be welcome. Another 15 units within the private tenure would be designed as wheelchair adaptable units. The development meets the policy requirements.

- 9.107 Subject to conditions regarding glazing specifications and ventilation measures, the flats (excluding balconies) would not be subject to undue noise, vibration or poor air quality.

#### Amenity space and child play space

- 9.108 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm. The proposal provides private amenity space, in the form of balconies and terraces to all of the flats in compliance with the above quantitative standards. However, it should be noted that the balconies fronting the Limehouse Cut, Upper North Street and Broomfield Street would exceed the British Standard 8233:2014 recommended upper limit for noise within amenity spaces. The internal facing balconies and child play and communal amenity space would be within the relevant limit.
- 9.109 Policy DM4 requires communal amenity space and child play space for all developments with ten or more units. The communal amenity space requirement for this development is 193sqm. The child play space requirement is 10sqm per child. The development is predicted to contain 50 children and therefore 500sqm of child play space is required, split across the different age groups set out in the GLA's Play and Informal Recreation SPG (2012).
- 9.110 The development would provide, on top of the car park podium and at grade level, 808sqm of amenity space. This would exceed the combined requirements for communal amenity space and child play space for all ages of 693sqm. The Design and Access Statement has set out indicative arrangements for these spaces. The 'sun hours on the ground' assessment shows that the amenity spaces would exceed the minimum standards set out in the BRE guide (see appendix 2) and would appear well sunlit. Subject to mitigation, the microclimate assessment demonstrates that the wind levels for these spaces would be suitable for their intended use.
- 9.111 The spaces are accessible, secure and appropriately separated from vehicular traffic and well overlooked by the proposed development and would be accessible to all residents irrespective of tenure. The detail, including planting and play equipment can be appropriately secured by condition.

#### **Effect on neighbouring amenity**

- 9.112 Policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

## Daylight

- 9.113 The applicant has submitted a daylight assessment by CHP Surveyors Ltd. The Council appointed Delva Patman Redler LLP (DPR) to independently interpret the results. DPR have confirmed that the appropriate tests have been carried out and, where assumptions have been made, that they are reasonable.
- 9.114 The CHP report has tested 278 windows in 9 properties surrounding the development to assess the impact this development will have on their daylight. The properties tested are: Werner Court; Craig Tower; Ingot House; E-Pad, 17-25 Invicta; 6-9 Metropolitan Close; 2-5 Metropolitan Close; 1-5 Broomfield Street; and, 8-36 Broomfield Street.
- 9.115 A description of the standard Building Research Establishment (BRE) tests used is set out in Appendix 2 of this document. These are Vertical Skyline Component (VSC), Average Daylight Factor (ADF), and daylight distribution No Skyline test (NSL).

### *Werner Court*

- 9.116 The results show that 45 out of the 60 windows tested do not pass the VSC standard and there are 16 with a reduction of between 30% and 40% from existing and a further 10 of with a reduction of more than 40% from existing. The reduction in daylight will therefore be noticeable to residents of these properties.
- 9.117 However, the ADF results are compliant with all but one being left with 1.5% ADF or more, the minimum level for a living room and that room is a bedroom (which only requires an ADF of 1% which is exceed). In addition, the NSL results are good showing that the rooms will be left with most of their area still seeing sky visibility on the working plane.
- 9.118 Therefore, whilst the reduction in VSC would be noticeable, the sky visibility within the room will remain at a good level and the ADF results show that the rooms will remain adequately, and in many cases, well lit.

### *Craig Tower*

- 9.119 In relation to the VSC analysis, 37 of the 45 windows experience a reduction of more than 20% from existing and around half of those, experience a reduction of more than 30% from existing.
- 9.120 However, the ADF results for this property are generally very high and the rooms will be left with a well lit internal environment. There will also be no significant impact on the NSL results.
- 9.121 Therefore, whilst there will be a noticeable reduction in daylight, the rooms will still appear adequately lit to the occupants.

### *Ingot Tower*

- 9.122 8 windows serving 4 rooms which face Bartlett Park were tested. None of these windows suffer a loss greater than 20%, the rooms all pass the daylight distribution

test and all of the rooms would have an ADF at or in excess of 2.5. Accordingly, these rooms would remain well-lit and with good sky visibility.

9.123 A further 3 windows tested at first floor level on the flank elevation facing Craig Tower; 2 will experience reductions in VSC of just over 23% and one room will experience a reduction of over 41%. However, the ADF levels would be 1.5% and above, suitable for living room use and there is no change in the NSL results which are at an acceptable level. Therefore, the rooms will still appear reasonably well lit.

9.123 NOT USED

*E-Pad*

9.124 For this property only 2 of the windows will not meet the VSC standard out of the 31 tested. These are only just over the 20% reduction at 20.4% and 21.1% respectively but those rooms have ADF levels of 2.6% and very good daylight distribution.

*2-5 Metropolitan Close*

9.125 3 of the 15 windows, serving two rooms, do not meet the VSC standard with reductions between 21.2% and 22.7% VSC. These rooms have very good levels of daylight distribution and the ADF results are 1.1% and 1.8%. On balance, these results show that the rooms as a whole will be left with acceptable level of light.

*8-36 Broomfield Street*

9.126 3 windows out of the 54 tested will experience a reduction in VSC of more than 20% from existing and left with a VSC below 27%. Reductions range from 22.4% to 24.6%. These rooms have good levels of NSL, over 80% of the room area with no change, but quite low ADF levels at 0.5% to 0.7%.

9.127 These windows appear to serve small kitchens\* and are set back from the main building line so that there is an overhang as a result of the building design which reduces the sky visibility to those rooms. Therefore, whilst the results are not compliant for these windows, any development of moderate additional height on the proposed footprint would be likely to have the same results and removing some height of the building would have little impact.

*\* It should also be noted that kitchens (without a dining element and/or below 13sqm) would not normally be considered as a habitable room and, therefore, not strictly necessary to be tested.*

*17-25 Invicta, 6-9 Metropolitan Close and 1-5 Broomfield Street*

9.128 The results for these properties are fully compliant. There would be little impact from this development on the levels of daylight these properties would receive and in some cases there would be improved levels of daylight.

Conclusion

9.129 Overall, the development, as would be expected, has some impact on the daylighting conditions of surrounding development. The results show that there would be noticeable reductions in the level of daylight from some windows. However, the rooms affected would remain acceptably well-lit and generally retain good sky

visibility. The proposal would appropriately protect surrounding residents' level of daylight in accordance with Local Plan policy DM25.

### Sunlight

- 9.130 Sunlight results have been provided for those elevations to the neighbouring buildings that face within 90° of due south in accordance with the BRE guidelines (see Appendix 2). The results show that all of the properties tested meet the BRE standards with the exception of those in Craig Tower, which is assessed in more detail below.
- 9.131 The results for Craig Tower show for annual sunlight that whilst the majority (35 of the 41) of windows pass the BRE sunlight test, there are two windows at 2<sup>nd</sup> floor level with losses of 41%, and one window at 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floor level with reductions of 38%, 35%, 29% and 29% respectively and effect is to reduce annual sunlight levels below the recommended 25%. The winter sunlight results are compliant to all but one window on level 2.
- 9.132 An analysis of why these 6 windows do not pass the BRE annual sunlight standard, shows that balconies restrict the sunlight that will be available to this building and the balconies themselves provide external amenity space that will be better sunlit. The results would be compliant without the balconies. In any case, the winter sunlight results are relatively good for an urban location and the annual sunlight levels of between 19% and 23% for these windows are also relatively good.
- 9.133 Overall, the proposal makes appropriate efforts to protect neighbouring properties' sunlight in accordance with policy DM25.

### Privacy, outlook and enclosure

- 3.134 Due to the separation distance (in excess of 25m) between this development and neighbouring properties to the north, there would be no significant loss of privacy. To the south is the 'Epad' development across Broomfield Street – the relationship between this development and 'Epad' is a typical relationship across a highway (circa 16m) and would not cause an unacceptable loss of privacy. There are no windows facing east in close proximity to the boundary with Metropolitan Close. These residents privacy are also safeguarded.
- 9.135 Having regard to the heights of the proposed buildings and their proximity to their neighbours, it is not considered that the development would cause undue sense of enclosure or undue loss of outlook to any of its neighbouring residents. It is noteworthy that there is an improvement (by way of the demolition of the existing building situated on the boundary) to some of the properties on Metropolitan Close in terms of outlook and enclosure.

### Overshadowing

- 9.136 The transient shadow plots show limited overshadowing of surrounding public spaces; this will have a very minor effect on the quality of these spaces and, with any reasonably expected level of development on this site, would be inevitable.
- 9.137 In relation to the impact on the open space between Craig Tower and Werner Court, in the existing situation all of this area would receive at least 2 hours of sunlight on the equinox. The proposed development would, inevitably, reduce this somewhat.

However, in the proposed situation more than 50% of the area would receive 2 hours of sunlight in accordance with BRE guidelines.

- 9.138 The shadow plots show that the development will have a relatively minor effect on the gardens of 2 and 3 Broomfield Street, but these are less than 20% reductions from the existing one, and therefore compliant with the BRE Guidelines. The practical impact is that there is some additional shading in the afternoon on 21<sup>st</sup> March. The analysis demonstrates that in the majority of instances there is either no change or an improvement to the level of sunlight the neighbouring gardens will enjoy, in particular Nos. 5, 6/7 and 8/9 Metropolitan Close show noticeable reductions in the level of overshadowing.

#### Noise, vibration and air quality

- 9.139 The effects on the noise, vibration and air quality during the construction and operational phases of the development are assessed elsewhere in this report. However, in summary, there are considered acceptable subject, where applicable, to conditions.

#### Conclusion

- 9.140 The proposal has been developed so it appropriately takes account of neighbouring properties' amenity and accords with the aforementioned policy.

### **Highways and Transportation**

- 9.141 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and 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. The NPPF and Policy 6.1 of the London Plan 2015 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.142 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, including emphasis that the Council will promote car free developments in areas of good access to public transport.
- 9.143 Core Strategy policies SP08 and SP09, together with policy DM20 of the Local Plan seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity. They highlight the need to minimise car travel and prioritise movement by walking, cycling and public transport. They require the assessment of traffic generation impacts and also seek to prioritise and encourage improvements to the pedestrian environment.



### Traffic Generation

- 9.144 TfL have reviewed the Transport Assessment and have raised some concerns with the modelling assumptions and consequently have not validated the junction impact analysis conclusions. The applicant has since provided further information to address TfL's concerns. LBTH Transportation and Highways have not raised specific concerns in this regard, and mindful of the number of parking spaces and predicted number of residents, officers consider the scheme is very unlikely to have a material adverse effect on the strategic transport network. In any case, TfL will have the opportunity to review this additional information as part of the Stage II GLA referral process.

### Car Parking

- 9.145 The proposed development would provide of 28 vehicular parking spaces including 6 that are wheelchair accessible and one car club space. This is in compliance with the Development Plan's parking standards. The applicant has committed to providing 40% of those as electric vehicle parking points (11 spaces) with at least 20% active charging points, again in compliance with relevant policies.

### Cycle Parking

- 9.146 The number of residential cycle spaces to be provided would be 272 and the number of visitor cycle spaces is 10. The residential and visitor cycle space numbers are in compliance with relevant policy.

### Access / Servicing and Deliveries

- 9.147 The servicing strategy is off-site servicing within the courtyard of the development with access from Broomfield Street as part of a shared surface which also provides access for residents and cyclists. The proposed scheme has been revised to ensure that refuse trucks can enter and leave the site in forward gear.
- 9.148 The applicant has also agreed to part fund proposals for a raised table and tightening of the radius of the junction at Broomfield Street / Upper North Street. The Council's Transport and Highways Service advise that this will improve highway safety, particularly in relation to large vehicles, such as refuse trucks, making left hand turns from Upper North Street into Broomfield Street.
- 9.149 The revised proposal for the site access has been subject to a Stage 1 safety audit which assessed the potential conflict between vehicles, pedestrians and cyclists. The audit raised some issues which would mitigate possible safety concerns of sharing the access and the applicant has implemented these recommendations in their proposed design.
- 9.150 Highways advise that the site access is very close to the junction of Upper North Street/Broomfield Street and it would be desirable for it to be moved further along Broomfield Street, but have not objected to permission being granted for the scheme. Whilst re-aligning the access further along Broomfield Street and separating pedestrian, cycle and vehicular access could deliver further highway safety benefits, it would affect other aspects of the scheme layout. The Stage 1 Safety Audit does not raise any compelling reason to amend the access arrangements.

### Accessibility

- 9.151 The site is situated adjacent to the Limehouse Cut towpath which forms part of the Blue Ribbon Network. The closest access to the Limehouse Cut is on Cotall Street on the opposite side of Upper North Street adjacent to Bartlett Park.
- 9.152 Highways and TfL consider that the development has not made the most of its location next to the towpath, emphasising a missed opportunity to provide a public link to the towpath.

However, residents particularly those at Metropolitan Close have raised concerns that a public link would attract anti-social behaviour. The difference in ground levels between the towpath and this development also make an inclusive and attractive public link difficult to achieve. A new public link to the towpath has been provided circa 50 metres from Bell Common Bridge to the west off Cotall Street. On balance the lack of a public link in this case would not be a planning objection to the scheme.

### Construction traffic

- 9.153 LBTH Highways and TfL have both advised that they anticipate no particular construction traffic issues and, subject to a Construction Logistics condition requiring details to be approved of matters such as the size, number and timing of construction vehicle movements and holding and turning areas, that the effects of construction traffic of the safety and free flow of highway traffic can be appropriately mitigated to address residents' concerns.

### Conditions/Obligations

- 9.154 Highways and TfL recommend the following conditions and / or obligations to mitigate the impact of the proposal:
- Secure the scheme as 'permit-free';
  - Require approval of a car parking management plan;
  - Require approval of a Travel Plan;
  - Require approval of a Servicing Management Plan;
  - Require approval of a Demolition and Construction Management Plan;
  - Require approval of a Scheme of Highways Improvements Plan;
  - S278 agreement to carry out works on the public highway adjacent to the site, including but not restricted to, the junction improvement works at Broomfield Street and Upper North Street.

- 9.155 The above conditions and / or obligations have been recommended as part of this report.

### Summary

- 9.156 Subject to conditions, transport matters, including vehicular and cycle parking, vehicular and pedestrian access are acceptable and the proposal should not have a detrimental impact on the public highway in accordance with National Planning Policy

Framework (NPPF); 6.1 of the London Plan, SP08 and SP09 of the Core Strategy (2010) and DM20 of the Managing Development Document (2013).

## **Waste**

- 9.157 DM14 of the Local Plan requires applicant's to demonstrate how waste storage facilities and arrangements are appropriate to implement the Council's waste management hierarchy (reduce, re-use and recycle).
- 9.158 In terms of construction waste, a site waste management plan (as part of a Construction Environmental Management Plan) is recommended to be secured by condition to ensure, inter alia, that excess materials would not be brought to the site and that building materials are re-used wherever possible.
- 9.159 In terms of operational waste, the Council's Waste department advise the access arrangement for refuse vehicles is acceptable. Whilst they raise some concerns with the complexity of the arrangements, the developer's management team advise that they consider it workable. A condition is recommended to ensure that monitoring can take place to deter contamination (i.e. ensuring residents are not generating undue amounts of refuse and not putting waste in recycling bins) of bins.

## **Energy & Sustainability**

- 9.160 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 9.161 The climate change policies as set out in Chapter 5 of the London Plan 2015, 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.
- 9.162 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
  - Supply Energy Efficiently (Be Clean)
  - Use Renewable Energy (Be Green)
- 9.163 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 (circa 45% reduction against Building Regulations 2013) through the cumulative steps of the Energy Hierarchy.
- 9.164 Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating.

However, the Government has recently withdrawn the Code for Sustainable Homes Assessment.

- 9.165 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.
- 9.166 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures (3%), use of a centralised CHP system (33%) and a PV array (15.9% / 96kWp). Notwithstanding the need to be compliant with London Plan policy 5.6, the CO2 emission reductions proposed are supported and would result in a circa 46% reduction against the Building Regulations 2013.
- 9.167 Accordingly, the Energy Strategy's approach to reducing carbon dioxide is supported and in accordance with relevant policies and is secured by condition.
- 9.168 The submitted Sustainability Statement includes a Code pre-assessment which demonstrates how the development can achieve a Code 4 rating. A condition is recommended for a sustainability statement to demonstrate the sustainability credentials of the development accord with the latest policy.
- 9.169 The Energy Assessment demonstrates that it is not currently feasible or viable to connect to an existing district heating network but has demonstrated how the development has been future-proofed should one become available in the future. The proposal is in accordance with policy 5.6 of the London Plan.
- 9.170 The proposal accords with the aforementioned policies, insofar as those policies are up-to-date i.e. the Government withdrawal of the Code.

## **Environmental Considerations**

### Air quality

- 9.171 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 9.172 In this case, the applicant has submitted an Air Quality Assessment, which has been reviewed by the Council's Air Quality Officer. However, the GLA has recently introduced a requirement for an Air Quality Neutral Assessment which has been reviewed by the Council's Air Quality Officer and found to be acceptable.
- 9.173 The development provides policy compliant off-street parking and all of the occupiers of the residential will be restricted from applying for on-street parking permits (other than disabled occupiers). Conditions have been imposed to control the demolition and construction process. The use of a decentralised energy centre helps to reduce carbon emissions and the gas-fired boiler emissions to the Combined Heat and Power (CHP) plant would be vented at roof level.

- 9.174 Future residents and users of the proposed development would be appropriately protected from existing poor air quality in the Borough and the new development satisfactorily minimises further contributions to existing concentrations of particulates and NO<sub>2</sub> in accordance with the aforementioned policies.

#### Noise and vibration

- 9.175 London Plan policy 7.15 and Local Plan policy DM25 sets out policy requirements for amenity and requires sensitive receptors (including residents) to be safeguarded from undue noise and disturbance.
- 9.176 An Acoustic Report has been submitted in support of the application. This has been reviewed by the Council's Noise and Vibration Officer who advises that the report and its recommendations are acceptable. The development itself would not create significant noise or vibration. The report advises that the main sources of noise are road traffic and air traffic from London City Airport and advises that mitigation is required on all facades facing outwards towards highways. Subject to glazing meeting certain specifications and ventilation measures such as acoustic air bricks, the future occupiers would not be exposed to undue noise having regard to British Standard BS8233:2014. A glazing and ventilation condition is recommended to secure this mitigation.
- 9.177 In relation to amenity spaces, BS 8233:2014 advises that noise levels below 55dB would be desirable. The noise assessment results are set out below:

#### *Predicted External Noise Levels – L<sub>Aeq,T</sub>*

Block D, 4<sup>th</sup> Floor, facing Upper North Street 68 dB(A)

Block A, 4<sup>th</sup> Floor, facing Limehouse Cut 63 dB(A)

Block A, 8<sup>th</sup> to top floor, facing Upper North Street 57-63 dB(A)

Balconies facing inwards on site <55 dB(A)

Communal Play Area / Amenity Space to middle of site <50 dB(A)

- 9.178 The results show that the courtyard communal areas and inward facing balconies will meet the British Standard. However, the balconies facing Broomfield Street, Upper North Street and the Limehouse Cut will exceed the relevant standard as a result of the aforementioned noise sources. Whilst this is undesirable, there are no effective mitigation measures for open balconies. It should be noted that communal amenity space and Bartlett Park would provide alternative (and quieter) amenity space.
- 9.179 Subject to relevant conditions (controlling construction traffic and the method of demolition and construction), and acknowledging non-planning controls over demolition and construction such as the Environmental Protection Act and Control of Pollution Act, the proposal adequately mitigates the effects of noise and vibration of demolition and construction.
- 9.180 Having regard to the above, it is considered that subject to relevant conditions, the development both during construction and operation would adequately mitigate the effect of noise and vibration on future occupiers and surrounding residents as well as members of the public. The proposal accords with relevant Development Plan policies other than those relating to balconies discussed earlier.

## Contaminated Land

- 9.181 The applicant has submitted a desk-top contaminated land study which identifies, due to the previous uses on the site, a potential for contamination. The Council's Contaminated Land Officer has reviewed the study and advises subject to a condition requiring intrusive investigation and remediation there is no objection to the proposal. Subject to such a condition the proposals would accord the requirements of the NPPF and policy DM30 of the MDD.

## **Flood Risk and Water Resources**

- 9.182 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 9.183 The site is located in Flood Zone 2 and partly in Flood Zone 3a. Flood Zone 3a means that there is 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.
- 9.184 The Council has undertaken a Sequential and Exception test (see Appendix 1) as required by the NPPF and its' associated technical guidance. These tests will be placed on the public planning register.

In summary, the tests identified that in order to meet the Council's housing targets building on Flood Zone 2 and 3a is necessary and there are no more sequentially preferable sites available to meet this demand. A site-specific Flood Risk Assessment has been submitted and, following amendments, the Environment Agency advise that the risks have been appropriately mitigated, which includes a flood defence wall, safe emergency egress and raised (300mm) finished floor levels for ground floor residential units. Moreover, the defence wall has been designed in such a way as it allows for it to be raised in the future in accordance with the Environment Agency's TE2100 plan. The exception test demonstrates that the public benefits of the proposal outweigh the (mitigated) risks. Accordingly, the exception test has been passed.

- 9.185 In relation to surface water run-off, the development achieves a 50% reduction in surface water run-off rates through storage in underground tanks for specified flood events. The run-off is directed into the combined sewer system as it is not feasible in this instance to direct the run-off directly into the Limehouse Cut.
- 9.186 Thames Water advises that there are no concerns with additional water demand from this development. They advise that there is insufficient information submitted to determine the waste water needs of this development and consequently advise that a drainage strategy condition be imposed. They also advise that their assets may be located underneath the site and the path of Thames Tideway Tunnel runs under the adjacent Limehouse Cut, accordingly, they advise imposing a number of conditions relating to construction and piling details. Thames Water also advise imposing a condition in respect of the site drainage strategy to satisfy their concerns in regards to the impact on the public sewer system. An appropriate condition is recommended.
- 9.187 In summary, and subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF and its associated Technical Guidance, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

## **Biodiversity**

- 9.188 The application site contains buildings and hard standing and has no significant existing biodiversity value. A bat survey found no evidence of bat roosts within the roofs of the existing buildings. The site is immediately adjacent to the Limehouse Cut which is a Site of Importance for Nature Conservation. The Borough Ecology Officer has advised that lighting over the canal will have a detrimental effect. A condition is recommended to mitigate this problem, however it is inevitable that light spill over the canal will increase to some degree.
- 9.189 Policy DM11 requires major developments to take reasonable opportunities for biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). The Ecology Officer advises that the landscaping scheme will provide opportunities for biodiversity enhancements and a condition is recommended to secure this. The submitted Ecology Report also recommends the inclusion of 10 bat boxes and 20 nest boxes for swifts in the new buildings. The submitted plans do not indicate where these will be incorporated and therefore a condition is recommended to secure this biodiversity enhancement.
- 9.190 The Ecology Officer advises that green roofs would be beneficial in this location. However, the roofs of the building are 'allocated' for pv panels and other structures such as flues and satellite dishes. Overall, the scheme has taken reasonable opportunities for biodiversity enhancements.
- 9.191 Accordingly, and subject to the recommended conditions, the proposal accords with the London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD which 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 a net gain in biodiversity.

## **Health Considerations**

- 9.192 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.
- 9.193 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.
- 9.194 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.

- 9.195 The proposal provides on-site child play and communal amenity space at policy compliant levels. The accessibility to open space (Bartlett Park and the Limehouse Cut) near to the development is also recognised. It is noted that the development would be liable for Community Infrastructure Levy contributions and health facilities are included on the Council's Regulation 123 list (i.e. the development may result in a contribution towards improved health infrastructure). The health benefits to residential occupiers of living in homes with good levels of daylight are recognised and the proposed residential units are considered to have good levels of daylight and sunlight. The effect of noise on the living conditions of occupiers can be adequately addressed through planning conditions. However, it is noted that the noise exposure to some balconies would be above the recommended level set out in British Standard 8233:2014.
- 9.196 It is also noted that the site has relatively poor public transport accessibility and may, therefore encourage more vehicle trips rather than cycling or walking. Cycle parking is provided, in accordance with London Plan standards and a contribution towards funding oyster cards for each flat to encourage the use of more sustainable methods of transportation is recommended to be secured through the legal agreement. The proposed car parking levels is within Development Plan maximum standards.
- 9.197 It is considered when weighing up the various health considerations pertinent to this scheme, the proposal would be consistent with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

#### **Impact upon local infrastructure / facilities**

- 9.198 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's draft 'Planning Obligations' SPD (2015) sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 9.199 The NPPF (at paragraph 204) states that planning obligations should only be sought where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and,
  - Fairly and reasonably related in scale and kind to the development.
- 9.200 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests. The Council adopted a Borough-level Community Infrastructure Levy on April 1<sup>st</sup> 2015. Consequently, planning obligations are much more limited than they were prior to this date.
- 9.201 Securing appropriate planning contributions is supported by policy SP13 in the Core Strategy which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 9.202 The Council's draft Supplementary Planning Document on Planning Obligations (2015) provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also sets out the main types of contributions that can be sought through planning obligations, these include:



- Affordable Housing;
- Skills training;
- Job brokerage, apprentices and work placements;
- Supply chain commitments towards local enterprise;
- Site specific transport requirements;
- Certain transport measures;
- Site specific public realm improvements / provision;
- Carbon Reduction measures;
- Biodiversity measures;
- Site specific flood mitigation / adaption measures; and,
- Community Facilities.

9.203 Financial contributions have been offered in respect of construction phase skills and training in accordance with the guidance set out in the latest draft of the 'Planning Obligations' SPD and is £61,904.00. The applicant has also agreed to provide £43,740 towards encouraging the take-up of more sustainable methods of transportation given the low PTAL of the site.

9.204 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services by value and 20% local labour during construction and a permit-free agreement.

9.205 The financial and non-financial contributions are considered to be in compliance with aforementioned policies and Regulation 122 'tests'.

#### **Local Finance Considerations**

9.206 As noted above section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with a planning application a local planning authority shall have regard to:

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

9.207 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.

9.208 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy and would attract a New Homes Bonus. These financial considerations are material considerations and weigh in favour of the application.

## Human Rights Considerations

9.209 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:-

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".

9.210 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.

9.211 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

9.212 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.

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

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

9.215 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation

measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

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

- 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.

9.217 The financial contributions towards infrastructure improvements addresses, in the short and medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

9.218 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

9.219 The financial contributions mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

9.220 The contributions to affordable housing support community wellbeing and social cohesion.

9.221 The proposed development allows, for the most part, an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking and wheelchair adaptable/accessible homes.

### **CONCLUSION**

9.222 All other relevant policies and material considerations have been taken into account. Planning permission should be **granted**, subject to planning conditions and a Section 106 Agreement set out in section 2 of this report.

## Appendix 1

# Demonstrating the flood risk Sequential Test and Exception for Planning Applications

### Application details

<b>Planning application reference number</b>	PA/15/00641
<b>Site address and development description</b>	Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 162 units including 28 undercroft and surface car parking spaces and a central landscaped courtyard.
<b>Date</b>	27 <sup>th</sup> August 2015

**Completed by** London Borough of Tower Hamlets

In February 2015, Fairview Homes Ltd submitted an application for a housing-led redevelopment of the above referenced site. The applicant has submitted a site specific Flood Risk Assessment (FRA) with the planning application.

LBTH has undertaken a Sequential and Exceptions Test for the site, and this document collates its conclusions.

### Proposed Development

The site lies within the 'place' Poplar (as defined in LBTH's Core Strategy 2010).

The site is located within Flood Zone 2 and partly within Flood Zone 3a, which is defined as:

*This zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. (Department for Communities and Local Government, 2012)*

It is important to note that flood zones refer to the probability of sea and river flooding only, ignoring the presence of existing defences the area.

### National Planning Policy Framework

Paragraph 101 of the National Planning Policy Framework (NPPF) states that:

*"the aim of the Sequential Test is to steer development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding".*

As set out in the NPPF, the overall aim should be to steer new development to Flood Zone 1. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

#### National Planning Policy Framework Technical Guidance

In accordance with Tables 2 and 3 of Technical Guidance to the NPPF, the classifications of the proposed uses are as set out in Table 1 below.

**Table 1 – Classification**

<b>Proposed Land Use</b>	<b>Flood Zone</b>	<b>Vulnerability Classification</b>	<b>Vulnerability And Compatibility</b>
Residential institutions	3	More vulnerable	Exception Test required

As shown above, this proposed use of the site is classified as ‘more vulnerable’, and therefore based on flood risk vulnerability and flood zone ‘compatibility’ an Exception Test will also be required for this site.

It is important to note that the proposed used classification is the same as the existing i.e. no change in the vulnerability of the site.

### **London Borough of Tower Hamlets’ Planning Policy**

#### Core Strategy

LBTH’s Core Strategy makes a commitment to reduce the risk and impact of flooding through ensuring that all new development across the Borough does not increase the risk and impact of flooding, and ensuring the application of flood-resilient design of all new developments in areas of Flood Risk 2 and 3a.

The proposed development site lies within the ‘Poplar’ place as described by the Core Strategy annex.

#### *Core Strategy Strategic Flooding Risk Assessment*

In 2009, a Level 1 Strategic Flood Risk Assessment SFRA (Capita Symonds, 2008) was produced on behalf of LBTH to support the Core Strategy. In producing the SFRA, LBTH has confirmed that it has taken full account of flooding in its area, as required by the government guidance.

The SFRA was used to sequentially test the Core Strategy (LBTH, 2009) to ensure it addresses areas of potential risk to all types of flooding across the Borough. The Sequential Test identifies that parts of the Borough are within Flood Zones 1, 2 and 3a, and are therefore at potential risk of flooding. The SFRA has revealed that there is no Functional Floodplain (Zone 3b - highest probability) in Tower Hamlets, but large parts of the identified growth areas lies within High Risk Flood Zone 3.

The Sequential Test identifies that development in this location requires the Exception Test for ‘more vulnerable’ classifications.

The Core Strategy states that further sequential testing of sites will come forward as a part of the Sites and Placemaking Development Plan Document (DPD) which now forms part of Tower Hamlets’ Managing Development Document (adopted April 2013).

## Managing Development Document

The London Plan and Core Strategy seek to reduce the risk of flooding within the Borough through identifying areas at risk of flooding and ensuring that development does not impact on the existing flood protection measures. DM13 of the Managing Development Document sets out how development will ensure these risks are minimised.

### *Managing Development Document Strategic Flooding Risk Assessment*

In 2012, a Level 2 SFRA (Capita Symonds, 2012) was produced on behalf of LBTH to support the Managing Development Document. The SFRA was used to sequentially test the Managing Development Document.

The Managing Development Document (adopted April 2013), identifies a number of site allocations, for which a Sequential test was undertaken. The Site Allocations aspect of the Managing Development DPD does not set out to allocate every available development site within the Borough, but rather it provides guidance for sites of a strategic importance.

The proposed development at “Phoenix Works” does not lie within any of the specific site allocations and therefore has not been subject to a Sequential Test at site specific level.

### **The Sequential Test**

The Sequential Test can be considered adequately demonstrated if both of the following criteria are met:

- the Sequential Test has already been carried out for the site (for the same development type) at the strategic level; and
- the development vulnerability is appropriate to the Flood Zone.

The proposed site has been sequentially tested as part of the implementation of the Core Strategy, but not as part of the Managing Development DPD.

The proposed use for the site is classified as ‘more vulnerable’ within Flood Zone 3, and therefore a Sequential and Exception test will be required. The SFRA provides the basis for applying the Sequential Test.

### Question 1 – Are there alternative sites available in Zone 1?

Tower Hamlets seeks to deliver 3,931 homes per year as set out in the London Plan. However, 42% of the Borough is at risk of flooding.

Land located within the northern part of Tower Hamlets is located within Flood Zone 1 (and therefore outside of Flood Zone 2 and 3). The Government and Greater London Authority (GLA) have however placed an emphasis on eastward directed growth (in London) and therefore it is unlikely that development and infrastructure support can be accommodated solely outside of Zone 3.

The Council is aware of the protection that flood defences in the area can offer. The flood risk assessment has noted two principle forms of flood defence as follows:

- the Thames Barrier, which has been in operation since 1982, and is designated to prevent the propagation of tidal storm surges upstream; and

- the ‘formal’ flood defences provided by the raised walls, buildings and embankments situated immediately adjacent to the Limehouse Cut.

There would be an overall reduction the ratio of permeable to impermeable area and a suitable sustainable urban drainage system will be secured by condition. It is therefore considered that the scheme offers a sustainable building on previously developed land, with existing flood defences.

There are not considered to be any alternative development sites with Flood Zone 1 that are reasonably available.

Question 2 - Are there alternative sites available in Zone 2?

No. No reasonably available additional sites that meet the site selection criteria are available in Zone 2.

Question 3 - Are there alternative sites available in Zone 3 that have a lower risk of flooding?

No. The site is considered to be at the same risk of flooding of those reasonably available within Zone 3.

Conclusion

Based on the above criteria, no other suitable site was available in a Flood Risk Zone of a lower category. As such this site is the most suitable for the range of uses and therefore the site passes the Sequential Test.

The Core Strategy SFRA states that the proposed development, located where it is, for ‘more vulnerable’ uses, will only be permitted if it passes the Exceptions Test. The Exceptions Test is therefore required to be undertaken.

## Stage 1 – strategic application & development vulnerability

<b>Has the Sequential Test already been carried out for this development at development plan level?</b>	<b>Provide details of site allocation and LDD below</b>
No	N/A

<b>State the Flood Risk Vulnerability Classification in accordance with PPS25 table D2</b>	<b>State the Flood Zone of development site</b>
More Vulnerable	Flood Zone 3

## Stage 2 – defining the evidence base

<p><b>State the defining parameters for the geographical area over which the Sequential Test is to be applied</b> e.g. functional requirements of the development; regeneration need <i>identified in the LDF</i>; serves a national market. Indicate if no parameters exist for example, windfall development.</p>	<p><b>State the area of search in view of identified parameters</b> e.g. whole LPA area, specific market area, specific area of need/regeneration area or on a sub regional or national level.</p>
<p>No parameters, this is a windfall development not previously identified in the Development Plan.</p>	<p>The whole LPA area</p>
<p>Additional justification (if needed): N/A</p>	

<b>Evidence base to be used as source for ‘reasonably available’ sites</b>	<b>Provide details below</b> e.g. date, title of document and where this can be viewed
Managing Development DPD - site allocations	<a href="http://www.towerhamlets.gov.uk">www.towerhamlets.gov.uk</a>
Housing Land Study	N/A
Employment Land Review	N/A
National Land Use Database – Previously Developed Land	N/A
Register of Surplus Public Sector Land	N/A
Rural Exceptions Strategy	N/A
Regeneration strategy	N/A
Other sites known to the LPA e.g. sites of other planning applications	N/A
Other sources not stated	N/A

<b>Method used for comparing flood risk between sites</b>	<b>Provide details below</b> e.g. date, title of document and where this can be viewed



Environment Agency Flood Map	Yes - available to see at <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a>
Strategic Flood Risk Assessment (if comparing flood risk within the same Flood Zone)	Yes - available to see at <a href="http://www.towerhamlets.gov.uk">www.towerhamlets.gov.uk</a>
Site specific Flood Risk Assessments where they are suitable for this purpose.	N/A
Other mapping / source of flooding information not stated	N/A

### Stage 3 – applying the Sequential Test

The majority of allocated sites either have permission and or in the application process at densities higher than predicted at Examination stage. They could not accommodate the additional density of this scheme. Other allocated sites, such as Marian Place Gas Works and The Oval are currently being restrained from coming forward for development as the gas holders have not been decommissioned. This site is needed to meet our identified housing needs.

Other issues:

The delivery of additional housing will go towards a demonstrable need of housing within the London borough of Tower Hamlets as set out in the London Plan (consolidated with alterations 2015) and Tower Hamlets’ Strategic Housing Needs Assessment.

This part of Tower Hamlets has been historically used for housing and family sized housing is promoted in this location as part of policy SP11 of the adopted Core Strategy which states housing types suitable for families should be promoted in this area.

**Conclusion:** Are there any reasonably available sites in a lower flood risk zone or at a lower risk of flooding than the application site?

No

### The Exception Test

In respect of the above, it is considered that the Sequential Test has been adequately demonstrated and that consideration should be given to the Exception Test as stated in the Sequential Test for the Core Strategy. The Exception Test provides a method of managing flood risk while still allowing necessary development to occur.

Paragraph 102 of the NPPF states that for the Exception Test to be passed it must demonstrate the following:

- *'it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.*

Both elements of the test will have to be passed for development to be allocated or permitted. These criteria are assessed below.

1) It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared

In accordance with National, Regional and Local policy, the proposed development would respond to a defined local and strategic need for new housing.

The proposed development is considered to be consistent with the wider sustainability objectives of the Poplar Neighbourhood.

2) A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

The Environment Agency has advised that the defences are adequate currently and are future proofed to allow an increase in the height of the flood defence wall to sufficient heights over the lifetime (100 years for residential) of the development.

The Environment Agency advises that the proposed development is not anticipated to increase the risk of flooding elsewhere.

A site drainage strategy will be secured by condition and reduce the level of surface water drainage from the site compared to the existing situation.

The applicant's Flood Risk Assessment (along with additional information) demonstrates safe access and egress arrangements that can be implemented so that during flood events the appropriate level of safety can be maintained.

The residual flood risks of locating the proposed housing on this site will be mitigated through appropriate mitigation measures i.e. 300mm raised finished floor levels.

### Conclusion

Based on the Sequential and Exception Test above, it was concluded that no other site is reasonably available in a Flood Risk Zone of lower category and that the site was most suitable. There is a reasonable prospect of compliance with the second part of the Exception Test subject to an appropriate site layout and a site specific Flood Risk Assessment that takes into account the site recommendations of the SFRA.

## **Appendix 2**

DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. The policy refers to the guidance set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' 2011. The BRE handbook sets out a number of tests to assist a designer optimise the site layout in respect of daylight, sunlight and overshadowing to surrounding properties and land as well as the proposed properties and land as part of the planning application itself.

### Vertical Sky Component

The primary method of assessment is through calculating the vertical sky component (VSC). The Vertical Sky Component (VSC) analysis establishes the amount of available daylight received directly from the sky for each individual window. The reference point for the analysis is the centre of the window, on the plane of the outer window wall.

The VSC is the amount of direct sky a window enjoys, expressed as a percentage of the amount of direct sky a horizontal, unobstructed rooflight would receive. The maximum percentage of direct skylight a vertical window can receive is 40%.

BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.

### Daylight Distribution

In order to better understand impact on daylighting conditions, the daylight distribution test (otherwise known as the no skyline test (NSL)) calculates the area at working plane level (0.85m above finished floor 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, they should be less than 20% of the existing.

### Average Daylight Factor

For proposed development the BRE guide recommends that average daylight factor (ADF) is the most appropriate form of assessment for daylight. The Average Daylight Factor is the average illuminance on the working plane in the room and takes into account the amount of unobstructed sky the window serving the room can see, the size of the window, the size of the room, the reflectance expected from the surfaces within the room and the reduction in daylight that will occur as it passes through the glazing. British Standard 8206 recommends the following minimum ADF values for new residential dwellings:

- >2% for kitchens;
- >1.5% for living rooms; and
- >1% for bedrooms.

It should also be noted that ADF can also be used to supplement the VSC and NSL tests for existing properties.

### Annual Probable Sunlight Hours and Winter Sunlight Hours

The BRE guide states that in relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window

which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

If the available annual and winter sunlight hours are less than 25% and 5% of annual probable sunlight and less 0.8 times their former value, either through the whole year or just during the winter months, and the reduction is greater than 4% of APSH then the occupants of the existing building will notice the loss of sunlight.

### Overshadowing

For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March. Where this is not the case, the reduction should not be more than 20% or the reduction would be noticeably adverse.

# Appendix 3

## Site Location Plan



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<b>Agenda Item number:</b>	6.2
<b>Reference number:</b>	PA/15/00641
<b>Location:</b>	Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX
<b>Proposal:</b>	Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 153 units including 28 undercroft and surface car parking spaces and a central landscaped courtyard.

## 1.0 AMENDMENT TO PLANNING APPLICATION

- 1.1 Since the publication of the committee report, the applicant has amended the application to increase the affordable housing provision to 35.1% by habitable room. This is as a result of an additional 3 bed shared ownership property (at the expense of an open market property) located in the base of the tower adjacent to the Limehouse Cut.
- 1.2 The additional affordable housing provision is welcome and now meets Tower Hamlets planning policy target set out in policy DM3 of the Local Plan which seeks affordable housing provision within a 35% to 50% range.
- 1.3 The amendment to the application has no implications for density as measured by the London Plan Density Matrix or residential quality as set out in the Committee Report. The change in tenure increases the amenity space requirement by 6sqm such that the proposed amenity space exceeds the policy requirement by 109sqm rather than 105 sqm. The split between the different tenures of affordable housing changes from 68:32 to 66.5:33.5. In terms of the mix of unit sizes, the amendment has a very minor implications and a revised mix table is set out below [the previous mix is shown in brackets]:

Ownership	Type	Policy requirement (%)	Proposed mix (%)
<b>Private</b>	Studio	0	0
	1 bed	50	31.8 [31.5]
	2 bed	30	55 [55]
	3 bed	20	12.7 [13.5]
	4+ bed	0	0
<b>Intermediate</b>	Studio	0	0
	1 bed	25	0
	2 bed	50	73 [79]
	3 bed	25	27 [21]
	4+ bed	0	0
<b>Affordable Rent</b>	Studio	0	0
	1 bed	30	28.5
	2 bed	25	28.5

	3 bed	30	32
	4+ bed	15	11

## 2.0 CORRECTIONS

- 2.1 Paragraph 2.2 refers to 'oyster card membership' under the bullet point entitled Residential Travel Plan should read 'cycle hire membership'. The same applies to paragraph 9.196.

Paragraph 9.105 incorrectly stated the sunlight levels to the flats within the proposed development. There are 337 windows in the proposed development that face 90 degrees due south. Of those 311 pass the BRE annual sunlight standards (92%) and 324 pass the winter sunlight standards (96%).

Paragraph 9.116 should read '38 out of 60' rather than '45 out of 60'.

Paragraph 9.124 should read as follows:

*'For this property [E-pad] 4 of the windows will not meet the VSC standard out of the 31 tested. These VSC reductions are between 20.4% and 26%. The rooms these windows serve generally have good ADF values of 0.8, 2, 2.6 and 2.6. The room that has an ADF value of 0.8 is a bedroom which is less sensitive to daylight (the BRE target for a bedroom is 1% ADF). The daylight distribution test is passed for all the rooms in this development apart from the aforementioned bedroom which is just below the relevant standard (74% compared to a target of 80%).'*

Paragraph 9.128 is not fully correct. There is one window within 1-5 Broomfield Street which does not pass the VSC test. However, that same room is served by window with a VSC in excess of 27% (i.e. which does meet the test) and the room meets the daylight distribution standard.

Paragraph 9.49 and 9.152 refer to 'Bell Common Bridge' it should read 'Bow Common Bridge'.

## 3.0 IMPACT ON LOCAL SERVICES AND INFRASTRUCTURE

- 3.1 Additional information has been provided by relevant Council departments, and is set out below, by the relevant Council departments on the impact of the development on local schools and health facilities along with a progress report on the improvement works to Bartlett Park.

### *Education*

- 3.2 The Council is taking a positive approach to planning for the social and physical infrastructure necessary to support the growth in homes and jobs across the Borough over the next 15 years and beyond, through its Local Development Framework. The Inspector, in his report into the Managing Development Document, supported all of the Council's site allocations for infrastructure provision. This would enable the delivery of a range of infrastructure including new primary and secondary schools, health facilities, local parks and IDEA Stores.



- 3.3 The Managing Development Document (2013) includes the allocation of private development sites for 2 new secondary schools and a minimum of 5 new primary schools. These allocations would complement the Council's proposals to expand its existing school estate and use of its own land to provide new school places. In a number of cases your officers are in discussions about opportunities for new educational facilities on sites not explicitly allocated for such a purpose but could well contribute positively towards mixed use solutions and complement formal allocated school sites.
- 3.4 The approach to planning for school places takes into account committed and potential development as well as demographic projections. This information is updated annually to ensure it is kept relevant.
- 3.5 There are a number of local primary schools which are within easy access to children on this site, including St Saviours, Culloden, Woolmore, Lansbury Lawrence and Bygrove.
- 3.6 It is anticipated that the former Bromley Hall School site, located approximately 800 metres from the site will provide a new 2 form entry primary school by September 2018. The proposal was approved by Cabinet in May 2015.
- 3.7 In terms of secondary school places, there are new buildings Langdon Park and St Paul's Way. Bow School has doubled in capacity from under 1,000 school places to 2,000 school places. For secondary schools, there is an expectation that students are able to travel further to secondary school than to a local primary school and the LA plans provision across the borough as a whole on that basis.

#### *Health*

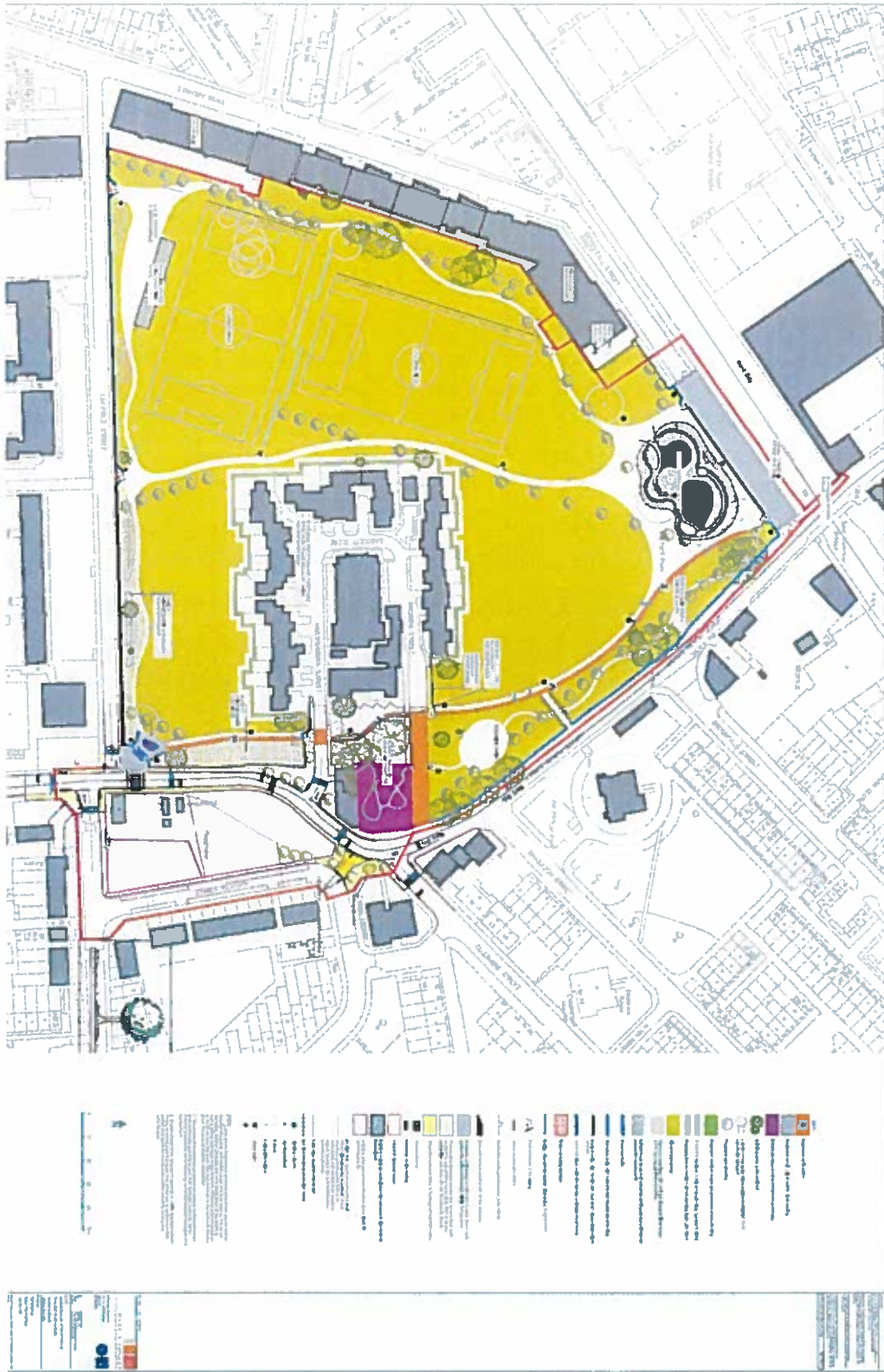
- 3.8 There are currently 4 practices in the primary care network that covers the area in which the development is located. The nearest practice is the Chrisp Street Health Centre which currently has GP, patient ratio of 1:1360 as compared to the maximum target ratio of 1:1800. The development is also within easy reach of Newby Place which has two practices, Newby Place Health and Wellbeing Centre and All Saints Practice with Aberfeldy Practice being slightly further away. Together, these have combined list size of 30 856, 19.1 whole-time equivalents GPs and, therefore, a GP patient ratio of 1:1610.
- 3.9 Furthermore, in the short term the Council has already agreed funding (from previous Section 106 agreements) to convert some non-clinical space to clinical space at the Aberfeldy practice and NHS Tower Hamlets Clinical Commissioning Group (CCG) is considering a proposal to add further capacity to Chrisp Street by addition of an additional storey.
- 3.10 CCG with its partners is currently conducting a strategic review of the existing estate to look at long term requirements. This will feed into the refresh of the Council's Local plan which will help identify opportunities for new premises together with the ability to safeguard sites for new health infrastructure. It would also be included in the infrastructure plan which form part of the local plan and would allow for prioritisation of potential scheme in relation to CIL funding.

#### *Bartlett Park*

- 3.11 The Communities, Localities and Culture Directorate have developed a Masterplan, copied below, for the redevelopment of the park. The works will include, relocating

existing football, providing purpose built changing rooms, closing Cottall St to vehicular traffic and extending the park northwards. The Masterplan also includes new landscaping tree planting, boundary treatment, lighting, children's play area, outdoor exercise area and community growing garden.

- 3.12 The £3.86m project budget (of which £0.5m is for the delivery of inclusive children's play facility) is fully funded and works are scheduled to start on site in June 2016.
- 3.13 The proposed park improvements would be of significant benefit to the locality and would assist in mitigating the increased pressure of recently built and proposed development in the area.



#### 4 RECOMMENDATION

4.1 Officers' original recommendation to GRANT planning permission for the proposal as set out in the report to the Strategic Development Committee remains unchanged.



# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 19 November 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

## 3. ADVICE OF HEAD OF LEGAL SERVICES

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

### LOCAL GOVERNMENT ACT 2000 (Section 97)

#### LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321


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

#### **4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 4.

#### **5. RECOMMENDATION**

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

Non-Executive Report of the:  <b>Strategic Development Committee</b>  19 November 2015	
<b>Report of:</b> Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Applications</b> <b>PA/15/01337 – 47 Brierly Gardens, London E2 0TF, and</b> <b>PA/15/01832 – 55 Brierly Gardens, London E2 0TF</b>	

<b>Originating Officer(s)</b>	Graham White, Interim Service Head, Legal Services
<b>Wards affected</b>	Bethnal Green

**Summary**

This report considers the circumstances surrounding the determination of the above mentioned planning applications by the Development Committee and in the light of a potential legal challenge by way of a Judicial Review, proposes that the Strategic Development Committee considers the applications afresh.

**Recommendations:**

The Committee is recommended to:

- (i) Accept that the decisions of the Development Committee of 3 September 2015 in respect of applications PA/15/01337 and PA/15/01832 were procedurally flawed and invalid; and
- (ii) Consider the applications afresh.

**1. REASONS FOR THE DECISIONS**

- 1.1 To ensure that the decisions upon the above planning applications of the Committee are valid and not susceptible to challenge on the grounds of procedural irregularity.

**2. ALTERNATIVE OPTIONS**

- 2.1 The alternative to pursuing the recommended course of action is to take no further action but to risk a challenge by way of Judicial Review.

### **3. DETAILS OF REPORT**

- 3.1 At its meeting on 3 September 2015 the Development Committee considered the above mentioned applications. The applicant for both applications was Tower Hamlets Homes. In both cases the Committee resolved that planning permission be granted, subject to conditions.
- 3.2 On 9 September 2015, a complaint was made by an objector to the applications that two members of the Committee were also Directors of Tower Hamlets Homes and therefore should not have participated in the debate or voted on the applications.
- 3.3 On 3 October 2015 a Judicial Review pre-action protocol letter was received from another objector to the applications. The potential claim is based on a number of grounds, including a conflict of interest in the case of the Committee members who are Directors of Tower Hamlets Homes and the assertion that their participation and voting was a procedural irregularity which rendered the decisions unlawful.
- 3.4 Councillors Francis and Akhtar took part in the Development Committee decision. They were both nominated by the Council to the board of Tower Hamlets Homes and were duly appointed as Directors. At the Committee meetings Councillor Francis declared a personal interest having taken officer advice. With hindsight the advice rendered was not comprehensive. Councillor Akhtar made no declaration.
- 3.5 By virtue of the Localism Act 2011, substantial changes were made to the ethical framework for Local Government and the only interests which are now required by statute to be declared are the new categories of disclosable pecuniary interests. Directorships of Tower Hamlets Homes are not disclosable pecuniary interests. There is no statutory requirement for other interests to be declared, but Councils are able to include other interests in their Codes of Conduct, which is presently the case in Tower Hamlets.
- 3.6 The Council's Code of Conduct, adopted in June 2012 and effective from July 2012 requires the declaration of disclosable pecuniary interests in accordance with the Localism Act 2011 and in addition contains a section entitled 'Interests'. Paragraph 4 of the Code of Conduct provides that a Councillor has an interest in any business of the authority where either
- (a) it relates to or is likely to affect any body of which the Councillor is a member or in a position of general control or management and to which the Councillor has been appointed or nominated by the authority.
  - (b) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of a company of which the Councillor is a Director to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.



- 3.7 In this case, the requirements of both Paragraphs 4(a) and (b) are met and thus the Members have an interest under the requirements of the Council's Code. The Code of Conduct does not specify the nature of that interest but as it is not a disclosable pecuniary interest it must be a personal interest. Nor does the Code of Conduct specify what a member with a personal interest should do about it.
- 3.8 Councillor Francis declared a personal interest whilst Councillor Akhtar did not. However, neither the law nor the Code of Conduct requires the declaration of personal interests and to do so is entirely gratuitous.
- 3.9 Section 31 of the Localism Act 2011, makes it a criminal offence for a Member to participate or vote upon a matter in respect of which the Member has declared a disclosable pecuniary interest but there is no such restriction upon a Member who has a personal interest either to declare that interest or to abstain from participation or voting upon the matter. Thus, the actions of the two members are entirely consistent with the Code of Conduct for Members.
- 3.10 Paragraph 1.3 of the Code of Conduct for Members provides that the Council has approved, amongst other things, the Planning Code of Conduct which is supplementary guidance for Members. It does not form part of the Code of Conduct for Members but Members are required to comply with its provisions.
- 3.11 The Planning Code of Conduct pre-dates the changes effected by the Localism Act and refers to the interests which were declarable under the previous ethical framework, that is to say personal and prejudicial interests. Whilst legislation has moved away from prejudicial interests with the introduction of disclosable pecuniary interests, nevertheless it remains at an Authority's discretion to retain personal prejudicial interests in whole or part. The differences between the Code of Conduct for Members and the Planning Code of Conduct need to be considered in the course of the forthcoming governance review and changes may be considered necessary in order to make the two Codes more consistent with each other. However, until that occurs the declaration requirements of the two Codes are different and the provisions of both Codes must be complied with.
- 3.12 In paragraph 2 of the Planning Code of Conduct a prejudicial interest is defined as one where in respect of a personal interest a member of the public who knows the relevant facts would reasonably think that the personal interest is so significant that it is likely to prejudice the Member's judgment of the public interest when taking a decision and it is a decision which affects the financial interests of a body with which the Member is associated.
- 3.13 Paragraph 2.4 provides that the effect of having a personal prejudicial interest is that the Member must leave the room for the duration of the consideration and decision on the item and not seek to influence the debate or decision.
- 3.14 The determination of an interest in any matter is the responsibility of each Member and in this case the Members may properly have decided that their interests did not amount to personal prejudicial interests and in consequence

they were at liberty to remain in the meeting, participate and vote. However the issue is arguable as demonstrated by the pre-action protocol letter and to test the matter in Court would be a high risk approach. The Council would incur significant costs in the event of not being successful.

- 3.15 The matter could be remedied without incurring any cost by re-submitting the applications to Committee for consideration afresh and for the affected Members to stand aside during the consideration of the applications. This would require the Committee to accept that the original decisions were flawed and that in the absence of valid determinations, it is necessary to determine the applications afresh.
- 3.16 The terms of reference of the Strategic Development Committee provide that it considers any matter listed within the terms of reference of the Development Committee where legal proceedings in relation to the matter are in existence or in contemplation. In this case legal proceedings are in contemplation so the matter is within the remit of the Strategic Development Committee.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 This report recommends that Strategic Development Committee accept that the decisions of Development Committee of September 3<sup>rd</sup> 2015 in respect of PA/15/01337 and PA/15/01832 were procedurally flawed and therefore invalid, and to consider the applications afresh.
- 4.2 As detailed in paragraph 3.15, the Authority will not incur any additional costs if it decides to pursue the recommended course of action.
- 4.3 As detailed in section 9, were the Authority to take no action and then be challenged by way of Judicial Review, the Authority would incur costs in defending itself. Furthermore, were the Authority to be unsuccessful at Judicial Review, it would likely also incur the applicant's costs.

#### **5. LEGAL COMMENTS**

- 5.1 As this report is submitted by the Monitoring Officer, legal considerations are contained within the body of the report.

#### **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 In carrying out its functions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty).

## **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 It is in the interests of best value to minimise costs and to resolve the issue promptly without the need for litigation which would impact positively on economy, efficiency and effectiveness.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 N/A

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 The risk of taking no action upon this matter is that an application for judicial review will be made and costs will be incurred in defending it. Moreover if the Council is unsuccessful it is likely that a costs order will be made against it to discharge the applicant's costs.
- 9.2 A somewhat similar case albeit with factual differences reported on 16 October 2015 has further reduced the likelihood of success upon judicial review and thereby increased the risk.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 N/A

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

Development Committee 3 September 2015

6.1 47 Brierly Gardens, London E2 0TF (PA/15/01337)

6.2 55 Brierly Gardens, London E2 0TF (PA/15/01832)

#### **Appendices**

NONE

#### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of "Background Papers" used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

NONE

#### **Officer contact details for documents:**

N/A

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# Agenda Item 6.2

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 19 <sup>th</sup> November 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Esha Banwait	<b>Ref No:</b> PA/15/01337
	<b>Ward:</b> Bethnal Green

## 1. APPLICATION DETAILS

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

## 2. EXECUTIVE SUMMARY

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

and impacts on the surrounding area. Careful consideration has been given to these concerns, as well as other material planning considerations.

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

### **3.0 RECOMMENDATION**

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

#### **3.2 Conditions on planning permission**

- (a) Three year time limit
- (b) Development to be built in accordance with the approved plans
- (c) Materials to match existing
- (d) Detailed roof light specification

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

#### **3.4 Informative:**

Thames Water

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

### **4.0 PROPOSAL AND LOCATION DETAILS**

#### **Site and Surroundings**

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

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

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

- 4.3 As with the majority of the existing ground floor flats that form part of Brierly Gardens, the subject site includes a 49.4m<sup>2</sup> enclosed rear garden that backs on to a communal garden. Access into the subject property is via a communal building entrance.

- 4.4 The subject site is not located within a Conservation Area and does not comprise of any Listed Buildings. However, Victoria Park Conservation Area is located to the north and the Globe Road Conservation Area covers the areas to the south and west of the estate.

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

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

### **The Proposal**

- 4.5 Permission is sought for the construction of a 4.6m (deep) x 4.1 (wide) x 2.4m (high) single storey rear extension with a flat roof to provide two new bedrooms. The proposed extension is not full width and over 60% (32.3m<sup>2</sup>) of the existing rear garden is retained.

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

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

### **Background**

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

### **Relevant Planning History**

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

This has been implemented.

#### 55 Brierly Gardens

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

**the same housing programme and is pending determination in tandem with this application.**

## **5.0 POLICY FRAMEWORK**

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

### **5.2 Government Planning Policy Guidance/Statements**

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

### **5.3 Spatial Development Strategy for Greater London – March 2015, Consolidated with alterations since 2011 (LP)**

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

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

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

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

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

### **5.6 Other Relevant Documents**

- Victoria Park Conservation Area Appraisal (2012)
- Globe Road Conservation Area Character Appraisal and Management Guidelines (2009)

## **CONSULTATION RESPONSE**

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

5.8 The following were consulted regarding the application:

### **Internal Consultees**

Design and Conservation

5.9 No objections.



## **External Consultees**

### Metropolitan Police (Crime Prevention Officer)

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

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

### Thames Water

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

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

## **Neighbours Representations**

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

### Reasons for Objection:

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

[Officer's response: The subject site is not located within a conservation area and does not comprise of any listed buildings. The majority of the proposed works are located in the existing rear garden which is out of view from the surrounding area of

heritage interest. A heritage statement in this instance is not considered as a mandatory requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The consideration and assessment of the proposed works which form part of this application is carried out independently of planning applications for associated properties in the surrounding area. All planning applications are assessed on their

planning merits and material planning considerations as set out in the section 6.0 of this report.]

## **6.0 MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Design
- Amenity
- Other Issues

### **Land Use**

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

### **Design**

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

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

6.5 The proposed extension measures 4.6m deep and 4.1m in width (total area: 18.1m<sup>2</sup>). The new extension structure will be setback from the existing southern property boundary by 1.1m. The existing ramp located in the rear garden will be replaced with a new ramp attached to the proposed extension structure in order to retain access into the rear garden.

6.6 The existing 49.4m<sup>2</sup> rear garden is enclosed on all sides by means of a 1.8m high timber fence which will accommodate a new single storey 18.1m<sup>2</sup> extension and a new access ramp. The resulting rear garden measures 32.3m<sup>2</sup>.

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

- 6.8 The proposed extension is not full width and extends along the eastern rear garden boundary which separates the subject site from communal passageway. The proposed extension structure is separated by approximately 5.5m from the shared western property boundary with no. 46 Brierly Gardens.
- 6.9 Having considered the residual rear garden area, the proposed extension layout including the re-provision of ramp access in the rear garden is considered to be an appropriate form of development that is subservient to the host building.
- 6.10 Whilst, the development would be visible above the 1.8m high timber fence, The proposed extension is not considered to have any detrimental impact on the existing streetscene of Cyprus Street or Globe Road and consequently will not have any detrimental impacts on the appearance of Victoria Park Conservation Area, Globe Road Conservation Area or the heritage assets located along Cyprus Street.
- 6.11 The proposed flat roof design is not an uncommon design approach for extension's to existing flats and maisonettes, therefore the proposed extension design approach is not considered to warrant a reason for refusal.
- 6.12 Given the location of the extension, coupled with the separation distances to neighbouring conservation areas, the proposed development will not be visible from the surrounding Conservation Areas to the north and west or from the Grade II Listed Buildings along Cyprus Street to the north.
- 6.13 Overall, the proposed works are considered to accord with Policy SP02 of the Core Strategy 2010 and Policies DM4 and DM24 of the Managing Development Document 2013 which seek to promote good design.

### **Amenity**

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

- 6.18 The proposed extension would extend beyond the rear elevations of adjoining properties but is not considered to result in any significant loss of outlook, privacy, overshadowing, sunlight or daylight to any neighbouring habitable room windows to warrant a reason for refusal.
- 6.19 As a result of the proposed extension, the residual rear garden area will be 32.3m<sup>2</sup>, retaining over 60% of the existing private amenity space. Officers are satisfied that a sufficient level of amenity space would be retained for future residents.
- 6.20 Consideration has been given to the potential impacts on upper storey flats located immediately above the subject site. It is noted that a single storey (2.4m high) rear extension to existing residential flats comprising of a flat roof and a rooflight is not uncommon and therefore would not warrant a reason for refusal on this basis.
- 6.21 In this instance, the proposed extension structure sits directly below an existing window which serves the living room of the upper storey dwelling. Given the design of the new extension structure comprises of a flat roof and an un-openable fitted dome rooflight, no direct overlooking or loss of visual outlook from the upper storey windows is anticipated.
- 6.22 Additionally, one of the objections raises concerns in relation to increased access to the upper storey flats by means of the proposed flat roof. In this instance, the development site is enclosed by means of a 1.8m high timber fence which will assist in restricting access to the subject site directly from the public realm to some extent. Such a scheme involving a flat roof rear extension associated with ground floor flats located in a residential building is not an uncommon design and therefore would not warrant a reason for refusal.
- 6.23 The proposed height of the new extension matches that of the existing height of the ground floor flats, thus maintaining a reasonable distance from between the ground floor and first floor flats.
- 6.24 It is therefore considered that the proposal would not impact upon the amenities of neighbouring properties in accordance with policies DM25 of the Managing Development Document (2013), SP10 (4) of the Core Strategy (2010) and 7.6 of the London Plan (2011) and the intentions of the NPPF.

## **7.0 Human Rights Considerations**

- 7.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-
- 7.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights ("ECHR"). Certain parts of the "Convention" here meaning the ECHR, are incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to be relevant to the development proposal including:
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the law in the determination of a person's civil and political rights (Convention Article 6).

This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public's interest (Convention Article 8); and
- Peaceful enjoyment of possession (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole"

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

7.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

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

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

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

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

## **8.0 Equalities**

8.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-

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

8.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out

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

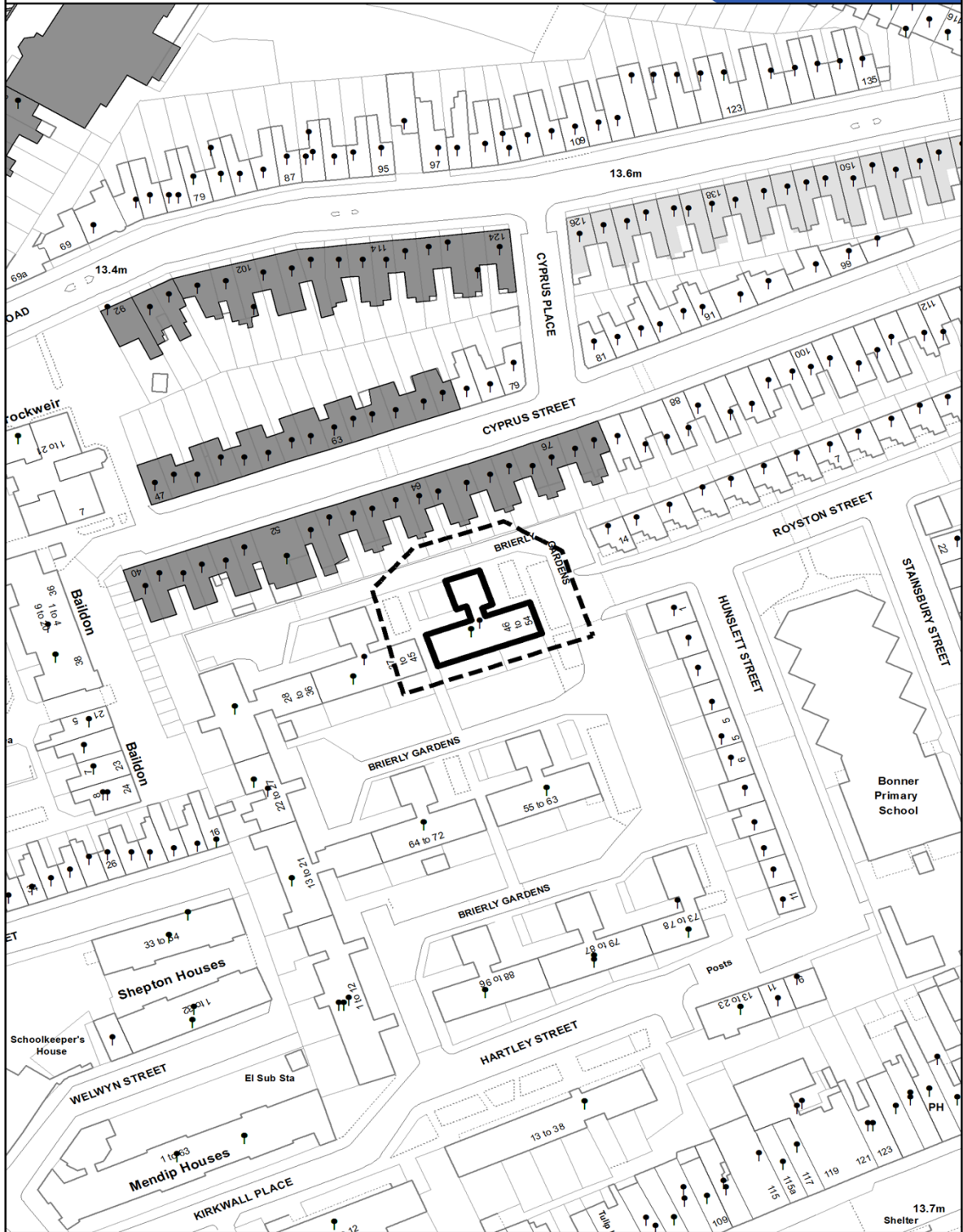
- 8.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.







### **Conclusion**

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



Planning Application Site Map  
PA/15/01337



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

1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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**LONDON BOROUGH OF TOWER HAMLETS**

**DEVELOPMENT COMMITTEE**

**3<sup>rd</sup> September 2015**

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**UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL**

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**INDEX**

<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal / Title</b>
6.1	PA/15/01337	47 Brierly Gardens, London E2 0TF	The proposed works are for a new 4.6m x 4.1m single storey rear extension which facilitates the provision of two new single bedrooms, alongside a reconfigured living/dining/kitchen.
6.2	PA/15/01832	55 Brierly Gardens, London E2 0TF	Erection of rear extension and demolition of existing ramp to be replaced with a new ramped
6.3	PA/15/00701	80 Back Church Lane, London, E1 1LX	Demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level.  Application for Variation of Condition 2 (approved plans) to planning permission reference PA/14/00215, dated 13/05/2014, for a minor material amendment to the approved scheme.
6.4	PA/15/01470	Site at north east of Blackwall Tunnel Northern Approach and Twelvetrees Crescent, Twelvetrees Crescent, London E3	Provision of a new 300 place Arts and Music Academy for 16-19 year olds. The facility will include recording studios, performance spaces, classrooms, a café and other associated facilities. The proposal also includes a comprehensive landscaping scheme, bin storage, a substation, two disabled parking bays and cycle parking.

## UPDATE REPORT

<b>Agenda Item number:</b>	6.1
<b>Reference number:</b>	PA/15/01337
<b>Location:</b>	47 Brierly Gardens, London E2 0TF
<b>Proposal:</b>	The proposed works are for a new 4.6m x 4.1m single storey rear extension which facilitates the provision of two new single bedrooms, alongside a reconfigured living/dining/kitchen.

### 1.0 APPLICATION DETAILS

#### Proposal

1.1 The proposal description has been updated to read as follows:

"The proposed works are for a new 4.6m x 4.1m single storey rear extension which facilitates the provision of two new single bedrooms, alongside a reconfigured living/dining/kitchen."

#### Drawings and Documents

1.2 The list of Drawings and Documents report in paragraph 1 are superseded as follows:

*PL130; PL131; PL132 Rev. A; PL133 Rev. B; PL134 Rev. B; PL 135 Rev. B; Roof Plan; 45 Degree Elevations and Sections; Design and Access Statement.*

### 2.0 CONSULTATION

Since publication of the Officer report an number of additional representations have been received

2.1 In total of 6 letters of representation and 1 petition containing 58 signatories in objection. However, 3 of the representations of the written objections also signed the petition.

2.2 The following additional points of objection have been raised:

2.3 The proposed extensions will set precedence within the estate causing a change in the appearance of Brierly Gardens.

[Officer Comment: The proposal will be assessed with respect to material planning considerations and overall impacts in terms of its design and impacts on amenity. Should there be future planning applications, due planning process assessing the proposal as above will be undertaken.

2.4 Lack of inclusive consultation undertaken by Tower Hamlets Homes.

[Officer Comment: This consultation was undertaken independent of this planning application. Public consultation as part of the planning application has been undertaken by Council.]

2.5 Private lease owners are likely to benefit more from the scheme than overcrowded or vulnerably tenants.

[Officer Comment: This is not a material planning consideration.]

**2.6 The submitted design and access statement is misleading.**

[Officer Comment: The discrepancies within the submitted design and access statement highlighted by the representees do not have any implications on the material planning considerations of the proposal.]

**2.7 Loss of light.**

[Officer Comment: This has been addressed in the material planning considerations section of the officer report under 'amenity'.]

**2.8 Loss of privacy and security.**

[Officer Comment: This has been addressed in the material planning considerations section of the officer report under 'design' and 'amenity'.]

**2.9 Increased crime in the surrounding area.**

[Officer Comment: Relevant security design measures in accordance with secure by design standards will be secured via condition.]

**2.10 Cost of structural /maintenance considerations.**

[Officer Comment: Financial arrangements are not normally considered as material planning considerations. However, maintenance of the proposal will need to be negotiated with Tower Hamlets Homes.]

**2.11 Adverse appearance and design of the proposed extensions.**

[Officer Comment: This is addressed under the material planning consideration section of the report under 'design'.]

**2.12 Adverse appearance and design of the proposed extensions.**

[Officer Comment: This is addressed under the material planning consideration section of the report under 'design'.]

**2.13 'Materials to match' the existing does not guarantee this outcome based on similar sites within borough comprising of similar rear extensions**

[Officer Comment: Amended condition to include 'material samples' has been implemented to ensure that the proposed brick match the existing.]

**2.14 Clarification is required for what is considered to be useable garden space.**

[Officer Comment: The submitted figures have been calculated as net garden space excluding space taken by ramp and gaps between fence-line.]

**2.15 The proposed flat roof design will require frequent maintenance works.**

[Officer Comment: Maintenance works will be undertaken by Tower Hamlets Homes and is therefore not considered as material planning considered in this instance.]

**2.16 Inadequate consultation undertaken by Council.**

[Officer Comment: public consultation for this application has been undertaken in accordance with the Town and Country Planning Act requirements.]

**3.0 CLARIFICATIONS**

**3.1 Paragraph 4.5.** This describes the proposed works. The reported proposed extension height of 2.4m refers to the internal height of the extension excluding the height (300mm) of the proposed flat roof. The total external height of the proposed extension is 2.7m.

**4.0 RECOMMENDATION**

**4.1 Officers' original recommendation to GRANT planning permission remains unchanged with amended conditions as follows**

**Compliance**

- a) Three year time limit
- b) Development to be built in accordance with approved plans
- c) Access to roof for the purposes of maintenance and repair only
- d) Roof light to be secure by design certified (PAS24)

**Prior to commencement**

- e) Bricks samples

# Agenda Item 6.3

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 19 November 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Harveen Dhillon	<b>Ref No:</b> PA/15/01832
	<b>Ward:</b> Bethnal Green

## 1. APPLICATION DETAILS

**Location:** 55 Brierly Gardens, Location E2 OTF

**Existing Use:** C3 (Dwelling)

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

**Drawing and documents:**

**Applicant:** Tower Hamlets Homes

**Ownership:** Tower Hamlets Homes

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

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

## 2. EXECUTIVE SUMMARY

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

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

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

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

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

### **3.0 RECOMMENDATION**

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

#### **3.2 Conditions on planning permission**

- (a) Three year time limit
- (b) Development to be built in accordance with the approved plans
- (c) Materials to match existing

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

#### **3.4 Informative:**

Thames Water

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

### **4.0 PROPOSAL AND LOCATION DETAILS**

#### **Site and Surroundings**

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

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

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

- 4.3 The existing rear garden space is 77m<sup>2</sup> which is backed on to by communal pram stores. Access into the subject property is via a communal building entrance.

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



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

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

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

### **The Proposal**

- 4.5 Permission is sought for the construction of a 3.53 (deep) x 4.73 (wide) x 2.4m (high) single storey rear extension with relocation of kitchen/dining and living area and reconfiguring the bedroom. The proposed extension is not full width with a small extension projecting 1.08m with a width of 2.27m retaining over 44% (16.4m<sup>2</sup>) existing rear garden.

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

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

### **Background**

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

### **Relevant Planning History**

#### 47 Brierly Gardens

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

## **5.0 POLICY FRAMEWORK**

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

### **5.2 Government Planning Policy Guidance/Statements**

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

### **5.3 Spatial Development Strategy for Greater London – March 2015, Consolidated with alterations since 2011 (LP)**

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

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

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

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

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

### **5.6 Other Relevant Documents**

- Victoria Park Conservation Area Appraisal (2012)
- Globe Road Conservation Area Character Appraisal and Management Guidelines (2009)

## **CONSULTATION RESPONSE**

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

5.8 The following were consulted regarding the application:

### **Internal Consultees Design and Conservation**

5.9 No objections.

### **External Consultees**

#### **Metropolitan Police (Crime Prevention Officer)**

*No objections.*

## **Thames Water**

*No objections (with regard to water infrastructure capacity)*

## **Neighbours Representations**

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

### **Reasons for Objection:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **6.0 MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Design
- Amenity
- Other Issues

### **Land Use**

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

### **Design**

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

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

6.5 The proposed extension measures 3.53m deep and 4.73m in width (total area: 19.1m<sup>2</sup>). The existing ramp located in the rear garden will be replaced with a new ramp attached to the proposed extension structure in order to retain access into the rear garden.

6.6 The existing 37m<sup>2</sup> rear garden is enclosed on all sides by means of a 1.8m high timber fence which will accommodate a new single storey 19.1m<sup>2</sup>

extension and a new access ramp accessed by the southern elevation. The resulting rear garden measures 16.4m<sup>2</sup>.

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

### **Amenity**

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

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

- 6.17 The existing rear garden where majority of the development works are proposed is enclosed by a 1.8m high fence that runs along the perimeter of the garden which will assist with some level of screening. Additionally, there are no directly overlooking windows into habitable rooms, therefore the proposal is not considered to have any unduly adverse impacts on the amenity of occupiers of the adjoining neighbours located to the west of the subject site.
- 6.18 The proposed extension would extend beyond the rear elevations of adjoining properties but is not considered to result in any significant loss of outlook, privacy, overshadowing, sunlight or daylight to any neighbouring habitable room windows to warrant a reason for refusal.
- 6.19 As a result of the proposed extension, the residual rear garden area will be 16.4m<sup>2</sup>, retaining 44% of the existing private amenity space. Officers are satisfied that a sufficient level of amenity space would be retained for future residents.
- 6.20 Consideration has been given to the potential impacts on upper storey flats located immediately above the subject site. It is noted that a single storey (2.4m high) rear extension to existing residential flats comprising of a flat roof is not uncommon and therefore would not warrant a reason for refusal on this basis. In this instance, the proposed extension structure sits directly below an existing window which serves the living room of the upper storey dwelling. Given the design of the new extension structure comprises of a flat roof, no direct overlooking or loss of visual outlook from the upper storey windows is anticipated. The proposed height of the new extension matches that of the existing height of the ground floor flats, thus maintaining a reasonable distance from between the ground floor and first floor flats.
- 6.21 It is therefore considered that the proposal would not impact upon the amenities of neighbouring properties in accordance with policies DM25 of the Managing Development Document (2013), SP10 (4) of the Core Strategy (2010) and 7.6 of the London Plan (2011) and the intentions of the NPPF.

## **7.0 Human Rights Considerations**

- 7.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-
- 7.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights (“ECHR”). Certain parts of the “Convention” here meaning the ECHR, are incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to be relevant to the development proposal including:

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

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

7.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

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

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

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

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

## **8.0 Equalities**

8.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-

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

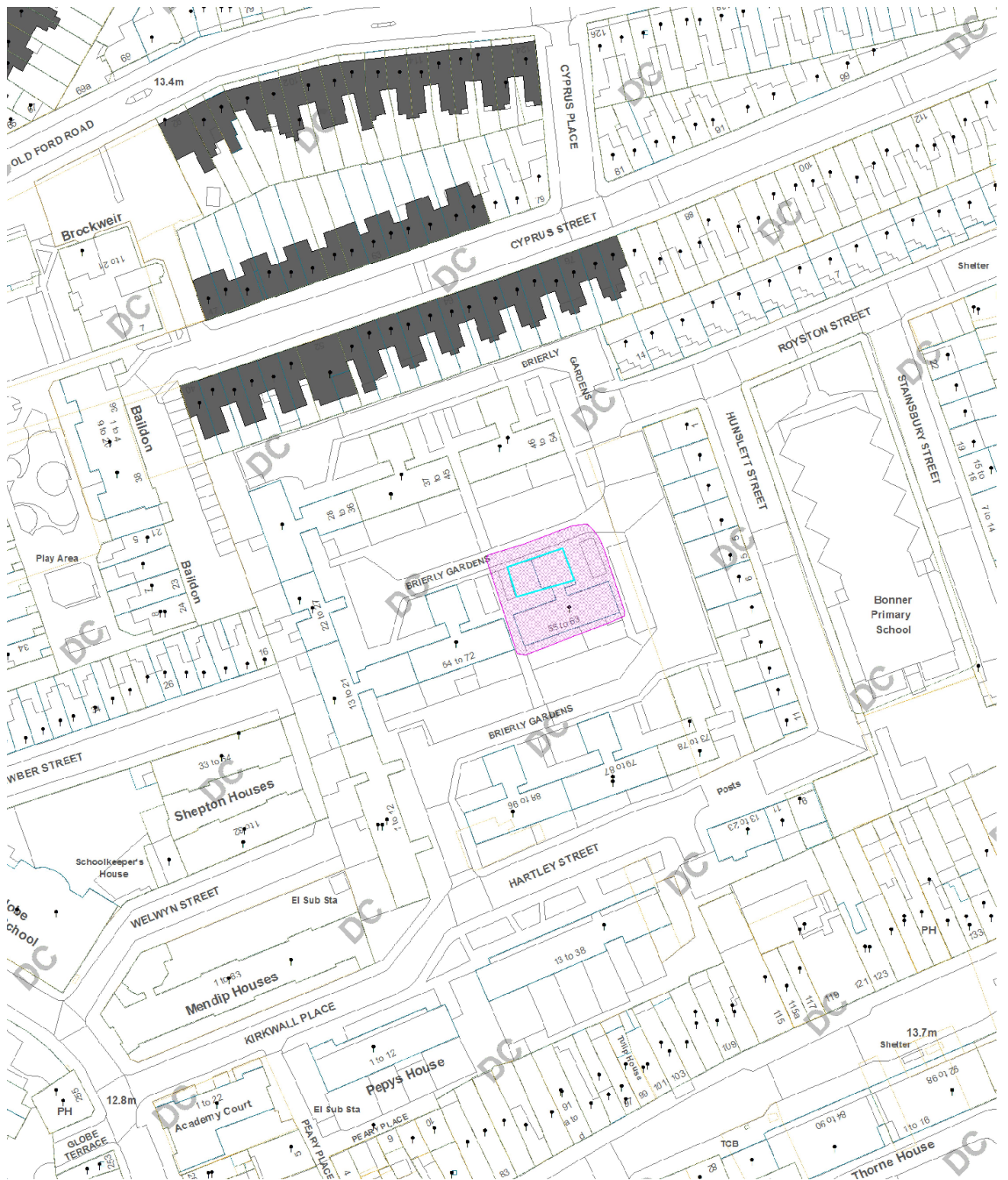


- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 8.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

### **Conclusion**

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

Planning Application Site Map PA/15/01832



## UPDATE REPORT

<b>Agenda Item number:</b>	6.2
<b>Reference number:</b>	PA/15/01832
<b>Location:</b>	55 Brierly Gardens, London E2 0TF
<b>Proposal:</b>	Erection of rear extension and demolition of existing ramp to be replaced with a new ramped

### 1.0 AMENDMENTS TO COMMITTEE REPORT

#### Drawings and Documents:

- 3.2 The list of Drawings and Documents report in paragraph 1 are superseded as further revised drawings have been received. The following drawings and documents are 'current' and are considered for the purposes of this application:

*Location Plan, PL 220, PL 222, PL 223, Roof Plan; 45 Degree Elevations and Sections; Design and Access Statement.*

### 2.0 CONSULTATION

Since publication of the Officer report a number of additional representations have been received.

- 2.1 Paragraphs 2.3 and 5.12. It is reported that the application has received a total of 6 letters of representation and 1 petition containing 35 signatories in objection. However, 3 of the representations of the written objections also signed the petition.

- 2.2 The following additional points of objection have been raised:

- 2.3 The proposed extensions will set precedence within the estate causing a change in the appearance of Brierly Gardens.

[Officer Comment: The proposal will be assessed with respect to material planning considerations and overall impacts in terms of its design and impacts on amenity. Should there be future planning applications, due planning process assessing the proposal as above will be undertaken.]

- 2.4 Lack of inclusive consultation undertaken by Tower Hamlets Homes.

[Officer Comment: This consultation was undertaken independent of this planning application. Public consultation as part of the planning application has been undertaken by Council.]

- 2.5 Private lease owners are likely to benefit more from the scheme than overcrowded or vulnerably tenants.

[Officer Comment: This is not a material planning consideration.]

- 2.6 The submitted design and access statement is misleading.

[Officer Comment: The discrepancies within the submitted design and access statement highlighted by the representees do not have any implications on the material planning considerations of the proposal.]

#### 2.7 Loss of light.

[Officer Comment: This has been addressed in the material planning considerations section of the officer report under 'amenity'.]

#### 2.8 Loss of privacy and security.

[Officer Comment: This has been addressed in the material planning considerations section of the officer report under 'design' and 'amenity'.]

#### 2.9 Increased crime in the surrounding area.

[Officer Comment: Relevant security design measures in accordance with secure by design standards will be secured via condition.]

#### 2.10 Cost of structural /maintenance considerations.

[Officer Comment: Financial arrangements are not normally considered as material planning considerations. However, maintenance of the proposal will need to be negotiated with Tower Hamlets Homes.]

#### 2.11 Adverse appearance and design of the proposed extensions.

[Officer Comment: This is addressed under the material planning consideration section of the report under 'design'.]

#### 2.12 Adverse appearance and design of the proposed extensions.

[Officer Comment: This is addressed under the material planning consideration section of the report under 'design'.]

#### 2.13 'Materials to match' the existing does not guarantee this outcome based on similar sites within borough comprising of similar rear extensions

[Officer Comment: Amended condition to include 'material samples' has been implemented to ensure that the proposed brick match the existing.]

#### 2.14 Clarification is required for what is considered to be useable garden space.

[Officer Comment: The submitted figures have been calculated as net garden space excluding space taken by ramp and gaps between fence-line.]

#### 2.15 The proposed flat roof design will require frequent maintenance works.

[Officer Comment: Maintenance works will be undertaken by Tower Hamlets Homes and is therefore not considered as material planning considered in this instance.]

#### 2.16 Inadequate consultation undertaken by Council.

**[Officer Comment: public consultation for this application has been undertaken in accordance with the Town and Country Planning Act requirements.]**

## UPDATE REPORT

<b>Agenda item number:</b>	6.3
<b>Reference number:</b>	PA/15/00701
<b>Location:</b>	80 Back Church Lane, London, E1 1LX
<b>Proposal:</b>	<p>Demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level.</p> <p>Application for Variation of Condition 2 (approved plans) to planning permission reference PA/14/00215, dated 13/05/2014, for a minor material amendment to the approved scheme.</p>

### 1.0 CURRENT ENFORCEMENT CASE

- 1.1 An enforcement complaint was received on 22<sup>nd</sup> July 2015 from a local resident stating that hammer driven piling has regularly been undertaken before 10am on Monday to Fridays and on Saturdays, which would be in breach of Condition 4 of the planning permission (PA/14/00215). The resident also questioned whether the development was being carried out in accordance with the Construction Environmental Management Plan (CEMP) as required by Condition 8 of the planning permission (PA/14/00215).
- 1.2 The issues raised by this resident were put to the applicant who responded confirming that no breach of this condition had taken place, and that they were taking every measure to ensure that the site works are being undertaken considerately and with sensitivity to the local neighbourhood. The applicant also subsequently sent a letter to local residents to reassure them that the works are being undertaken in line with an approved CEMP, and that the site was registered with the Considerate Constructors Scheme (CCS) who are making regular visits to the site.
- 1.3 In light of the above no further action has been taken by the Council's enforcement team.

### 2.0 RECOMMENDATION

- 2.1 Officers' original recommendation to GRANT planning permission remains unchanged.

# Agenda Item 6.4

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 19 <sup>th</sup> November 2015	<b>Classification:</b>	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal  <b>Case Officer:</b> Gareth Gwynne		<b>Title:</b> Planning Application for Decision  <b>Ref No:</b> PA/15/01141  <b>Ward(s):</b> Whitechapel	

## 11.0 APPLICATION DETAILS

**Location:** Enterprise House, 21 Buckle Street, London, E1 8NN

**Existing Use:** Office (B1 Use Class)

**Proposal:** Demolition of existing 6 storey office building and erection of a ground plus 17 storey mixed use building (AOD 74.7m to parapet ) comprising 1,185sq.m of office space (B1 Use Class) and 106 (C1 Use Class) serviced apartments (2,985sq.m) together with ancillary facilities and associated cycle parking.

**Drawing Nos:** 400, 401 Rev. A, 402, 403, 404 Rev. A, 405.1. Rev. A, 405.2 Rev. A, 406 Rev. A, 407 Rev. A , 408 Rev. A, 500, 501 Rev. A, 501, 502 Rev. A , 503 Rev. A, 504 Rev. A, 510, 511, RGL 12 1617 02, RGL 12 1617 03, RGL 12 1617 05, RGL 12 1617 06, RGL 12 1617 06, Sk 700, Sk 701, Sk 702, Sk 703, Sk04b

### Documents

- Planning Statement
- Design and Access Statement
- Design and Access Statement Addendum, dated October 2015
- Townscape and Visual Impact Assessment
- Verified Photomontages & Supporting Evidence dated October 2015.
- Heritage Statement
- BRE Daylight / Sunlight Report
- Environmental noise and vibration assessment report, dated 22 April 2015
- Archaeological Desk-Based Assessment, dated April 2015
- Phase 1 Geo-environmental Report, dated 17 April 2015
- Ecological Appraisal, dated April 2015
- Transport Statement
- Air Quality Assessment, dated April 2015
- Wind Microclimate Study,
- Noise and Vibration Assessment Report
- Energy Strategy, dated 21st April 2015;
- Sustainability Statement, dated 21st April 2015
- Aldgate Office Market and site viability report (prepared by Allsop dated April 2015)

- Hotel / Serviced Apartment Demand Study
- Transmission Assessment

**Applicant:** Galliad Homes Limited

**Owner:** Galliad Homes Limited

**Historic Building:** N/A

**Conservation Area:** N/A

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

2.1 The Local Planning Authority has considered the particular circumstances of this application against its adopted planning policies as set out in the Borough's Local Plan, specifically the Core Strategy 2010 (CS), Managing Development Document 2014 (MDD), it has also assessed the application against strategic development plan policies as set out in the consolidated London Plan (March 2015) and National Planning Policy Framework (NPPF) plus supplementary planning guidance including the Mayor of London's consultation draft City Fringe Opportunity Area Planning Framework (December 2014) and the Borough's Aldgate Masterplan (2007) along with other material considerations and has found that:-

- a) In land use terms the the provision of short term let serviced apartments (C1 Use Class) and the re-provision of the existing office space (B1 Use Class) is acceptable.
- b) The principle of a tall building on this site has not been established with this scheme. A tall building located on this small and tightly, constrained site, set within an established building block is not considered acceptable. The scheme would result in a cramped and incongruous form of development that would have an overbearing impact on the narrow confined street in which it is located and be overbearing upon neighbouring development including a set of listed buildings set within the same urban street block that physically adjoin the site. The opportunity to make provision for an appropriate high quality public realm space at its base would not be possible.
- c) The scheme is considered to cause significant harm to a cluster of listed buildings located within the same street building block. The harm is by reason of the scale, height and proximity of the tall building to the listed buildings. The incongruous and overbearing quality of the tall building in relation to the listed buildings will have a significant adverse impacts upon the townscape views of the listed buildings, most notably from views of the listed buildings gained from the junction of Lemn Street and Alie Street.
- d) In terms of the quality of the office provision and the amenity for future occupants of the short term let serviced accommodation the scheme is considered on balance acceptable.
- e) The proposal by virtue of its location, proximity and scale would fail to safeguard residential amenity in terms of loss of daylight and sunlight, undue sense of enclosure, an overbearing nature of



development including an unacceptable degree of loss of outlook to surrounding residential properties.

- f) In respect of transportation and servicing arrangements the scheme is considered acceptable subject to appropriate safeguards secured by planning condition and a legal agreement.

### **3.0 RECOMMENDATION**

3.1 That the Committee resolve to REFUSE planning permission for the following reasons, subject to Any Direction by the London Mayor:

- 1) The proposed development would cause substantial harm to the amenities and living conditions of occupiers of adjoining and adjacent residential properties through substantial loss of daylight and sunlight, significant loss of outlook, overbearing nature of the development including undue sense of enclosure. As such the development would be contrary to NPPF, as set out paragraphs 14, 17 and 56 of the NPPF and policies SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seek to ensure that development does not result in unacceptable material deterioration of daylight and sunlight conditions for future and existing residents.
- 2) The proposed development exhibits clear and demonstrable signs of overdevelopment by virtue of:
  - a) its adverse amenity impacts to residential neighbours;
  - b) from its detrimental townscape impacts resulting from the proposed height, scale and mass of the development set on a small, tightly confined site situated upon a narrow street and set within an established lower scale urban street block;
  - c) the proposed developments unacceptable relationship to other tall development set to the east and north of the site that limits the opportunity to achieve a tall building on this site that is compatible with objectives of sustainable development and delivering high quality place-making within Aldgate.

As such the scheme would fail to provide a sustainable form of development in accordance with paragraphs 17, 56, 61 of the NPPF and would be contrary to the Development Plan, in particular policies 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan (2015), policies SP02, SP06, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies, DM23, DM24, DM25, DM26, DM27 the Tower Hamlets' Managing Development Document and the Borough's strategic framework guidance for the area set out in the Aldgate Masterplan Interim Guidance (2007), that taken as a whole, have an overarching objective of achieving place-making of the highest quality,

- 3) The proposed development would result in significant harm to the setting of the Grade II\* listed St George's German Church and to the Grade II listed Dispensary Building, the former St George's German and English Schools, the former St George's German and English Infants' School by reason of the height, scale, mass of the

development set in immediate proximity to these designated heritage assets and the developments impact upon local townscape views of this cluster of listed buildings. The public benefits associated with the proposal, include upgraded employment floorspace, additional short term visitor accommodation housing are not considered to overcome the harm to the setting of the neighbouring listed buildings.

As a result the proposal is not considered to be in accordance with paragraphs 128 to 134 of the NPPF and is contrary to Development Plan Policy 7.8 of the London Plan (2015), policies SP10 of the Core Strategy 2010 and DM24 and DM27 of the Managing Development Document 2013

- 4 In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Highways and Energy and Sustainability the development fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan and the Planning Obligations SPD.

#### **4 PROPOSAL**

- 4.1 The proposal is to demolish the existing 6 storey building and erect a ground plus 17 storey mixed (AOD 74.7m to parapet) comprising 1,185 sq.m of gross office space (B1 Use Class) on the lower five storeys and 106 (C1 Use Class) serviced apartments (2,9851sq.m) on the upper floors. The scheme provides a rooftop external amenity space (for shared use by the office tenant's and occupants of the apartments) and services, plant and cycle parking in the basement.



**Figure 1: CGI of scheme taken from corner of Lemn Street and Alie Street**

4.2 The serviced apartments vary in size from 13.5 sqm to 20 sqm with an average size of approximately 15 sqm. Serviced apartments fall into the same use class as hotels with any lettings required to be for less than 90 days.

4.3 Since the original submission of the planning application the applicant has submitted revised drawings that involve the south east 90 degree corner of the building being replaced with a chamfered edge from the 5<sup>th</sup> upper storey up to roof level.

## **5 SITE, SURROUNDINGS and DESIGNATIONS**

5.1 The application site of No 21 Buckle Street is located in Aldgate and contains a ground floor plus four upper storey (B1 Use) office building known as Enterprise House. The applicant states the site has been vacant since May 2014.

5.2 The site is small and is close to being square in shape measuring approximately 18 metres by 15.5 metres and occupies an area of approximately 279sqm.

5.3 The existing building occupies the site in its entirety and sits within an established street building block. The street building block is bounded by Buckle Street to the north, Lemn Street to the west, Alie Street to the south and Plough Street to the east.

5.4 The existing building on site fronts onto Buckle Street and this street serves as the northwest edge of the site and Enterprise House also fronts onto

Plough Street (to the northeast) a very small short cul de sac street that runs off Buckle Street. The south western edge of the site attaches to the flank end wall of No 19 Leman Street (also known as City Reach a 6 storey building).

- 5.6 To the rear of the site (on the south eastern site edge) a small courtyard space exists that serves a complex of listed buildings associated with the St George's German Church. No 55-57 Alie Street contains the Grade II listed former St George's German and English Schools, a three storey building facing onto Alie Street (that has been converted into a set of residential flats). To the rear of the School building and within the courtyard and physically abutting the development site is the two storey Grade II listed former St George's German and English Infants' School (converted into two residential flats).
- 5.7 The Grade II\* St George's German Church opens onto Alie Street and is attached to the western end of No 55-57 Alie Street. To the west of the Church is attached the Grade II Dispensary Building that occupies the street corner site of Alie Street and Leman Street.

#### Designations

- 5.8 The site is in a designated Archaeological Priority Area interest but is not located within a conservation area. There are a number of conservation areas in the vicinity, the nearest being the Whitechapel High Street Conservation Area set over 70m to the north. The site falls within the background 'viewing corridor' of View 25.A.1, 25.A.2, 25.A.3 of the London View Management Framework in respect of views of Tower of London World Heritage Site as viewed from the side of the Thames outside City Hall.
- 5.9 The site is within the Central Activities Zone and the City Fringe (Tech City) Opportunity Framework Area as defined by the London Plan and falls within the boundaries of the Borough's Interim Framework Aldgate Masterplan
- 5.10 The nearest underground station is Aldgate East less than 150m walk from the site and the site has very good public transport accessibility with a PTAL rating of 6b.
- 5.11 The core of Aldgate is an area of rapid change in terms of built development and has benefited from a significant degree of recent improvements in the public realm, as the Aldgate road gyratory is largely dismantled. To the immediate north of the application site, on the north side of Buckle Street, is the construction site that is building out the 0.76 hectare mixed use Aldgate Place development that will contain 3 tall towers (set over 20m minimum distance from each other). Alongside that development and also fronting Buckle Street is the under construction 23 storey serviced apartment development at the 0.05 hectare No 15-17 Leman Street site. To the south of the site and set on the south side of Alie Street is the 3.65 hectare mixed use residential led Goodmans Field development that is a mix of mid height buildings and taller towers. Just to the east of the site is the completed 0.25 hectare Altitude residential led development that rises to 28 storeys.

## **6 RELEVANT PLANNING HISTORY**

Application Site

- 6.1 A variety of applications including those for minor works have been submitted over the course of time.

### **Surrounding Sites**

The more noteworthy applications are referred to below:

#### **Aldgate Place**

- 6.2 PA/13/00218 Planning permission was granted on 10th October 2013 for a mixed use scheme comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. The scheme includes 463 residential units, office space (2,687sqm), hotel (7,980sqm), retail and leisure (1,334sqm) uses along with new areas of open space. This development is currently under construction.

#### **15-17 Leman Street and 1A Buckle Street**

- 6.3 PA/14/ 00286 Planning permission granted 28<sup>th</sup> March 2014 to change a 251 room hotel to an apart-hotel (with 168 short stay suites) with associated changes to the internal layout and elevation
- PA/11/03693 Planning permission was granted on 14th June 2012 for erection of a 23 storey (86.20m AOD) 251 bedroom hotel with ancillary A3/A4 uses
- PA/09/02430 Planning permission was refused on 11th February 2010 for erection of a 23 storey with ancillary A3/A4 uses. Application was subject to an appeal, the Planning Inspectorate dismissed the appeal on 17th December 2010

#### **Altitude Towers, at 61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street**

- 6.4 PA/07/01201 On 14 March 2008 planning permission was granted for demolition of existing buildings and erection of two buildings of 7 and 28 storeys (93.8m AOD) in height to provide 235 units, A1/A3 on ground floor and 1351sq,m of B1 office space (set over 6 floors). This development is completed

#### **Goodman's Fields**

- 6.5 PA/09/00965 On 17th February 2011 planning permission was granted for a mixed use residential led scheme involving erection of four courtyard buildings of 5-10 storeys, 6 buildings of 19-23 storeys and erection of a 4 storey terrace along Gower's Walk containing 772 residential flats, student accommodation, a hotel, a primary care health centre, retail space, commercial uses (Class A1-A4) and creation of public open spaces15-17 Leman Street. This development is currently under construction

## **City Reach, 19 Lemn Street and turning the corner into Buckle Street**

- 6.6 PA/02/1748 On 31<sup>st</sup> March 2003 planning permission was granted for a part six part seven storey building comprising offices on the basement and ground floor level and 22 x 2 bed residential units on the upper floors.

## **7 POLICY FRAMEWORK**

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

- 7.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies; it contains some of the most relevant policies to the application:

### **7.3 LBTH’s Core Strategy (CS) adopted 2010**

- Policies:
- SP01 Refocusing on our town centres
  - SP02 Urban living for everyone
  - SP03 Creating healthy and liveable neighbourhoods
  - SP05 Dealing with waste
  - SP06 Delivering successful employment hubs
  - SP07 Improving education and skills
  - SP08 Making connected places
  - SP09 Creating attractive and safe streets and spaces
  - SP10 Creating distinct and durable places
  - SP11 Working towards a zero-carbon borough
  - SP12 Delivering Placemaking
  - SP13 Planning Obligations

### **7.4 LBTH’s Managing Development Document (MDD) adopted 2013**

- Policies:
- DM0 Delivering Sustainable Development
  - DM1 Development within the Town Centre Hierarchy
  - DM7 Short Stay Accommodation
  - DM9 Improving Air Quality
  - DM10 Delivering Open space
  - DM11 Living Buildings and Biodiversity
  - DM13 Sustainable Drainage
  - DM14 Managing Waste
  - DM15 Local Job Creation and Investment
  - DM20 Supporting a Sustainable Transport Network
  - DM21 Sustainable Transport of Freight
  - DM22 Parking
  - DM23 Streets and Public Realm
  - DM24 Place Sensitive Design
  - DM25 Amenity
  - DM26 Building Heights
  - DM27 Heritage and Historic Environment
  - DM28 World Heritage Sites

7.5 Supplementary Planning Guidance/Documents

- Revised draft *Planning Obligations Supplementary Planning Document* Version for public consultation April 2015.
- Aldgate Masterplan Interim Guidance (2007)

7.6 **Consolidated London Plan, including Further Alterations to the London Plan (March 2015)**

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London in its global, European and UK Context
- 2.5 Sub-regions
- 2.9 Inner London
- 2.10 Central Activity Zone – strategic priorities
- 2.11 Central Activity Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.18 Green Infrastructure
- 3.1 Ensuring Equal Life Chances for All
- 4.1 Developing London’s Economy
- 4.2 Offices
- 4.5 Visitor Infrastructure
- 4.7 Retail and Town Centre Development
- 4.3 Mixed-use Developments and Offices
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London’s Neighbourhoods and Communities
- 7.2 An Inclusive Environment

- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

7.7 **London Plan Supplementary Planning Guidance/Opportunity Frameworks/ Best Practice Guidance documents**

- London View Management Framework SPG (2012)
- Sustainable Design & Construction SPG (April 2014)
- Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Control of Dust and Emissions During Construction and Demolition (July 2014) Best Practice Guide
- Shaping Neighbourhoods: Character and Context SPG (June 2014)
- London World Heritage Sites SPG – Guidance on Settings (March 2012)
- Sustainable Design and Construction SPG (April 2014)
- City Fringe/Tech City Opportunity Area Planning Framework (Consultation draft, December 2014)
- Mayor’s Climate Change Adaptation Strategy
- Mayor’s Climate Change Mitigation and Energy Strategy
- Mayor’s Water Strategy;

7.8 **Government Planning Policy Guidance/Statements**

- The National Planning Policy Framework 2012 (NPPF)
- The National Planning Policy Guidance (NPPG)

7.9 **Other documents**

- Tower Hamlets Local Biodiversity Action Plan (2009)
- Tower Hamlets *Aldgate Connections* study (May2011)
- English Heritage & CABI Guidance on Tall Buildings (2007)
- English Heritage & Design Council draft Tall Buildings guidance (2014)

8.0 **CONSULTATION RESPONSES**

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



- 8.2 The following were consulted and made comments regarding the application, summarised below:

**Internal LBTH Consultees**

**Sustainability Officer**

- 8.3 No objections to the proposed energy and sustainability strategies for the development. Design is anticipated to achieve a 45% reduction in CO2 emissions through integration of energy efficiency measures, a CHP system (25kWe) and renewable energy technologies (ASHP for comfort cooling).  
*(Officer Comment: Noted and were the scheme approved planning conditions would be imposed to achieve CO2 reductions, energy efficiency measures and BREEAM Excellence).*

**Biodiversity Officer**

- 8.4 No objection subject to imposition of condition that ensure (a) demolition shall be undertaken between September and February inclusive to avoid harm to nesting birds and (b) biodiversity enhancements are gained including installation of 10 swift nest boxes and the inclusion of nectar-rich planting on the roof terrace.  
*(Officer Comment: Noted and were the scheme approved the sought planning conditions would be imposed).*

**Employment & Economic Development Team**

- 8.5 No objection subject to the following obligation secured by legal agreement, if the scheme is granted

20% of the construction phase workforce to be local residents of Tower Hamlets. A financial contribution of £ £16,694 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development and a monetary contribution of £47,753 towards training and development of unemployed residents in Tower Hamlets towards to help them gaining access to the end phase employment opportunities this development shall bring. No apprenticeships required during the construction phase subject to details of scheme build costs. 1 end phase apprenticeship is expected to be delivered over the first 3 years of full occupation.  
*(Officer Comment: Noted and were the scheme approved the sought planning obligations will be imposed).*

**Environmental Health:**

- 8.6 EH noise section

No objection subject to conditions imposed on the consent:-

- To address the issue that the development is to be built in a high noise environment
- To ensure ventilation systems have acoustic attenuation to ensure internal noise levels are not compromised.
- To ensure plant and air conditioner units are not a source of noise nuisance
- To ensure the building structure does not vibrate or act as a transmitter of noise
- To provide adequate sound insulation between the office and residential uses

- A requirement for noise and/or vibration monitoring should be set out in the Construction Environmental Management Plan.  
(Officer Comment: Noted and were the scheme approved the planning conditions to address the issues raised would be imposed)

EH air quality section

- 8.7 The assessment shows that the air quality objective for NO2 will be exceeded at the site in the opening year. NO2 filtration will be used in the development to mitigate this issue. The demolition/construction assessment is accepted provided the mitigation measures stated in the report are instigated.  
(Officer Comment: Noted and were the scheme approved conditions to address e on air quality and construction environmental management plan).

EH - land contamination section

- 8.8 No objection subject to a planning condition providing details of a scheme to identify the potential extent of contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed and an associated remediation strategy  
(Officer Comment: Noted and were the scheme approved the sought planning condition would be imposed)

**Highways & Transportation**

- 8.9 Transport Assessment

The submitted transport assessment is acceptable. The scheme will not adversely affect the safety or capacity of the local highway network. However the demolition / construction phase of the proposal will have a significant impact on Buckle Street in particular and early consideration of this, taking into account the cumulative impact of other intensive development in the area. A Construction Management Plan will be required to be submitted to address this matter in full.

- 8.10 Car Parking

The proposal is for a car free development, which is acceptable. No provision is being proposed for accessible parking. There are concerns regarding the pressure on the current accessible parking space in Buckle Street. A commuted sum to be provided for the provision of additional on street facilities if required. Travel Plan need to include measures to curb patrons and visitors to the site arriving by private vehicles.

- 8.11 Cycle parking

Cycle parking provision complies with minimum London Plan standards.

- 8.12 Servicing

Servicing proposed to take place on-street in Buckle Street, with refuse being collected from Plough Street, a cul-de-sac. This replicates how the current building operates and whilst far from ideal to have servicing take place from street is acceptable given the site is constrained and off-street servicing would be difficult.

- 8.13 There is a suggestion of a new service bay on street as part of the hotel consent on the site. It is recommended that these bays, if provided are made available for this development otherwise Buckle Street will be in danger of becoming little more than a service road. A commuted sum needs

to be agreed for a period of 3yrs from occupation to provide for additional formalised service bays if required.

8.14 The following would be required by condition or legal agreement to any planning permission which may be granted:

- Travel Plan
- Construction Management Plan
- Service Management Plan (although the applicant cannot control how the public highway is used)
- A S278 agreement is required
- All cycle storage facilities are to be retained and maintained for their permitted use throughout the life of the development
- Commuted sums towards on street accessible parking and service bays.

(Officer Comment: *Noted. The matters are dealt with in the Transportation section. Were planning permission granted the sought planning conditions would be secured and the monetary contributions by section 106 legal agreement*).

**Waste & Recycling Team:**

8.15 No objection subject to more detailed strategy for waste reduction secured by imposition of a condition seeking submission of a detailed Waste Management Plan..

(Officer Comment: *Noted and were planning permission granted the sought planning condition will be imposed*).

**Surface Water Drainage Officer**

8.16 No objection subject to conditions to (a) ensure the scheme incorporates SUDS to reduce surface water discharge by 50% and (b) details of a strategy demonstrating how any SUDS and/or attenuation features will be suitable maintained for the lifetime of the development

(Officer Comment: *Noted and were planning permission granted the sought planning conditions will be imposed*).

**External Consultees**

**Historic England (formerly English Heritage)**

8.17 *"The loss of the existing buildings will have no impact on the historic environment. The proposed tower will be highly prominent in the setting of several designated heritage assets, most particularly The German Lutheran Church of St George (Grade II\*), 19A Leman Street (Grade II), and St George's German and English Infants' School (Grade II).*

8.18 *The construction of one tall building within the immediate setting of this group of listed buildings has already been completed, some others are underway, and further tall structures have been consented. The setting has, therefore, already undergone significant change. While the proposals compound these changes the lower height of this tower in relation to its neighbours reduces the harm caused by the new building.*

8.19 *Your council should be aware, however, that setting often makes an important contribution to the significance of a heritage asset, and that the*

*Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving the setting of a listed building*

- 8.20 *We recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again.”*

**Georgian Group (formerly Georgian Society)**

- 8.21 *“St. George’s Church was founded and built in the 1760s and is listed at Grade II\*. The interior retains a complete and original set of pews to ground floor and balconies (a remarkable survival), with high double-decker central pulpit with sounding board set behind altar rails. The side windows (three per side) with early C19 coloured margin-light glazing; stained glass to windows either side of pulpit. The whole interior a remarkable and complete survival of high-quality traditional craftsmanship.*

- 8.22 *The church is now under the care and ownership of the Historic Chapels Trust, befitting its historic and architectural significance, and over £800,000 of public money was spent on securing the structure of the building for public amenity.*

- 8.23 *The proposed building under this application would cause loss of light to St. George’s. This would be especially concerning for the interior, which currently enjoys a good level of light. The admittance of natural light to Lutheran, and most Protestant, churches was theologically important in the eighteenth century, and therefore this is a significant element of the character of the historic interior. St. George’s did not have most of its glass replaced with rich and dense stained glass, as was common in the late nineteenth-century, and therefore this element of its historic significance remains relatively unaltered.*

- 8.24 *The impact of the proposed building on the setting of the church (and also on the Grade II listed former dispensing chemists at 19A Leman Street) would be visually damaging. This is clearly seen in the “View from the junction of Leman Street and Alie Street looking at the listed building with the proposal behind” submitted under this application. The proposed building interrupts the low-scale of the surviving historic environment and undermines the visual amenity of the group of historic buildings formed by the dispensary, St. George’s, and the former German Infant’s School. Although built at different times, these buildings were related to one another by their social mission: that relationship is historically important and worthy of retention as a legible historic ensemble.*

- 8.25 *This group of historic buildings sit in an environment increasingly dominated by very tall new buildings. However, at present the skyline above them gives a sense of the original scale of their environment and of the historic streetscape. Tower Hamlets has recognised that Alie Street is characterised by its historic buildings (Aldgate Characterisation Study 2009).*

- 8.26 *The Group advises that the proposed building under this application would destroy what little remains of the historic setting of these buildings and would cause harm to the setting of St. George’s Church by depriving it of light. We therefore advise that this application is refused consent.*

### **Historic Chapels Trust**

- 8.27 The loss of light will be severe to the burial ground/ yard and to the church will render it unattractive to use. The light study attached to the application fails to address the effect of loss of light on the listed building and its impact on the attractiveness and viability for continued use.
- 8.28 *Consider that the impact on the setting of the listed building will be not merely substantial but severe and we believe the present application should be rejected”.*
- 8.29 The Trust also raises concerns regarding overlooking, objects falling from roof terrace and opening windows.

### **Historic Royal Palaces**

- 8.30 No comments received.

### **Greater London Archaeology Advisory Service (GLAAS)**

- 8.31 Appraisal of this application using the Greater London Historic Environment Record and desk top information submitted with the application indicates that the development would not cause sufficient harm to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding  
*(Officer Note: Noted and were consented granted the suggested planning condition would be added).*

### **Metropolitan Police Designing Out Crime Officer**

- 8.32 No objection, subject to a condition for the scheme to achieve Secure by Design Scheme 2 accreditation  
*(Officer Comment: Noted and were consented granted the suggested planning condition would be added).*

### **Greater London Authority (including Transport for London’s comments)**

#### Employment space

- 8.33 The proposals are supported in line with London plan policy; however the applicant should provide evidence of engagement with a workspace provider or otherwise demonstrates that the space is designed appropriately.

#### Visitor infrastructures

- 8.34 The proposed serviced apartments are supported in strategic planning terms.

#### Strategic Views, World Heritage Sites and historic environment

- 8.35 The proposal will not be visible in any strategic views, it will not have any impact on the World Heritage Site and it will not exert substantial harm upon the setting of the neighbouring listed buildings. Due to its lesser height and brick cladding, GLA officers consider that the building will act as a foil to cushion from its tallest neighbours.

#### Urban design

- 8.36 Although small and restricted site places some limitation on the design is generally acceptable in strategic planning terms; however the Council will need to be satisfied that the impact on the Altitude building is acceptable

Inclusive design  
8.37 The proposal is acceptable in relation to the London plan inclusive design policies.

Transport  
8.38 Pedestrian improvement is expected along Buckle Street; 23 cycle parking space should be provided as a minimum; a contribution of £90,000 to fund increased Cycle Hire bike redistribution in the vicinity of the site required; a contribution of £60,000 to fund a new cycle docking station is required. Secure by condition travel plan, delivery and service plan, construction logistics plan, a wider construction management plan.

Climate Change  
8.39 The response to climate changes adaption is acceptable in view of the limitation of the site.

**London Fire and Emergency Planning Authority (LFEPA)**  
8.40 No comments received.

**Thames Water (TW)**  
8.41 No objection.  
Conditions should be attached to any approval in respect of:  

- impact piling and methodology statement in relation to such piling
- a study on the impact of the development upon the capacity of the existing water supply infrastructure

*(Officer Comment: Noted and were the scheme granted consent the sought planning conditions will be imposed).*

**National Grid**  
8.42 No comments received.

**EDF Energy**  
8.43 No comments received.

**NATS**  
8.44 No objection. The proposed development does not conflict with safeguarding criteria  
*(Officer Comment: Noted)*

**London City Airport**  
8.45 No comments received.

**London Underground Infrastructure Protection**  
8.46 No comment to make on the application.

**BBC Reception Advice**  
8.47 No comments received.

**Crossrail Safeguarding**  
8.48 Reviewed the site plan and scheme is outside safeguarding zone, so no further comment to make.

## 9.0 **LOCAL REPRESENTATION**

9.1 372 neighbouring properties were notified about the application by letters issued on 22 June 2015 and invited to comment. The application has also

been publicised in East End Life and benefited from the display of site notices located on Buckle Street and Alie Street. A number of individuals living at No 55-57 Alie Street wrote in to state they did not receive the original consultation letters and therefore all the individual flats within the listed buildings at this address were reconsulted on 28 August 2015.

9.2 79 written representations have been received. 56 people have written in support of the application signing a commonly worded letter that states: *“That I am writing to register my support for a mixed use development comprising office and serviced apartments. Development of this site at the proposed height and layout will help regenerate the Whitechapel ward and provide jobs and inward investment. This will be helpful resource for local and national employers and I am happy to support it.”*

9.3 19 individuals have written letters objecting to the scheme. The grounds of objection are:

- Loss of light, loss of views and overshadowing to residents
- Risk of objects falling from the development as occurs with adjacent Altitude.
- Privacy concerns from those windows not obscured glazing and from other windows being inadequately obscured
- Severe adverse impacts on the setting of a cluster listed buildings. A contiguous 17 storey building will dwarf the Old German School and Church complex and become a small and insignificant island dominated by high rise buildings. Provides for no integrated townscape.
- Development is anonymous, bland, lacking charm or harmony with the historic architecture. Altitude development is also bland and monolithic however not directly comparable as it is set back 48 metres from the wall of the church and is set behind another building.
- The erosion of the history and heritage of Tower Hamlets is a major and tragic effect of allowing the construction of buildings such as the proposed development, and will be regretted sorely by future generations.
- The site is not large enough to accommodate a building of the magnitude.  
*(Officer Response: The residential amenity, townscape, heritage concerns are addressed in the main body of the report).*
- Buckle St is a tiny street where will the traffic go? Car free agreements do not address taxi, service & delivery movements.  
*(Officer Response: A Transport Assessment is submitted with the report and the Borough’s Highway and Transportation Team accepts the analysis that the trip generation associated with the development is acceptable including those resulting from servicing).*
- Proposal; result in loss of utilised disabled car parking bay on Buckle Street  
*(Office response: Disabled space would be retained and applicant expressed willingness to fund an additional bay if future demands secured by s106 legal agreement).*

- Serviced apartments can cover a wide range of very short term lets, for all sorts of purposes, which can only be controlled with difficulty and which can rapidly lead to the deterioration of an area.  
*(Officer response: Officers are not aware of significant issues with authorised serviced apartments in the locality, although issues do arise within C3 Use Class development being used for serviced apartment operation. Details of a Management Plan could be imposed on the use, by condition should the scheme be approved)*
- A lack of consultation with residents of the former German Lutheran School building should render this planning application process illegal.  
*(Officer Response: Refer to paragraph 9.1 of this report. A significant number of letters of objection were received from residents of the former school building which are considered below).*

A conservation area should have been created to protect the historical buildings of the area and regret expressed that this was never undertaken by the Council.

*(Officer Response: This is outside the scope of consideration to this planning application)*

9.4 In addition to individuals the following five groups/associations have made representation and all objecting to the scheme.

- *The Old German School Residents' Association object to the scheme sharing the reasons of objection set out above by individual residents of this block.*
- *Ancient Monument Society have also commented as a group to the scheme objecting to the impact upon the listed church in terms of (i) size and setting, (ii) structural impacts of construction on the church, (iii) overlooking and (iv) daylight impact to the interior.*
- *Anglo-German Family History Society have objected to the scheme for the same reasons set out by the Historic Chapels Trust response (refer to paragraph 7.25 of this report), as have Friends of St. George's German Lutheran Church.*
- World Monuments Fund Britain who echo the reasons of objection set out by Historic Chapel Trust and the Georgian Group
- *The managing agents for the lessee's within City Reach, have lodged an objection based to the proposed development having windows positioned on the west side of the elevation and these windows will prejudice a future opportunity to add further floors to their building.*

## 10. MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the committee must consider are set out below (with report section number in brackets):

- Land Use (11)



- Design (12)
  - Heritage and townscape Implications (13)
  - Amenity (14)
- Other Considerations including
- Neutralising Neighbouring Site's Development Potential (15)
  - Highways & Transportation (16)
  - Noise and Dust (17)
  - Contaminated Land (18)
  - Flood Risk & Water Resources (19)
  - Energy and Sustainability (20)
  - Biodiversity (21)
  - Waste (22)
  - Microclimate (23)
  - Planning Obligations (24)
  - Other Financial Considerations (25)
  - Human Rights (26)
  - Equalities (27)

## 11.0 Land Use

11.1 Chapter 1 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business.

11.2 The scheme proposes two land uses office and serviced (short term let) apartments. Addressing the office space first, the site is located within the London Plan designated Central Activities Zone (CAZ) and City Fringe Opportunity Area. London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock.

### Office Provision

11.3 The scheme will provide an approximate 7% loss in net useable B1 office space than exists on site currently (although greater gross area if ancillary supporting space is included). The new office floor space would be designed to be a higher standard than the existing office space and designed internally in a manner that it lends itself to ready subdivision on each floor compared to what exists on site. This feature is considered beneficial in terms of seeking to attract future tenants from the Telecommunications Media and Technology (TMT) sector that the applicant is seeking to attract.

11.4 The applicant submitted an Aldgate office market and site viability report with the application. The report concludes the office provision can "*only be delivered as a larger package as a loss leader*" given the stated opinion that the impact of the tech / creative market in Aldgate is yet to be felt, or at least yet to impacted upon small floorplate developments. .

11.5 To conclude the scheme would replace the existing gross sum of B1 Use office floor area space with new B1 Use "A" Grade office space as such the provision of office space is considered consistent with London Plan Policy

4.2, a wider raft of local and strategic development plan policies intended to secure employment space within the Central Activity Zone, and the objectives of the Mayor's draft City Fringe Opportunity Area Planning Framework. However the applicant's aforementioned office market report does raise doubt on the level of public benefit derived from the new office space should it prove difficult to occupy.

#### Short Term Visitor Accommodation

- 11.6 Policy SP06 of the Borough's Core Strategy seeks to concentrate hotels, in the Borough in the Central Activities Zone, it seeks serviced apartments that demonstrate that they will be managed appropriately as short-term accommodation (up to 90 days) and will meet the following criteria:
- a) The size is proportionate to its location within the town centre hierarchy;
  - b) There is a need for such accommodation to serve visitors and the borough's economy;
  - c) It does not compromise the supply of land for new homes and the Council's ability to meet its housing targets;
  - d) It does not create an over-concentration of such accommodation or cause harm to residential amenity; and
  - e) There is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements.

#### Analysis assessed against policy SPO6 criteria

- 11.7 With respect to visitor accommodation this land use is becoming an increasingly common feature of the Aldgate area: including the 168 unit serviced apartments being built out due at No. 15 to 17 Leman Street as well as consent for a 211 apart-hotel suites scheme located less than 120 metres to the east of this site at No. 27 Commercial Road on the corner with White Church Lane.
- 11.8 Based on information submitted with the application there are estimated to be 23 new hotels proposed within  $\frac{1}{2}$  a mile the proposed development that would provide an additional 3,677 bedrooms over the next three years, although *only* 12 of these schemes are confirmed to provide 1,900 bedrooms, this figure makes up 12% of the confirmed supply in London
- 11.9 Serviced apartments are new and emerging sector of the visitor accommodation sector and tend to attract longer stay guests compared with traditional hotels and are popular with businesses looking at providing accommodation to staff visiting the area. The proximity to the City of London, the proximity of many tourist attractions, good public transport links including to Canary Wharf all appear to be features that make Aldgate and surrounds a popular location for visitor accommodation.
- 11.10 Tower Hamlets accounted for 4,200 (11%) of new rooms added to the London supply since 2004 making it the top Borough in terms of supply growth in this period. The London Plan (updated in March 2015) seeks to achieve 40,000 net additional hotel bedrooms by 2036 and recognises the need for serviced apartments as part of this provision. The Hotel Demand Study that underpins the London Plan states that the net extra rooms required in Tower Hamlets between 2006 and 2026 is 2,500. Since 2006 there has been a net increase of 3,440 hotel rooms in the Borough which is 138% of the target set by the demand study and if all the rooms in the

pipeline come to fruition and assuming there are no closures, this will increase to 167% of the 2,500 net increase forecast.

- 11.12 Assessing the scheme against the criteria set out in Policy SP06 it is considered based on the analysis set out above and notwithstanding a concentration of new hotels and serviced accommodation schemes in the area there appears be no evidence of a lack of demand for such accommodation and therefore Policy SP06 (d) in respect of oversupply does not appear an issue.
- 11.13 With regard to Policy SP06 (c) the proposal does not conflict with supply of a significant quantum of new homes on the site given the planning policy constraints of delivering new homes on the site including the strategic London Plan Policy 4.2 for renewal of existing outmoded office stock on sites with upgraded office space to help meet the need for employment space in the City Fringe. With regard to Policy SP06 (e), as set out in further detail in the Highways and Transportation section of this report, the lack of parking provision for coaches is not on balance considered a bar to the delivery of serviced apartment on the site given the unlikelihood users to such temporary accommodation will arrive en-mass in coaches.
- 11.14 As set out elsewhere in this report the scheme does fail to comply with Policy SP06 (a) and (d) as the site does not lend itself for a tall building (despite it being located in a broader area that is accepted is suitable for tall buildings) and the scheme does give rise to residential harm to neighbours from overdevelopment of the site.

#### Analysis conclusion and public benefits of visitor accommodation

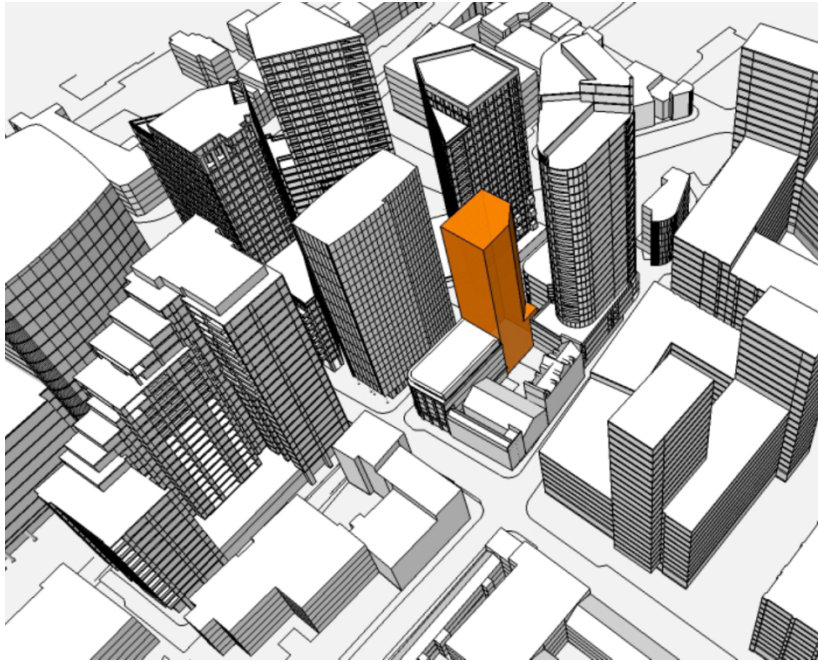
- 11.15 In summary in land use terms there is no overriding objection to the provision of serviced apartments on-site. The grounds of objection to the scheme from officers are based upon the built form of the development, most specifically a tall building given the specific site context. Given that the supply pipeline of traditional hotel rooms in this local area is high this offer of serviced apartments provides for a different type of guest (e.g. business people on extended trips) which allows the economic benefit of an additional segment of the hotel market to be captured within the borough. It also further supports the global financial centre function of the City (Square Mile) as serviced apartments are likely to cater for these business people. However the public benefits of additional provision are considered relatively limited, particularly given the Borough is already identified as well exceeding the target additional visitor accommodation figure set for the Borough in the evidence base supporting London Plan Policy 4.5 (Visitor Infrastructure) and the Borough is set to exceed that figure by a still greater percentage figure by 2026.

## **12.0 DESIGN**

- 12.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 12.2 National Planning Practice Guidance sets out seven qualities a well-designed new or changing place should:-
- be functional;
  - support mixed uses and tenures;

- Include successful public spaces;
  - be adaptable and resilient;
  - have a distinctive character;
  - be attractive; and
  - encourage ease of movement
- 12.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site.
- 12.4 SP10 and Policy DM23 and DM24 of the Local Plan seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 12.5 Policy DM26 of the Borough's Managing Development Document sets out that proposals for tall buildings should satisfy the following criteria:
- a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
  - b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.
  - c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements;
  - d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;
  - e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;
  - f. Present a human scale of development at the street level;
  - g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
  - h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;
  - i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;
  - j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
  - k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and
  - l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.
- 12.6 Policy DM26 also seeks (where feasible) tall buildings to provide publicly accessible areas within the building including on the ground floor.

## Principle of a Tall Building



**Figure 2: Proposed Scheme in relation to neighbouring consented tall buildings**

- 12.7 Core Strategy Spatial Policy SP10 identifies Canary Wharf and an area of Aldgate, containing the designated Preferred Office Location, as appropriate locations for tall buildings. This policy consideration is reflected on the ground in Aldgate with a set of tall buildings built or emerging including: (i) immediately to the north and north west of Buckle Street; (ii) with Altitude development to the east and (iii) Goodmans Fields to the south that contains a set of tall buildings dispersed across amongst a development of lower rise building. Within the policy context of SP10 and the emerging urban context there is no objection per se to the principle of a tall building in this area of Aldgate, provided that height was subordinate to those found in the adjacent POL. However this statement needs to be importantly qualified and treated with due caution as both the individual site and the scheme's design/architectural approach needs to meet all the criteria set out in Policy DM26 and Policy 7.7 of the London Plan with respect to all buildings.

### Assessment of setting and local views

- 12.8 The physical constraints of the site are many and limiting in respect of successfully delivering a tall building in urban design terms. The site is:-
- very small at 279sqm,
  - located on a narrow street (less than 8 metre width from building plot to building plot across Buckle Street) and with a pavement set immediately in front of the development less than 1.5m wide,
  - set within an established lower storey street grid block,
  - backs onto a site containing a set of lower storey statutory listed buildings,
  - is located south, at a minimum 10m metre distance from the Leman Street serviced room tower set at 86.6m (AOD).
  - located less than 17m from the predominantly residential Block 83.97m (AOD) within Aldgate Place

- 12.9 The scheme fails to demonstrate it can overcome these site constraints and as such the scheme is considered to involve overdevelopment of the site. A number of key symptoms of over-development are set out elsewhere in the report amongst them amenity issues to neighbours and adverse impacts upon statutorily listed buildings. At this point focusing purely on townscape/streetscene considerations the proposed tall building is considered to appear cramped in appearance relationship to its setting in Buckle Street and in relationship to neighbouring tall buildings set to the north and east of the site. Whilst adopted design guidance and planning policy is familiar with and indeed supportive of tall building clusters there is no justification for policy supporting tall buildings that are unduly squeezed onto very small development plot sites, nestled too tightly to neighbouring tall buildings and built at the back of pavement with no meaningful architectural or urban design strategy in place to help provide a human scale at street level and to mediate the change in scale/massing, and avoiding the creation of canyonised streets.
- 12.10 Both London Plan Policy 7.7 and Policy DM26 of the Council's Managing Development Document require proposals for tall buildings to demonstrate consideration for their successful relationship to surrounding public realm. To help achieve this, a tall building might reasonably be expected to have a certain degree of open space at its foot, or alternatively involve a podium arrangement to give the tall building space 'to breath' and to provide an opportunity for meaningful public realm interventions to give something back to the area and allow design interventions that offer a human scale and a desire/motivation for people to linger at the base of the building. The scheme is singularly lacking in any such design interventions. The tall building occupies the entire development plot, rises immediately from the back of the pavement, on a street that itself is narrow and a pavement that is very close to the minimum recommended width for the safe movement of pedestrians. As a result, the building would have a very immediate and overpowering impact on the street, unacceptably increasing the degree of enclosure and creating an overbearing form of development.
- 12.11 In contrast to the above the Aldgate Place development brings forward a new generously sized pedestrian route (that replicates the route of the former Drum Street through the centre of the re-development and the scheme is well activated at ground level by retail and other publicly accessible commercial uses with the tall buildings occupying a relatively small share of the total plot mingled with a greater expanse of 6-9 storey buildings and open spaces. Within Goodmans Fields development the proportion of lower rise new buildings compared to tall towers is greater still and that gives the tall buildings a tangible space to breath and not appear cramped within the development or in the streetscene. Aldgate Tower and No 1 Commercial Road are larger and more monolithic tall buildings occupying virtually all their respective development plots but are located on much larger sites (set at the centre of the identified tall building cluster for Aldgate within the Borough's Aldgate Interim Masterplan framework document) and are set on streets of a greater scale and primacy than the back street that is Buckle Street. Aldgate Tower also benefits from the public realm space to the south of its site with the Braham Street green Open Space.
- 12.12 It is acknowledged that the neighbouring Altitude development shares some similarities with the development site. However it is worth noting it is made

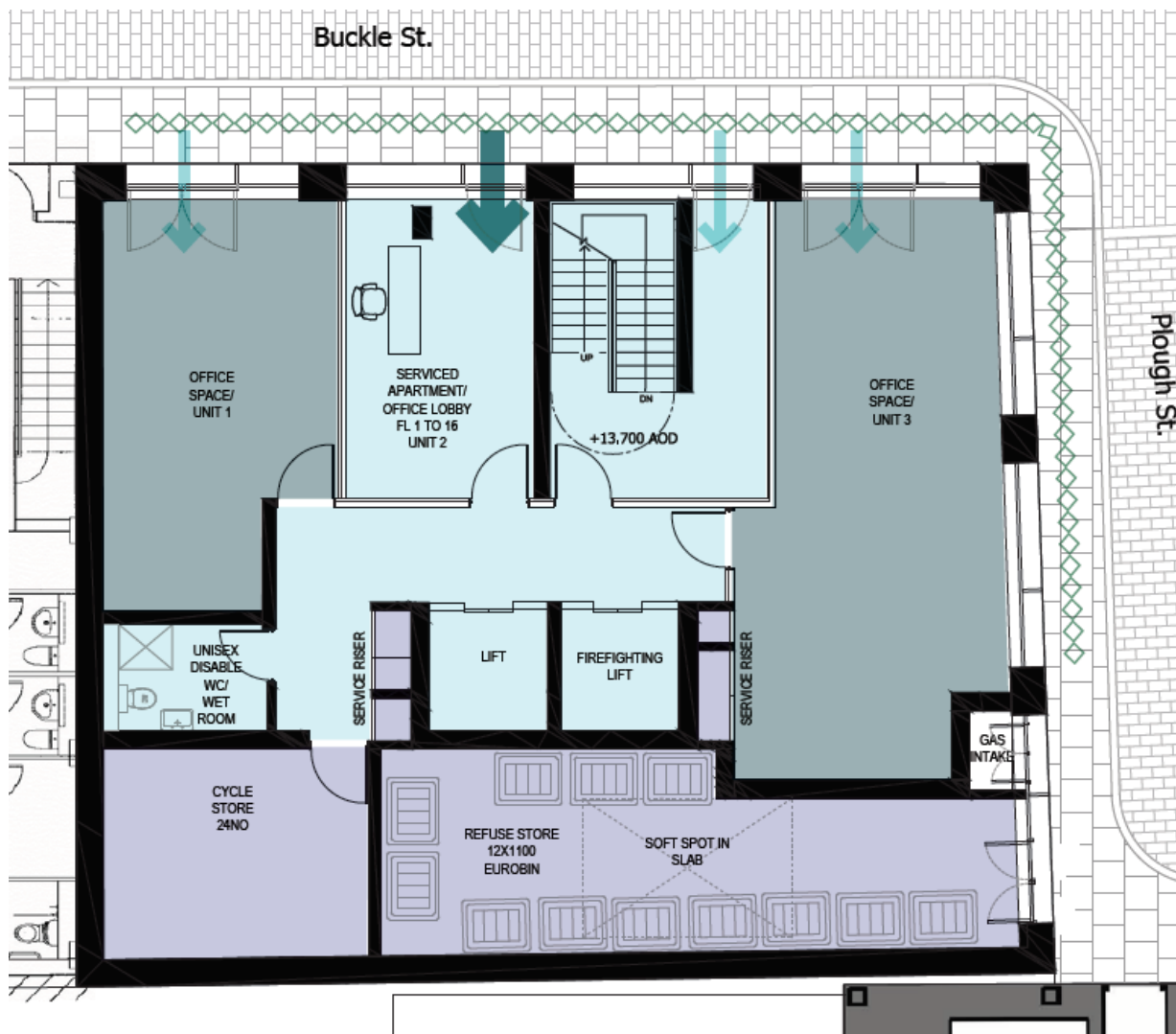
of 3 readily identifiable constituent components the 27 storey tower fronting Alie Street, an 8 storey podium block fronting Buckle Street and a 4 storey in fill block set next to the listed English and Germans schools. The interplay between these three elements helps mediate the scale of the development at street level. It also means the tall building does not occupy all the plot. The Altitude scheme involved the formation of a small publically accessible space set between the 'in-fill' element of the development and the tower element on Ali Street. The 4 storey building also benefits from a café at ground level to help activate the development and encourage people to linger.

- 11.13 It is worth noting the tall building of Altitude is set to the east of Plough Street and therefore is set apart from the cluster of listed buildings on Alie Street, albeit the tower element of the Altitude development does intrude more upon some vistas of the listed buildings than is desirable in townscape terms. Such visual imposition is not wanted to be replicated on this development site, given the altogether tighter relationship to the listed buildings

## **Architecture**

### Treatment of Elevations

- 12.14 The elevations of the proposal consists of a regular grid between storey 7 to 16, with each grid across all the storeys embracing two storeys finished in brown hued brick. On the top two storeys a slight modulation to the grid is introduced to mark the termination of the building and the bottom storeys contain a broadening of the glazed voids and an associated reduction in the brick vertical framing elements to visually help ground the base of the tower. In so far as one can divorce the architecture of the building from its setting, its townscape relationship and the degree of imposition it poses upon its neighbours it is considered the treatment of the elevations and the choice of materials whilst undistinguished is adequate in design terms with the brick finish responding to neighbouring developments, both old and new. The treatment of the elevations is not considered to offer anything that mitigates any of the harmful impacts on the adjacent public realm or nearby heritage assets..



**Figure 3: Ground Floor Layout**

12.15 The proposed ground floor contains two small B1 Use Office units and an entrance and stairs that front Buckle Street and Plough Street. Servicing areas occupy a minimal length of the two street frontages achieved by servicing and waste collection from the street, with bin stores kept to the back of the ground floor and access to the cycle store gained through the main door to the development.

12.16 The general arrangement of the ground floor is welcomed in terms of the scheme seeking to activate the street frontages. However some concerns remain regarding the success the developer will have in attracting tenants to the two ground floor office units (given their small size and minimal a degree of privacy to these spaces) without tenants recourse to utilising screening devices set towards the windows that risk undermining the degree to which the scheme offers active frontages to street.

### 13.0 HERITAGE AND TOWNSCAPE

13.1 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2015) and the London World Heritage Sites – Guidance on Settings SPG (2012) policies SP10 and SP12 of the Borough Core Strategy (CS) policies DM24, DM26, DM27 and DM28 of the Borough Managing Development Document (MDD)



seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.

- 13.2 London Plan policies 7.11 and 7.12, policy SP10 of the CS and policies DM26 and DM28 of the MDD seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 13.3 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF.

Impact on the setting of nearby conservation areas.

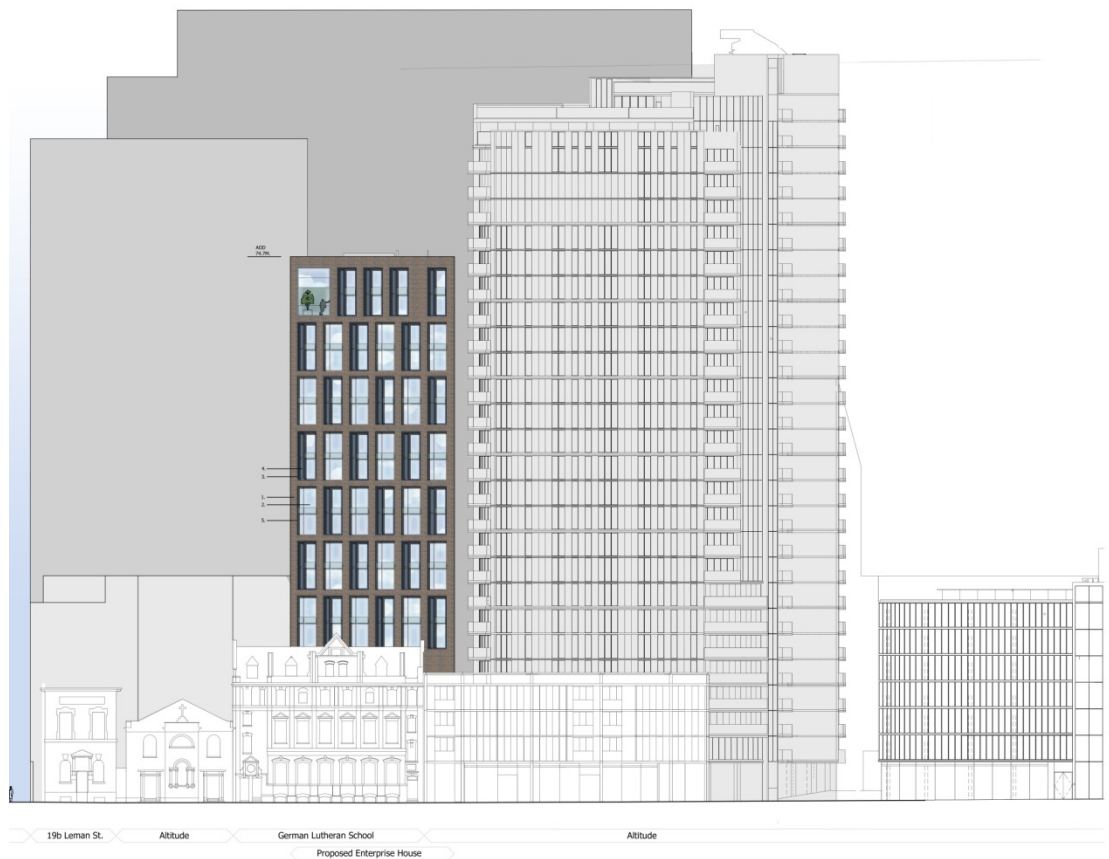
- 13.4 The site is not located within a conservation area although there are number of conservation areas in the vicinity including Whitechapel High Street Conservation Area, Brick Lane and Fournier Street Conservation Area, Myrdle Street Conservation Area and Wentworth Street Conservation Area.
- 13.5 A heritage statement was submitted with the application alongside a townscape and visual impact assessment. With respect to impact upon views from the above conservation areas, including Whitechapel High Street Conservation Area the nearest conservation area, officers share the conclusions of the submitted Heritage Statement that the scheme is broadly neutral in its impacts upon the above conservation areas given (a) sight of the scheme from these conservation areas would be largely shielded by other tall building (built out or consented), (b) the building would be viewed only in long vistas from any conservation area and within the context of a cluster of other tall developments.

Setting of listed building

- 13.6 There are four Listed Buildings within the immediate vicinity of the site; the Church of St George (German Lutheran Church and Vestry) (Grade II\*), 19A Lemn Street (Grade II), St George's German and English Schools (Numbers 55, 57 and 59) (Grade II) and St George's German and English Infants School (Grade II). Together, the first three of these form an attractive group at an important corner location along Lemn Street (the latter being located to the rear and out of view). The Townscape and Visual Impact Assessment, submitted in support of the application, that illustrates the impact of the proposed development on the view of this group of Listed Buildings from the junction of Lemn Street and Alie Street. This shows the close proximity of the proposed development to the rear of the group and the marked disparity in scale between the two, particularly given they are in the same urban street block.
- 13.7 The Heritage Statement, submitted in support of the application considers that the proposed development would result in harm to the setting of the Listed Buildings. Officers consider that this harm would be serious, but less than substantial.
- 13.8 The serious harm should be weighed against the public benefits of the proposal, in accordance with paragraph 134 of the NPPF. In doing this officers have a statutory duty, under section 66(1) of the Planning (Listed Building and Conservation Areas) 1990 Act, to pay special regard to the desirability of preserving the setting of the listed buildings. The Court of Appeal has confirmed in the Barnwell Manor judgement that this means

according 'considerable importance and weight' to any harm identified, when weighing it with other material considerations.

- 13.8 The proposed development would bring forward improved office accommodation as well as new visitor accommodation. The provision of these has not been identified as meeting a particularly pressing need with the supply of visitor accommodation in the Borough exceeding target figures set for the life of the current London Plan.
- 13.9 The proposed development would not improve permeability and connectivity in the area, nor would it create any new areas of public realm, or improve existing ones. In fact, it has been concluded above that the proposed development is considered to result in a material worsening of the character and quality of Buckle Street. Officers cannot therefore agree with the conclusion in the Heritage Statement that weighing the positives and negatives of the scheme results in a neutral impact on the setting of the Listed Buildings. Officers consider that an unacceptable degree of harm would arise.



**Figure 3: Section drawing (west/east) from Alie Street to south of site with listed Dispensary, St George's Lutheran Church and German and English Primary Schools in foreground. Altitude development to east**

### Strategic Views

- 13.10 The Site lies within the backdrop to the Protected Vista obtained from Viewing Location 25A of the London View Framework at Queen's Walk, in the vicinity of City Hall, looking towards the White Tower of the Tower of London. The applicant has submitted a verified views viewscape analysis

and it satisfactorily demonstrates the development will not impinge upon this protected vista or any of the LVMF viewpoints.

#### Archaeology

- 13.11 The National Planning Policy Framework (Section 12) and Policy 7.8 of the London Plan (2015) Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process.
- 13.12 A desk based archaeological assessment has been submitted in support of the planning application. It concludes the level of disturbance caused by previous phases of development, and from possible quarrying mean the redevelopment is considered unlikely to result in widespread significant archaeological impact. The desk top study has been reviewed by Greater London Archaeology Advisory Service who advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature, depth and extent of the archaeology involved, they advise that further fieldwork prior to the determination of the application is not necessary and recommend a condition to agree and implement a written scheme of investigation. Subject to this condition, the impact of the development on archaeology is acceptable.

#### 14.0 **AMENITY**

- 14.1 Policy DM25 of the Borough's adopted Managing Development Document (MDD) requires development to protect, and where possible improve, the amenity of surrounding neighbours, have a concern for the amenity of future occupants of a building and have regard to users of the surrounding public realm to a new development. The policy states that this should be by way of:
- (a) protecting privacy, avoiding an unacceptable increase in sense of enclosure;
  - (b) avoiding an unacceptable loss of outlook;
  - (c) ensuring adequate level of daylight and sunlight for new residential development;
  - (d) not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions including habitable rooms of residential dwellings, community uses and offices nor result in unacceptable levels of overshadowing to surrounding open space development; and
  - (e) not result in an unacceptable level of overshadowing to surrounding open space and create unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction phase or operational life of the development.
- 14.2 In applying Policy DM25 supporting paragraph 25.6 states, "*that Council will take account of the sense of enclosure created by the new development. It is important that layout and massing are considered carefully in order to ensure that they do not create an oppressive sense of enclosure for adjoining development*". In respect to avoiding an unacceptable loss of outlook paragraph 25.4 of Policy DM26 again reiterates that "*the Council will expect careful consideration of the layout and massing of buildings*" to avoid a loss of outlook
- 14.3 The upper 13 storeys of the development will be set a minimum of 10 metres away from the tall building element of the Altitude development.

## **Privacy/Overlooking**

### **Analysis:**

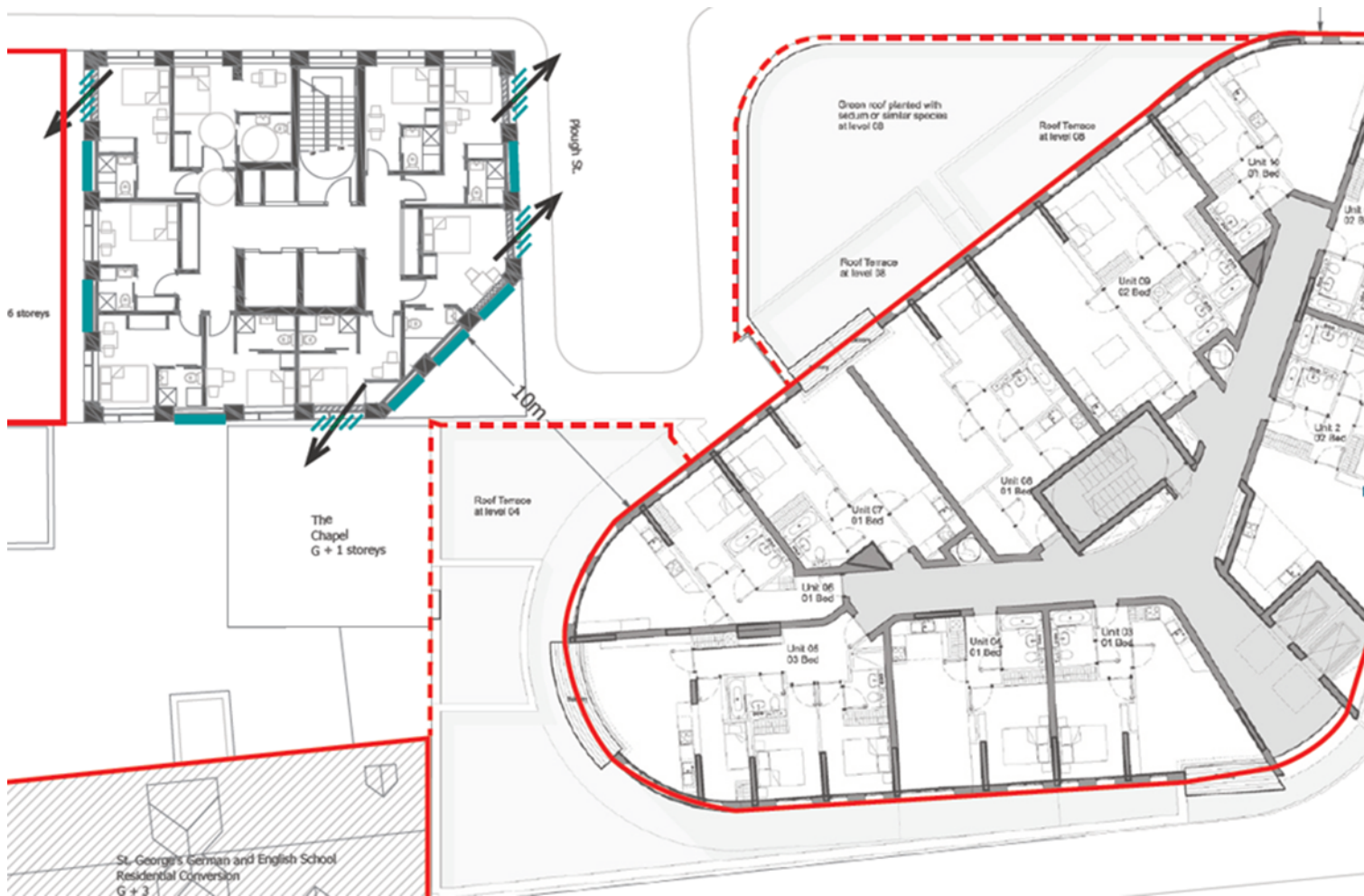
- 14.4 Due to the very tight relationship to neighbouring development the design proposes the use of fixed internal louvres to windows to limit the direction of view out from the rooms and use of obscured glazing to windows.
- 14.5 Fixed louvres and obscured glazing are proposed shown on the east elevation of the development and on the chambered south east elevation edge of the development (both these elevations face towards the residential units in Altitude). Between the 5<sup>th</sup> upper storey and 15<sup>th</sup> storey of the proposed development the bedroom windows facing towards Altitude development will be set a minimum 13m away from nearest habitable room windows on each of the matching upper floors within the Altitude development. Proposed non-habitable rooms within the development face square onto Altitude at a minimum distance of 10m; these windows will all be treated with an obscured glazed treatment to the windows.
- 14.6 For the proposed office windows within the south east elevation of the scheme facing back towards No 55-57 Alie Street the applicant proposes use of obscured glazing to address overlooking issues. The windows to the service apartments on the south elevation would not be obscured glazing however the minimum separation distance between the lowest of these windows (on the 5<sup>th</sup> upper floor storey) and the 3<sup>rd</sup> storey at No 5-56 facing the development directly are greater than 18m distance and as such is not considered to present unacceptable issues of privacy/ overlooking.
- 14.7 For the west elevation on the 6<sup>th</sup> to 9<sup>th</sup> upper storey a fixed lover window is proposed that lies adjacent to a roof terrace in City Reach to secure privacy.
- 14.8 The development will be set over a minimum 18m distance from habitable rooms within Block D of Aldgate Place as such it is considered there is no undue overlooking issues.

### **Conclusions of analysis:**

- 14.9 The design measure proposed and described above and shown on the submitted plans are considered sufficient to address the potential unacceptable issues of privacy resulting from the proximity of the development to neighbouring residential properties. Whilst the development will contain windows set within 11m minimum distance of serviced apartment windows within the development at No. 15-17 Lemman Street given the scheme's impacts to the development are limited to visitor accommodation and the relationship is across an established street with an established tight relationship in terms of privacy the scheme is considered acceptable to this site: an opportunity exists for guests to draw curtains or blinds to gain additional privacy.

### **Outlook**

- 14.10 Given the close proximity and scale of the proposed building, it is considered that there would be significant impact in terms of outlook for the single aspect residential between Level 4 and 18 within Altitude facing directly the chamfered edge of the proposed development contrary to Policy DM25 (b) of the Borough's Managing Development Document.



**Figure 4: Upper floor plan in relationship to Altitude Development and No 55-57 Alie Street**

Unacceptable sense of enclosure/overbearing

14.11 An unacceptable sense of enclosure and overbearing form of development cannot be readily measured in terms of a percentage or measurable loss of outlook. Rather it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective. Nevertheless, in the opinion of officers given the separation distance between the development and the neighbouring residential developments at Altitude, at No 55-57 Alie Street and to Block D of the Aldgate Place development the scheme is considered overbearing and would result in a detrimental sense of enclosure particularly when due weight is given to the cumulative impacts of other tall developments situated in very close proximity and when consideration is given to the orientation of habitable room windows neighbouring development and the location of the development (e.g. set to the south of Block D to the Aldgate Place development).

14.12 The sense of enclosure to No 55-57 Alie Street will result from a sense of residential dwellings being hemmed in by a series of new taller developments to the north, south and east of its plot; within Altitude to the single aspect north west facing residential units located between Level 4 and 24 set tight to the edge of the two building plots sites.

These impacts are evidenced by the substandard levels of daylight and sunlight received by the properties, as detailed below

### Loss of daylight/sunlight

- 14.13 Daylight is normally calculated by two methods. The vertical sky component (VSC) and the average daylight factor (ADF). For existing occupied buildings BRE guidance recommends the primary test for daylight impacts upon windows is VSC with ADF used for buildings proposed but not occupied (as is the case here with Block D), as the loss to existing daylight, will not be a loss experienced first-hand by residents. BRE guidance states “Use of the ADF for loss of light to existing buildings is not generally recommended”.
- 14.14 The applicant submitted a daylight and sunlight report in support of the application and a revised daylight/sunlight report following the introduction of a chambered edge set towards the south east edge of the development on the upper floors.

#### **Summary conclusions on daylight/sunlight :**

- 14.15 The Council appointed independent daylight/sunlight consultants to review the submitted report. The independent consultant’s review concluded that the impacts to the three tested neighbouring residential developments “*are substantial and do not comply with BRE guidelines.*” For clarity, the actual assessment criteria for Vertical Sky Component (VSC) and No Sky Limit (NSL) in terms of how significant the loss of daylight is to neighbours is assessed with reference to bands used for VSC and NSL as follows:
- a loss of 0% to 20% - Negligible significance;
  - a loss of 20.1% to 30% reduction – Minor significance;
  - a loss of 30.1 to 40% reduction – Moderate significance; and
  - a loss above 40% reduction – Major significance.

- 14.16 The proposed development would cause, as set out in the analysis below, unacceptable material deterioration of sunlight and daylight conditions including to habitable rooms of residential dwelling and as such contrary to Policy DM25 of the MDD and these impacts provide a reason of refusal to the scheme. Whilst it is acknowledged some departure from BRE’s standard guideline targets may be appropriate given the urban context and the fact surrounding buildings are irregular in shape and position and occasion do not always stand back from site boundaries these considerations do not negate the findings that there are substantial impacts.

#### **Detailed daylight/sunlight analysis by relevant neighbouring site:**

- 14.17 The detailed analysis set out below is prepared with the benefit of the revised daylight/sunlight report submitted by the applicant following the revision to the south east corner of the footplates (i.e. with the introduction of the chamfered edge) and the numerical results adjusted accordingly.

#### 55-57 Alie Street

- 14.18 Daylight to 53-55 Alie Street is heavily constrained by the presence of substantial buildings in other directions. Altitude, Aldgate Place and other existing or consented buildings already block a substantial amount of light from reaching the windows, making it reliant upon light across the site. 21 windows at 53-55 Alie Place were analysed. Of these, one window on the

ground floor would achieve the BRE guidelines the other losses would all be outside the BRE guidelines ranging between 25.66% and 50.86%, with the average failure a loss of 38.25%. The two ground floor windows already receive very little daylight, with existing VSC values of less than 5% and all four first floor receive less than 10%. A relatively small actual loss of VSC will therefore results in a large change in although these rooms are liable to rely heavily on electric lighting already so experience little change in practice. The losses on the higher floors would be more noticeable to the occupants as they currently receive more daylight without the development in place.

- 14.19 20 rooms were analysed for no sky limits, of these, 18 would fall the BRE NSL guidelines, with losses of between 28.08% .and 98.72%. The two windows within guidelines only do so because almost none of their floor area has a direct view of the sky already.
- 14..20 The overall impact on daylight to 53-55 Alie Street is substantial. The windows are north facing so in accord with BRE guidance no loss of direct sunlight required

#### Altitude.

- 14.21 309 windows were analysed within the Altitude development of which 93 would achieve the BRE VSC daylight guidelines with some showing no impact or, in a few cases, an improvement. The remaining windows would lose between 21.5% and 100% of VSC.
- 14.22 The windows serving 1<sup>st</sup> floor residential units these windows already receive very little daylight, below or close to below 5% VSC, and therefore these rooms are already liable to rely on electric lighting. On the 2<sup>nd</sup> and 3<sup>rd</sup> floor of the 36 windows tested the majority receive less than 5% and a sizeable number under 10%. However there are windows receiving appreciable levels of existing light (10%) notably Window 10 serving a living room (identified as R8) on 2<sup>nd</sup>. and 3<sup>rd</sup> located approximately 12m away from the development and Window 11 serving a living room (identified as R7 on the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 9<sup>th</sup> floors set 10m away from the development that would receive on average a VSC loss of 60% that has the VSC for each of these rooms below 10%.
- 14.23 166 rooms were analysed for No Sky Limit daylight distribution. 36 rooms would lose an amount of area with a view of the sun outside the BRE guidelines, 12 of these acting as living/kitchen dining rooms. In total 61 windows serving kitchen/living/diners were analysed for loss of direct sunlight. 23 of these windows would experience a loss of Annual Probable Sunlight Hours (APSH) outside the BRE guidelines set for living rooms.
- 14.24 The design of the Altitude development with north facing windows recessed below balconies to a degree explains these impacts. No calculations have been provided by the applicant, as BRE guidelines recommend, to establish whether the failed windows would achieve the guidelines without the balconies in place that serve as an obstruction to daylight.
- 14.25 To conclude the impact on this development is considered substantial and this view is shared by the Council's independent consultants.

## Aldgate Place Block D

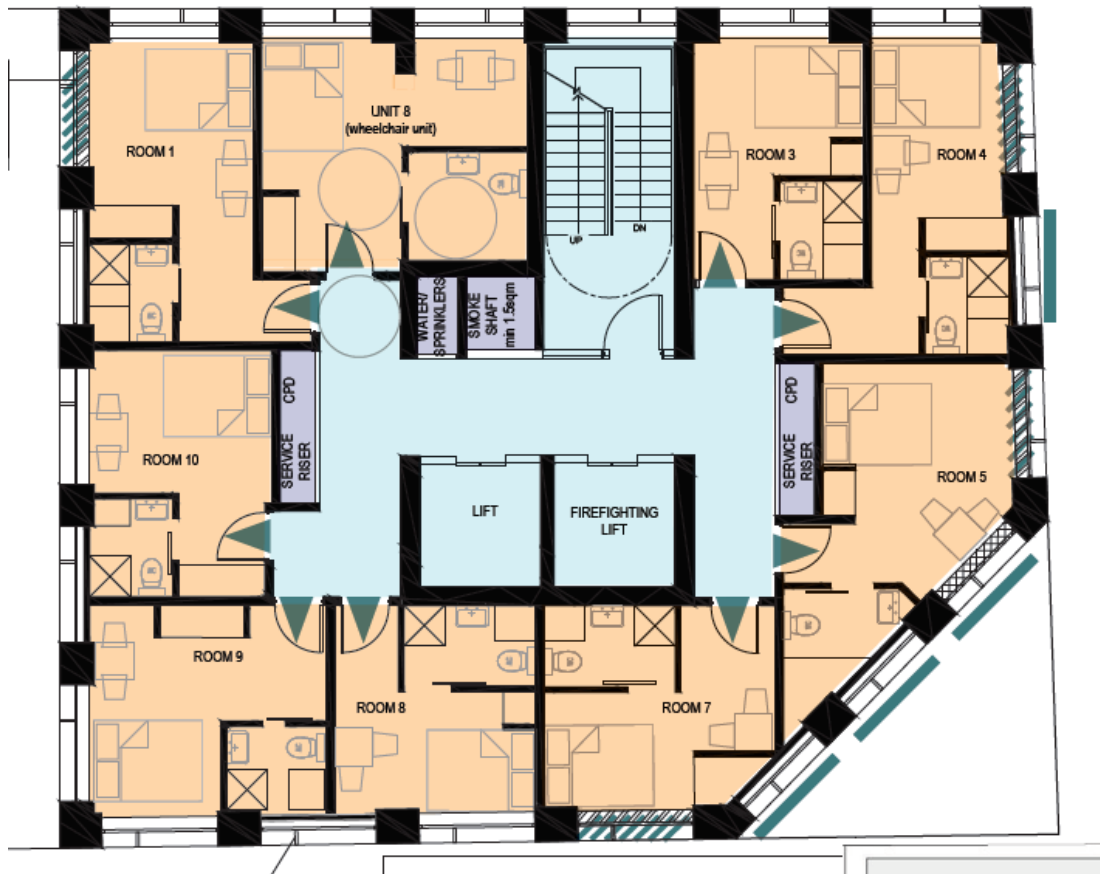
- 14.26 Aldgate Place is unoccupied. 81 out of the 96 residential windows tested within Block D (which have more than a fractional view of the development) would fall outside the BRE guidelines. With the worst effected window, serving a living room (identified as Room 2) on each floor from 1<sup>st</sup> to 15<sup>th</sup> floor losing on average over 60% of its VSC and this rooms 2<sup>nd</sup> window on average 42.16% VSC between floors 1 to 13. Other windows without balconies overhead lose between 39.71% on first floor to 22.80% on 11<sup>th</sup> floor, with the same window (identified as R6) being within guidelines above the 11<sup>th</sup> floor. The losses to rooms daylight distribution, NSL are more modest than the losses to VSC.
- 14.27 32 south facing windows serving living/dining/kitchen room were tested for impacts on loss of direct sunlight, of which 28 would experience a loss of sunlight outside the BRE guidelines, with 26 of these windows experiencing a loss outside the winter BRE guidelines, with winter losses consistently above 65% on identified Window 4 serving living rooms on each floor between 2<sup>nd</sup> and 13<sup>th</sup> floor.
- 14.28 The Council's consultants conclude the loss of daylight and sunlight to this future occupied residential building would also be substantial.
- 4.29 With regard to the potential loss of daylight received through the windows of the listed St George's Lutheran Church specifically the windows in its east elevation no analysis has been provided by the applicant to give the Council the opportunity to review. Officers conclude there will be some form of an adverse impact (including some loss of reflected light gained off the existing rear wall of Enterprise House) however in the absence of any quantitative analysis provided it is not possible for officers to benchmark the loss against any agreed standard. BRE guidelines are directed primarily at residential development and external amenity spaces that receive direct sunlight, although BRE guidance does acknowledge the guidelines maybe applied to non-residential buildings where the occupants have a reasonable expectation of daylight and this expectation does not appear unreasonable in respect of this building used as a place of worship, venue, place of assembly. Furthermore in this instance the loss of sunlight has a bearing on the historical use and significance of this building.

## **Amenity – for future users of the scheme**

- 14.30 The scheme is designed with proper regard to the principles of inclusive design, including consideration for people with a disability including wheelchair accessibility to the ground floor entrance, lifts, to the individual office spaces, to the roof terrace and with and with ten in number wheelchair accessible serviced apartments.
- 14.31 The development has considered noise and air quality to ensure a suitable internal environment
- 14.32 The windows in the western elevation are design to be 'sacrificial' windows (i.e. could be blocked up) should a redevelopment of the City Reach be achieved in the future that rises above the existing height of the existing building on that site. This does leave the future prospect of a set of serviced apartment bedrooms (identified on Plan as Bedroom 10 on upper floors 5 to 15 and identified Bedroom 19 on the 16<sup>th</sup> upper floor) with no



access to natural light or outlook which is considered unacceptable in terms of quality of accommodation. The local planning authority are not likely to support at any time in the future any substantial increase in height on the City Reach plot (given the cumulative impacts of the two development coming forward upon the general townscape and setting of the adjoining listed buildings and therefore this future failing of amenity to these bedrooms is not considered to provide an additional reason for refusal to this scheme. However officers are mindful that were a taken decision elsewhere (i.e. at Appeal) to grant consent on No 21 Buckle Street the prospect of significant increase in height on the City Reach site cannot be ignored.



**Figure 5: Typical Serviced Apartment Floor Layout**

14.33 The quality of the office accommodation and serviced apartments in terms of internal layout, access to natural light and outlook are considered on balance acceptable for the type of land use having taken account of the limited prospect of the redevelopment of City Reach compromising the quality of the development.

**OTHER MATERIAL CONSIDERATIONS**

**15 Neutralising Neighbouring Development Sites**

15.1 For the reasons set out in paragraph 13.14 above and the measures taken by the applicant to offer the windows on the western elevation as sacrificial windows (securing this basis by legal agreement) it is not considered the scheme risks neutralising City Reach or any other neighbouring site.

## **16 Highways and Transportation**

- 16.1 The NPPF and Policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 of the London Plan requires transport demand generated by new development to be within the relative capacity of the existing highway network. London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in MDD Policy DM20 which requires a transport assessment submitted with a development scheme to assess adequate regard has been made for servicing and for safe vehicular movements associated with this.
- 16.2 Core Strategy policies SP08, SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 16.3 The applicant has submitted a Transport Statement contains trip generation analysis and details of servicing arrangements, including waste collection from Plough Street. The scheme proposes no on-site car parking and with servicing and waste collection to be undertaken from street. An existing disabled car parking bay is located next to the site on Buckle Street.
- 16.4 The Borough' Highway and Transportation team reviewed the submitted documentation and is satisfied; (i) the completed development would have no adverse impact on the road network; and (ii) the proposed waste collection and servicing arrangements from the street whilst far from ideal is acceptable given the size of the site and the site constraints that remove the opportunity for off-street servicing. This conclusion is informed by the consideration existing servicing and waste collection of the site is on-street.
- 16.5 To conclude the Borough's Highway & Transportation Team have no objection to the scheme, subject to a set of appropriate planning conditions and securing of financial contributions (commuted sums) towards on street accessible parking and service bays.

## **17. Noise and Dust**

- 17.1 A Noise and Vibration Impact Assessment has been submitted with the planning application. The assessment concludes that the demolition and construction will not result in adverse impacts to neighbours greater than those experienced from other major developments under construction or completed in the immediate vicinity. .
- 17.2 The Council's Environmental Health Team have reviewed the documentation and are satisfied the development's impact in terms of control of noise, dust and vibration to neighbours and future occupants during demolition, construction and occupation phases, subject to the imposition of relevant planning conditions and the powers available to the Council under other legislative frameworks, should planning permission be granted, including construction management plan.

## **18.0 Contaminated Land**

- 18.1 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a land contamination assessment which assesses the likely contamination of the site.
- 18.2 The Council's Environmental Health Officer has reviewed the submitted assessment, and advises that subject to conditions to ensure that further site based assessments and appropriate mitigation measures are taken should contamination be found there are no objections to the scheme on grounds of contaminated land issues, subject to the appliance of an appropriately worded planning condition.

## **19. Flood Risk & Water Resources**

- 19.1 The NPPF, policy 5.12 of the London Plan, and policy DM13 of the MDD and SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 19.2 The site is located in Flood Zone 1 and therefore the main risk is from surface water run-off from the development. The site is already built upon and therefore subject to a planning condition to ensure the scheme incorporates SUDS and grey water recycling to reduce surface water discharge to 50% of existing rates in accordance with relevant policy and guidance and recycle water the proposed development complies with the NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 and DM13 of the Borough adopted Local Plan.

## **20 Energy and Sustainability**

- 20.1 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change.
- 20.2 The climate change policies as set out in Chapter 5 of the London Plan 2015 and the Borough's Core Strategy (Policies SO24 and SP11) and MDD (Policy DM29) collectively require new development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 20.3 From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 20.4 The scheme is designed to achieve a BREEAM Excellent rating with a score of 72. The proposal is anticipated to deliver a 45% reduction in CO2 emissions which is significantly below the policy requirement set out in the Local Plan.

- 20.5 To conclude the scheme complies with Chapter 5 of the London Plan and Policy DM29 of the MDD subject to the imposition of planning conditions to (i) secure BREEAM Excellent rating, (ii) CO2 emissions and (iii) energy saving measures including use of renewable energy technologies onsite.

## **21 Biodiversity**

- 21.1 The Borough's Biodiversity Action Plan (2009), Policy 7.19 of the London Plan, Policy SP04 of the Borough's CS and Policy DM11 of the MDD 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 a net gain in biodiversity.
- 21.2 An ecology report was submitted with the application. The Borough's Biodiversity Officer is of the view the application site is not of any significant biodiversity value and there will therefore be no significant adverse biodiversity impacts.
- 21.3 The Council's Biodiversity Officer is satisfied subject to the application of an appropriate condition the completion of the proposed development will result in a net gain in biodiversity including provision for nesting boxes/spaces for swift. Accordingly, the proposal will serve to improve the biodiversity value as sought by the relevant London and Local Plan policies.

## **22 Waste**

- 22.1 Commercial waste would be collected on a daily basis through a private contractor. Given the constraints of the site refuse collection would on-street. The Borough's Waste Management Team have reviewed the details of the scheme and are broadly satisfied with the proposed arrangement subject to strategy for waste reduction secured by imposition of a condition for a Waste Management Plan. In summary the waste arrangements to be considered satisfactory and to be consistent with the Borough's MDD Policy DM14 in regard to managing waste.

## **23 Microclimate**

- 23.1 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 23.2 A wind assessment study was submitted with the scheme that involved the testing of the scheme with neighbouring consented schemes in a wind tunnel to model microclimate wind impacts. The analysis concludes the scheme will not result in any areas on the site or in neighbouring locations being unsafe for people.
- 23.3 The localised wind impacts have been assessed against the Lawson Comfort Criteria for long periods of sitting, short periods of standing/sitting pedestrian transit and so forth in the worst month and summer. The analysis shows with the exception of one location there is no location that will be adversely impacted by the scheme. There are number of locations in Buckle Street, Plough Street and in the courtyard set between 55-57 Alie Street that are currently safe for users, but uncomfortable for all users in

summer months, these comfort conditions will remain except for some small improvements immediately to the north of the site on Buckle Street.

- 23.4 The methodology and the findings of the wind study are accepted and are considered not to provide a cause for undue concern. Were the scheme granted planning consent a planning condition would be attached to undertake further analysis to establish if local conditions could be improved by means of mitigation measures incorporating into the detailed design of the scheme

## **24.0 Planning Obligations**

- 24.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

- 24.2 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and,
  - Are fairly and reasonably related in scale and kind to the development.

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

- 24.4 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

- 24.5 The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations.

- 24.6 The SPD was approved for public consultation by Cabinet on the 8th of April 2015. The Boroughs four main priorities remain:

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

The Boroughs other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

- 24.7 In the absence of a legal agreement, it is recommended that the application is refused on the basis that the development fails to mitigate its impact on local services, amenities and infrastructure as well as securing training and employment opportunities for residents of the Borough of Tower Hamlets.

## **25.0 Financial considerations**

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

25.1 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.

25.2 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.

25.3 As regards Community Infrastructure Levy considerations, Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would be payable on this scheme. The approximate net Mayoral CIL contribution is estimated to be around £104,877.50

25.4 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor’s Supplementary Planning Guidance (SPG) “Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy” (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). These are material planning considerations when determining planning applications or planning appeals.

25.5 In this case when considering the existing gross B1 floorspace to be lost 1,177sq.m which is replaced with 1,185sq.m gross B1 floorspace and 2,9851sq.m of gross serviced apartments (C1 Use Class), there is a net increase in commercial floorspace of 3,2108sq.m and as such the Crossrail top up is £183,695

25.6 This application is also subject to the Borough’s Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the uplift of floor space of the proposed development (taking account of existing space used lawfully for a 56 month period in the last 36 months), the level of which is set in accordance with the Council’s adopted CIL charging schedule. The estimated chargeable Borough CIL contribution for this development is approximately £462,571

## **26 Human Rights**

26.1 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:-

- 26.2 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".
- 26.3 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.
- 26.4 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 26.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 26.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 26.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

## **27. Equality**

- 27.1 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis will be required which is proportionate to proposed projects and their potential impacts.
- 27.2 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender

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

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

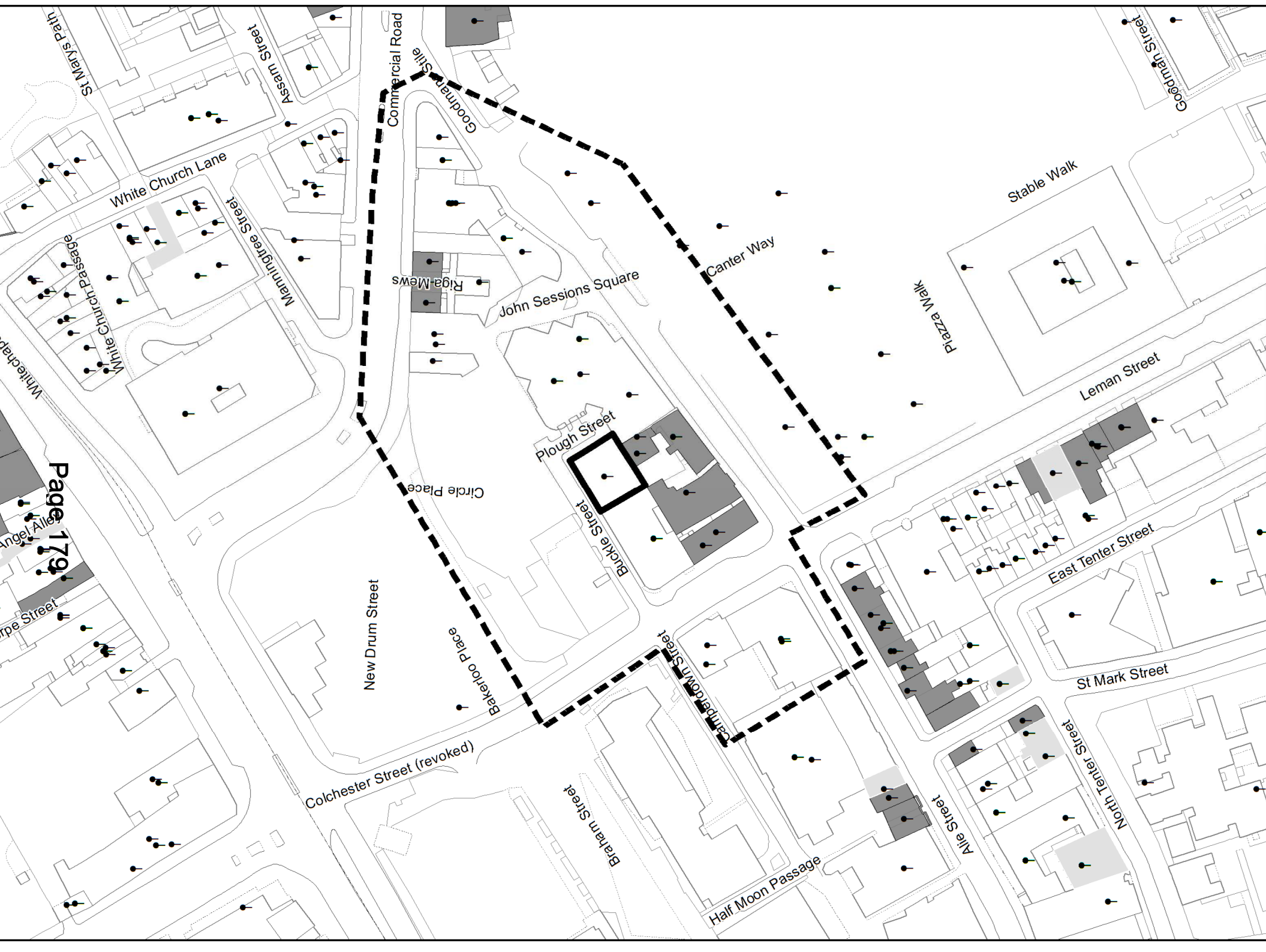
27.3 The requirement to use local labour and services during construction and at end phase enables local people to take advantage of employment opportunities, supports community wellbeing and social cohesion.

27.4 The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development

## **28 Conclusion**

28.1. All other relevant policies and considerations have been taken into account. Planning Permission should be refused for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.





Planning Application  
Site Boundary



Locally Listed Buildings



Land Parcel Address

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