

# DEVELOPMENT COMMITTEE

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**Wednesday, 28 September 2016 at 7.00 p.m.**  
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG**

**The meeting is open to the public to attend.**

**Members:**

Chair: Councillor Marc Francis  
Vice Chair : Councillor Andrew Cregan  
Councillor Sabina Akhtar, Councillor John Pierce, Councillor Suluk Ahmed, Councillor  
Gulam Kibria Choudhury and Councillor Chris Chapman

**Substitutes:**

Councillor Denise Jones, Councillor Candida Ronald, Councillor Helal Uddin, Councillor  
Harun Miah, Councillor Mahbub Alam, Councillor Andrew Wood and Councillor Julia  
Dockerill

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Monday, 26 September 2016**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Tuesday, 27  
September 2016**

**Contact for further enquiries:**

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

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## Public Information

### **Attendance at meetings.**

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

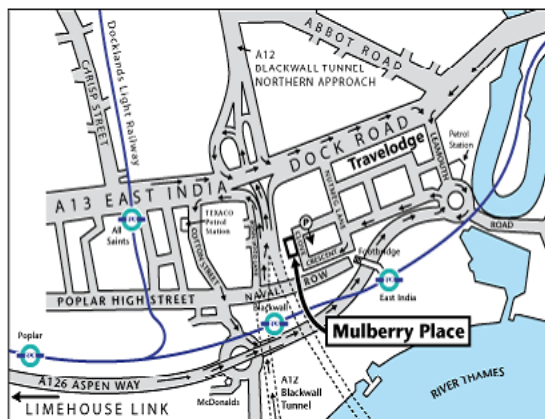
### **Audio/Visual recording of meetings.**

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### **Mobile telephones**

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### **Access information for the Town Hall, Mulberry Place.**



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Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

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### **Fire alarm**

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QR code for smart phone users

## **APOLOGIES FOR ABSENCE**

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

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

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

To confirm as a correct record the minutes of the meeting of the Development Committee held on 31<sup>st</sup> August 2016

### **3. RECOMMENDATIONS AND MEETING GUIDANCE (Pages 11 - 12)**

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

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
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### **4. DEFERRED ITEMS**

None.

<b>5.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>13 - 14</b>	
<b>5 .1</b>	<b>Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street, London E1W (PA/15/03561)</b>	<b>15 - 82</b>	<b>St Katharine's &amp; Wapping</b>
	Proposal:		
	Partial demolition of the existing buildings and redevelopment of all three sites to create 41 residential units and a retail unit along Wapping High Street, together with associated hard and soft landscaping works and the provision of cycle parking across all three sites. Site A would contain the majority of the units, with 27 flats; Site B would contain 10 and Site C, the 4 town houses.		
	Recommendation:		
	That the Committee resolve to GRANT full planning permission subject to any direction by the London Mayor, the prior completion of a legal agreement, conditions and informatives.		
<b>5 .2</b>	<b>Harley House and Campion House, Frances Wharf, London (PA/15/03433)</b>	<b>83 - 108</b>	<b>Mile End</b>
	Proposal:		
	Roof extensions at 7th floor and 9th floor levels to provide 6 new residential units along with the reconfiguration of 1 existing unit		
	Recommendation:		
	That the Committee resolve to GRANT planning permission subject to conditions and informatives		

<b>5 .3</b>	<b>Land Rear to 1-12 Fakruddin Street, London, E1 5BU (PA/16/01012)</b>	<b>109 - 130</b>	<b>Spitalfields &amp; Banglatown</b>
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Proposal:

Development of land to the rear of 1-12 Fakruddin Street, including construction of 5 No. dwellings with ground floor commercial unit and associated pedestrian walkway to new community centre and allotments. The development will result in a new crossover to Vallance Road and increase of garden space to the properties at 1-5 Fakruddin Street.

Recommendation:

That the Committee resolve to GRANT planning permission, subject to the prior completion of a legal agreement in the form of a unilateral undertaking to secure the planning obligation set out in the Committee report, conditions and informatives

<b>5 .4</b>	<b>Bromley Hall School, Bromley Hall Road, London, E14 0LF (PA/16/00884 and PA/16/00885)</b>	<b>131 - 158</b>	<b>Lansbury</b>
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Proposal:

Expansion of existing school to provide 2 Form Entry Primary school and associated nursery, including partial demolition of existing building.

Recommendation

That the Committee resolve to GRANT planning permission and listed building consent subject to the conditions set out in the Committee report and any direction made by the Secretary of State

## **6. OTHER PLANNING MATTERS**

None

### **Next Meeting of the Development Committee**

Wednesday, 26 October 2016 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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# Agenda Item 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Further advice**

For further advice please contact:-

Melanie Clay Corporate Director of Law Probit and Governance and Monitoring Officer,  
Telephone Number: 020 7364 4801



## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 31 AUGUST 2016**

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

**Members Present:**

Councillor Marc Francis (Chair)  
Councillor Sabina Akhtar  
Councillor John Pierce  
Councillor Gulam Kibria Choudhury  
Councillor Chris Chapman  
Councillor Mahbub Alam (Substitute for Councillor Suluk Ahmed)

**Other Councillors Present:**

Councillor Andrew Wood

**Apologies:**

Councillor Andrew Cregan  
Councillor Suluk Ahmed

**Officers Present:**

Jerry Bell	(East Area Manager, Planning Services, Development and Renewal)
Nasser Farooq	(Team Leader, Planning Services, Development and Renewal)
Marcus Woody	(Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
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)**

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 3 August 2016 be agreed as a correct record and signed by the Chair.

### 3. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

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

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

### 5. DEFERRED ITEMS

None.

### 6. PLANNING APPLICATIONS FOR DECISION

None

#### 6.1 111-113 Mellish Street, London E14 8PJ (PA/16/00901)

Update report tabled.

Jerry Bell introduced the application for the retention of the single storey modular building for a temporary period for continued non-residential use (falling within use class D1)

The Chair invited registered speakers to address the Committee.

John Locko and Councillor Andrew Wood spoke in objection to the proposal on the grounds that existing facility created parking stress. Therefore, the proposal would further increase parking congestion in the surrounding streets, given the increase in visitor numbers especially during the summer months. Concern was also expressed about breaches of the current parking controls and that the residents had not been consulted on the travel plan until very late in the day. They also expressed concern about noise disturbance from the existing facilities, especially when the PA system was in use, due to the unsuitability of the premises for the intended use. In particular, concern was expressed about noise escape from the roof area affecting the nearby

residents. The Committee report underestimated the potential noise impact from the facilities. Many of the residents had complained about the issues.

In response to questions, the speakers emphasised their concerns about the impact from parking from the proposal, acknowledging that whilst the facility was not solely to blame for such problems, it would add to the wider parking congestion in the area. They also explained their concerns about noise disturbance from the proposals, outlined the steps that had been taken to address the issues and the effectiveness of these measures. They also expressed concern about the lack of use of the building during weekdays and, in view of the concerns, questioned whether the proposal was the most effective use of the site given the demand for community resources in the local area.

Fokrul Islam and the Imran Rahman spoke in support of the application. They drew attention to the wide range of community services delivered at the premises, the inclusive nature of activities and importance of the facility to local people. The concerns about noise and parking stress could be addressed through the conditions. The specialists at the Council had considered these issues and were satisfied that the conditions would address any impacts and they had not raised any objections. In response to questions, they commented further on the nature and quality of the community activities being provided on site and that they had worked hard to minimise noise disturbance. They also discussed the layout of the building, the concerns about noise especially during the Ramadan period and the measures to control this. Regarding the travel assessment, it was considered that most of the visitors travelled to the centre by foot therefore it was unlikely that the proposal would increase parking pressure.

Nasser Farooq (Planning Services, Development and Renewal) gave a presentation on the application describing the site location, nature of the surrounds and the consented scheme. He also explained the layout of the existing facility and the outcome of the consultation and the issues raised. The main issues for consideration were the impact on amenity and transport and the highway. The application included a number of conditions to address any potential impacts and Officers were satisfied that the conditions would address the issues. As a result, Officers were recommending that the application be granted permission.

In response to questions about the proposed increase in visitor numbers (compared to the approved application), it was confirmed that at the time of the original consent in 2013, the end user had yet to be identified. Therefore, in view of the uncertainties, it was decided to restrict the visitor numbers to 50 at any time to be sure that the plans would safeguard residential amenity. Following the receipt of further information, a maximum of 160 visitors at any one time was agreed and conditioned. There had been no material changes in circumstances since that time so it was proposed to restrict the number of visitors to 160 at any given time.

In response to questions about the enforcement of this restriction and the impact of the plans on parking and noise, it was emphasised that any

breaches in the planning permission would be a matter for the Council's Enforcement Team to pursue. It was also explained that the case officer had visited the site late at night to assess the audibility of sound from the premises within the surrounding area and was satisfied that the conditions would address any impacts. The plans included a condition that there should be no audible noise from equipment outside the premises and that the former management plan condition be reapplied to manage the coming and goings from the premises to limit impacts on the area.

In relation to late night prayers during Ramadan, the report provided an indication of when Ramadan would in take place in 2017 and 2018 so that Members could make an informed decision on the impact of these hours on residential amenity.

Highways Services had visited the application site and had since withdrawn their initial objections to the application.

It was also noted that there would be an informative stating that the Council would not be inclined to support a further extension to the application.

In response to further questions, Officers also discussed with the Committee, the enforcement history and the outcome of the investigation of the 2014 complaint.

On a vote of 5 in favour, 1 against and 0 abstentions, the Committee **RESOLVED:**

1. That planning permission be **GRANTED** at 111-113 Mellish Street, London E14 8PJ) for the retention of the single storey modular building for a temporary period for continued non-residential use (falling within use class D1) (PA/16/00901)
2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

**6.2 Bromley Hall School, Bromley Hall Road, London, E14 0LF (PA/16/00884, PA/16/00885)**

Application withdrawn from the agenda due to the submission of new information requiring further assessment.

**6.3 14 Flamborough Street, London, E14 7LS (PA/16/01261)**

Application withdrawn from the agenda and referred to the Strategic Development Committee on 8<sup>th</sup> September 2016 for consideration

**7. OTHER PLANNING MATTERS**

None.

The meeting ended at 8.15 p.m.

Chair, Councillor Marc Francis  
Development Committee

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

### Who can speak at Committee meetings?

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

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

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters.  This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> <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> Development	<b>Date:</b> 28 <sup>th</sup> September 2016	<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

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7**

Brief Description of background papers:  
See Individual reports

Tick if copy supplied for register:  
✓

Name and telephone no. of holder:  
See Individual reports

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

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

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

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

#### **5. RECOMMENDATION**

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

# Agenda Item 5.1

<b>Committee:</b> Development Committee	<b>Date:</b> 28 September 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer: Kamlesh Harris</b>		<b>Ref No:</b> PA/15/03561	
		<b>Ward:</b> St Katharine's and Wapping	

## 1.0 APPLICATION DETAILS

**Location:** Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street, London E1W

**Existing Use:** Partly vacant, one car repair workshop and one residential unit

**Proposal:** Partial demolition of the existing buildings and redevelopment of all three sites to create 41 residential units and a retail unit along Wapping High Street, together with associated hard and soft landscaping works and the provision of cycle parking across all three sites. Site A would contain the majority of the units, with 27 flats; Site B would contain 10 and Site C, the 4 town houses.

### Drawing Numbers:

(01)-E-001 PL00, (02)-E-001 PL05, (03)-E-001 PL00, (03)-E-002 PL00, (03)-E-A-001 PL01, (03)-E-A-002 PL00, (03)-E-A-003 PL00, (03)-E-B-001 PL00, (03)-E-C-001 PL02;

(01)-P-0G0 PL00, (01)-P-001 PL00, (01)-P-002 PL00, (02)-P-001 PL04, (02)-P-002 PL00, (03)-P-0G0 PL05, (03)-P-001 PL05, (03)-P-002 PL03, (03)-P-003 PL00, (03)-P-004 PL00, (03)-P-005 PL00, (03)-P-A-B-000 PL00, (03)-P-A-000 PL00, (03)-P-A-001 PL00, (03)-P-A-002 PL00, (03)-P-A-003 PL00, (03)-P-A-004 PL00, (03)-P-A-005 PL00, (03)-P-B-000 PL01, (03)-P-B-001 PL00, (03)-P-C-000 PL05, (03)-P-C-001 PL00, (03)-P-D-01 PL00, (03)-P-D-02 PL00, (03)-P-D-03 PL00, (03)-P-D-04 PL00, (03)-P-D-05 PL00, (03)-P-D-06 PL00 and (03)-P-D-07 PL00;

(01)-S-000 PL00, (01)-S-001 PL00, (01)-S-A-005 PL00, (01)-S-A-006 PL00, (02)-S-A-005 PL00, (02)-S-A-006 PL00, (03)-S-A-001 PL00 and (03)-S-B-001 PL00.

### Supporting Documents:

- Design and Access Statement
- Planning Statement
- Affordable Housing Statement
- Financial Viability Assessment
- Heritage and Townscape Assessment
- Archaeological Desk Based Assessment
- Air Quality Assessment
- Daylight and Sunlight Assessment
- Noise and Vibration Assessment
- Land Contamination Assessment
- Energy Statement

- Sustainability Statement
- Transport Statement
- Flood Risk Assessment
- Construction Environmental and Waste Management Plan
- Construction Management Plan
- Statement of Community Involvement
- Utilities Infrastructure
- SUDs Briefing Note
- Ecological Appraisal

**Applicant:** Rail for London and Wapping High Street Limited

**Owner:** The applicant

**Historic listing:** Not applicable

**Conservation:** Wapping Wall Conservation Areas (in part)

## **2.0 EXECUTIVE SUMMARY**

- 2.1 Owner/occupiers of 258 neighbouring properties were consulted on the scheme. Twelve individual objection letters were received and a petition of 56 signatures was also received, objecting to the scheme and raising concerns surrounding loss of daylight and sunlight, loss of privacy, overlooking, overshadowing and the cumulative impacts of the scale of development in the area on infrastructure.
- 2.2 Officers have considered the particular circumstances of this application against the adopted policies in the London Plan (MALP 2016), Tower Hamlets Core Strategy 2010, the Council's Managing Development Document 2013, the National Planning Policy Framework (NPPF), and National Planning Practice Guidance (NPPG), and have found that:
- 2.3 Sufficient evidence has been provided to justify the loss of employment floor space in this instance, in accordance with the requirements of Policy DM15 (1) of the Managing Development DPD (2013) These policies seek to resist the loss of employment floor space in the Borough unless it can be demonstrated that the floor space in question is unsuitable for continued employment use or is surplus to requirements.
- 2.4 The proposed delivery of 41 new residential dwellings accords with the objectives of Policy SP02(1) of the Council's adopted Core Strategy (2010), policy DM3 of the MDD and Policy 3.3 of the London Plan (MALP 2016), which support the delivery of new housing in the Borough in line with the housing targets set out in the London Plan.
- 2.5 The proposed development would provide 37% affordable housing by habitable room, in accordance with Policy SP02 (3) of the Council's adopted Core Strategy (2010) and policy DM3 of the MDD. These policies seek to maximise the delivery of affordable housing in line with the Council's target of 50% affordable housing provision, with a minimum provision of 35%.
- 2.6 The proposed development provides a mix of unit sizes, including a high proportion of 1 and 2 bed market units, as well as a high proportion of family sized (3 bed+) affordable units, which responds well to the identified housing need in the Borough. The proposal

therefore accords with Policy SP02 (5) of the Council's adopted Core Strategy (2010), and Policy DM3 (7) of the MDD 2013 and Policy 3.8 of the London Plan (MALP 2016)

- 2.7 The proposed room sizes and layouts have been assessed against the standards set out in the London Plan (MALP 2016) Housing Design Guide and are considered to be acceptable. As such, the proposal accords with the requirements of Policy 3.5 of the London Plan (MALP 2016) and Policy DM4 (1) of the MDD 2013. The policies require residential developments to include adequate internal space in order to function effectively.
- 2.8 The proposal would incorporate good design principles and would take into account and respect the local character and setting of the development site and its surroundings in terms of scale, height, bulk, design details, materials and external finishes. The proposal therefore accords with the requirements of Policy SP10 (4) of the Council's adopted Core Strategy (2010), Policy DM24 of the MDD (2013) and Policy 7.4 of the London Plan (MALP 2016).
- 2.9 The proposed building has been sensitively designed within the context of the historic built form and public realm and would preserve and enhance the character and appearance of the Wapping Wall Conservation Area. The proposal therefore would accord with Policy SP10 (2) of the Council's adopted Core Strategy (2010), Policy DM27 of the MDD (2013) and Policy 7.8 of the London Plan (MALP 2016) together with government guidance as set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas.
- 2.10 Given the poor condition and dilapidated appearance of the existing buildings and the high quality architectural design of the proposed replacement buildings, it is considered that the demolition of the existing buildings would accord with the requirements of Policy DM27 (3) of the MDD (2013). It is also considered that the replacement buildings would sit comfortably within the context of the surrounding built form and public realm and would protect the setting of nearby heritage assets. This policy seeks to ensure that the heritage assets and character of the Borough's Conservation Areas are not harmed by inappropriate demolition of building.
- 2.11 The scheme does present some significant challenges in respect of daylight and sunlight. However, these need to be considered in the context of the site and the historic Wapping area and in particular the degree of impact any developments on these three separate land parcels would cause to the surrounding area. Subject to conditions, it is considered that the development would not have an unacceptable impact on the amenity of adjoining residents in terms of daylight/sunlight impacts, sense of enclosure, privacy, overlooking, noise, and construction impacts. The proposal would be in accordance with Policy SP10 (4) of the adopted Core Strategy (2010) and Policy DM25 of the MDD (2013). These policies require development to protect the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.
- 2.12 The proposal would include an adequate provision of private, child and communal amenity spaces in accordance with Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4 of the MDD (2013). These policies seek to ensure that amenity spaces are well located, well designed and functional and provide opportunities for residents to lead healthy and active lifestyles.

- 2.13 Subject to appropriately worded conditions, transport matters, including car and cycle parking, access and servicing arrangements are considered to be acceptable. It is also considered that the on-street servicing arrangements for the commercial unit are adequate and would not significantly impact on the capacity or safety or the road network, which accords with the requirements of Policy SP09 (3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the MDD (2013).
- 2.14 A suitable strategy for minimising carbon dioxide emissions from the development has been proposed. Landscaping and biodiversity features are also proposed which seek to ensure the development is environmentally sustainable.

### **3.0 RECOMMENDATION**

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

- Any direction by the London Mayor.
- The prior completion of a legal agreement to secure the following planning obligations:

3.2 Financial contributions:

- a) £19,464 construction phase employment training
- b) £832 end-user phase employment training
- c) £12,600 carbon off-setting
- d) £10,000 towards the cost of three disabled on street car parking spaces
- d) Monitoring fee of £3,500 (equivalent to £500 per each substantial Head of Terms)

Total financial contribution: £46,396 including monitoring contribution.

3.3 Non-financial contributions:

- a) On-site affordable rented housing consisting of 2 x one bedroom, 4 x two bedroom and 5 x three bedroom units at Borough Framework Levels inclusive of service charges (including 2 two bed wheelchair units)
- b) 1 x one bedroom and 2 x three bedroom intermediate units
- c) Annual income for social and intermediate housing to be capped
- d) Access to employment
  - 20% local procurement
  - 20% local labour in construction
- e) 6 apprenticeships delivered during the construction phase
- f) Car Parking Permit Free
- g) Compliance with the Code of Construction Practice



- 3.4 Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.5 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.
- 3.6 That the Corporate Director Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:

3.7 **Conditions**

Compliance

- 1) Compliance with plans
- 2) 3 year time limit for implementation
- 3) External play space area on Site B to be maintained and actively managed for life of the development
- 4) Six weeks' notice to Rail for London/TfL before any works commence
- 5) No interference or conflict with radio communications for Rail for London/railway safety
- 6) Clear access to ventilation shaft and emergency exits for Rail for London
- 7) Enlarged public footpath to be maintained in perpetuity

Pre commencement

- 8) Demolition strategy/plan
- 9) Design and construction methodology for foundations
- 10) Radio impact survey for Rail for London
- 11) Excavation Management Plan (Rail for London)
- 12) Details of and a method statement for all machinery (Rail for London)
- 13) Details of CFD analysis or Fire Safety Report (Rail for London)
- 14) Land contamination
- 15) Archaeology - written scheme of investigation
- 16) Health and Safety Plan and measures for Rail for London
- 17) Full details of demolition works including design and methodology (Rail for London)

Pre-commencement (other than demolition of the existing buildings)

- 18) Construction, Logistics and Environmental Management Plan (in consultation with Rail for London) including crane/lifting Management plan, scaffolding, consideration for river transport of materials/waste, statement of compliance with the new GLA NRMM Low Emission Zone and Air Quality
- 19) Detailed drainage system and its maintenance
- 20) Details showing measures to reduce surface water run off
- 21) Details of cycle stand and storage areas
- 22) Impact on water supply infrastructure
- 23) Piling method statement
- 24) Energy/centralised heating system
- 25) Flood mitigation measures and AOD levels
- 26) Detailed drawings and samples of all external materials
- 27) Details of all windows and doors for all 3 sites including acoustic details for Site A
- 28) Details of balconies and any privacy screens on all three sites

29) Full details of noise and vibration mitigation measures for buildings on Site A

Pre- 3<sup>rd</sup> floor slab level

- 30) Landscaping and public realm including details of:
- a. Soft landscaping
  - b. Biodiversity improvement measures
  - c. Details of roof top based solar panels and capacity for scheme to allow future connection to a district heating network
  - d. Hard landscaping
  - e. Visitor cycle parking
- 31) Wheelchair accessible units  
32) Highways S278 Agreement

Prior to Occupation

- 33) Secured by Design accreditation  
34) Transport Management Plan/Travel Plan including river bus use  
35) Delivery & Servicing Plan (including a Waste Management Strategy)  
36) Enlarged pavement on Site C must be laid out and completed  
37) Child play space and communal roof terrace to be provided prior to occupation and retained for use by all residents on Sites B and C.

3.8 Informative

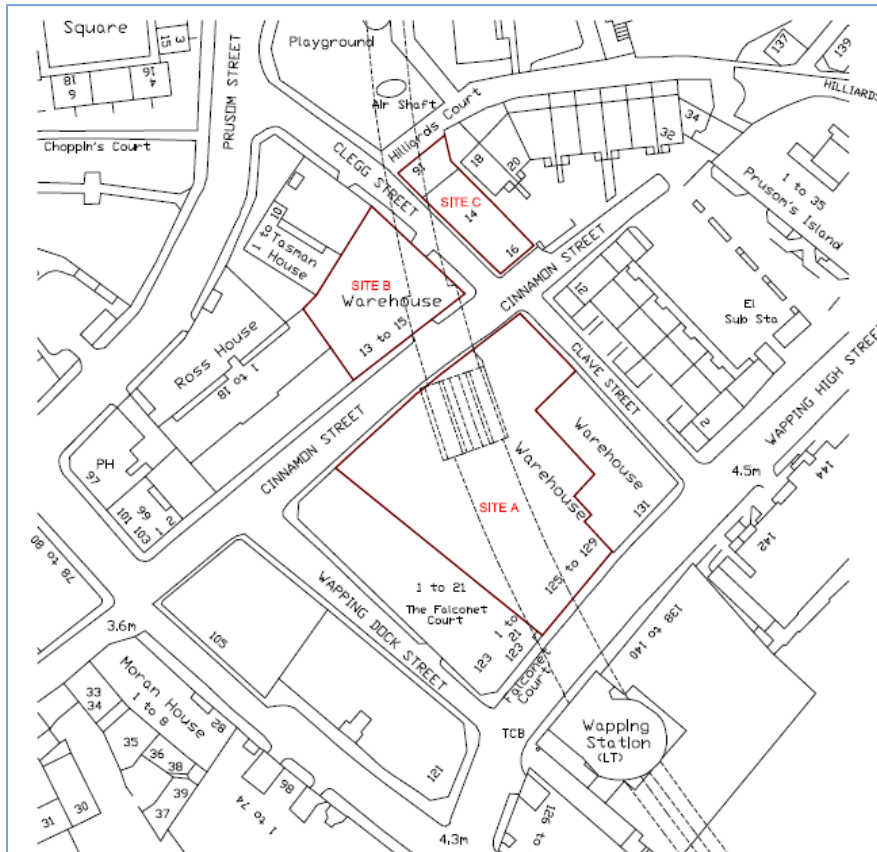
- a) Thames Water
- b) Development to be read in conjunction with S106
- c) The developer should enter into a S278 agreements for works to the highway
- d) The developer should contact the Council's Building Control Section

3.9 Any other condition(s) and/or informative as considered necessary by the Corporate Director for Development & Renewal.

**4.0 LOCATION DETAILS and PROPOSAL**

**Site and Surroundings**

4.1 The application site lies in the Wapping area, within the Ward of St Katharine's and Wapping and consists of three land parcels currently known as 125-129 Wapping High Street, 13-15 Cinnamon Street and 14-16 Clegg Street, as shown in the map below.



**Figure 1: Site Location – boundaries of Sites A, B and C**

4.2 The three sites would cover a total area of approximately 2200sq.m and would be referred to as the application site and developed under one proposal (to deliver housing and a small retail unit). However, as there are three different site boundaries, these would be addressed, where relevant, as stand-alone sites. From this point on, the sites would be described as Sites A, B and C.



**Figure 2: The three land parcels**

Site A – 125-129 Wapping High Street

- 4.3 Site A, the largest of the three sites, is located between Wapping High Street to the south and Cinnamon Street to the north, with a small section on Clave Street. To the south-west, the site lies directly adjacent to Falconet Court and similarly to the south-east, it is bounded partly by Baltic Court which lies along Clave Street. Wapping Station lies further south of this site. This site falls within the Wapping Wall Conservation Area.
- 4.4 The buildings on Site A are mostly derelict and unoccupied. Much of the site, formerly a 19<sup>th</sup> century warehouse, has been lost following the construction of the emergency exits for Wapping Station. The Overground line runs in a tunnel under the three sites, connecting Wapping Station to Shadwell. Furthermore, a large ventilation shaft and two fire escapes from Wapping Station are located on this site and these would be retained within this proposal. These structures face onto Cinnamon Street.
- 4.5 The frontage of the building (facing Wapping High Street) would also be retained.



**Figure 3: Site A – retained frontage on Wapping High Street**

- 4.6 This elevation is formed of two gable end buildings, with a five bay wider section comprising 4 arched windows and 1 arched door; the smaller section is a two bay unit with square windows. Other remaining structures are to the south (rear) of the site and are in a poor state of repair.

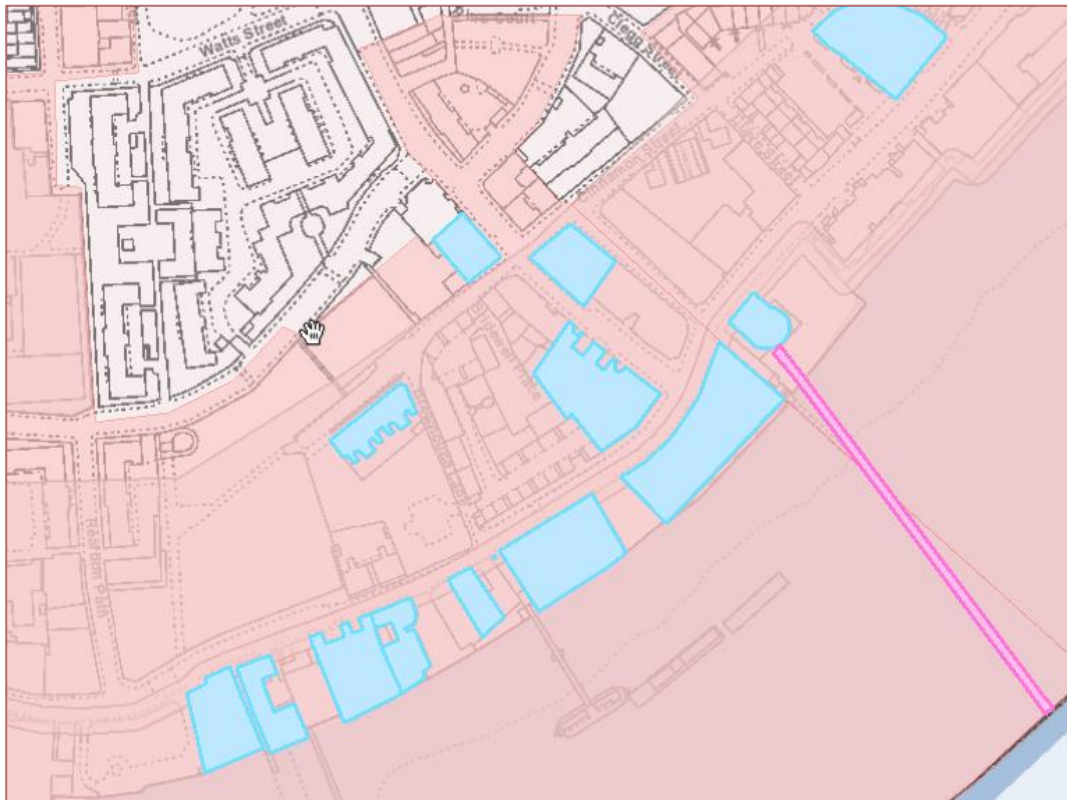
Site B – 13-15 Cinnamon Street

- 4.7 This is a corner warehouse site on Cinnamon Street with a side return onto Clegg Street on the west, described as 13-15 Cinnamon Street. This site sits opposite Site C which is on the east side of Clegg Street. Site B has equal frontages on both these streets and historically has an entrance on both Cinnamon and Clegg Streets.
- 4.8 Site B is the only site not within the conservation area but is still within its immediate setting. The building on site is a part one and part two storey building which is currently being used as a garage. Site B also adjoins Ross House to the west and Tasman House to the north.

Site C – 14-16 Clegg Street

- 4.9 Site C is the smallest site of the group and sits within the Wapping Wall Conservation Area. The site is rectangular in shape and shares a corner location on Cinnamon Street with Clegg Street. Its main and longest frontage is along Clegg Street and is hence described as 14-16 Clegg Street. To the east of Site C is the row of three storey terrace houses, 18 – 34 Cinnamon Street.
- 4.10 There is only one building on site which is which is a single storey warehouse which is abutted by a two storey block to the northern end. The northern end building has been used as a residential unit but the main part of the single storey element has been a motor repairs garage. To the north the site overlooks a children’s playground.

- 4.11 Between Site C and the houses on Cinnamon Street is a retained party wall which is in a very dilapidated state. This wall is at low level (approximately single storey level) from Cinnamon Street and rises up to a high two storey towards the end of the site. The wall also forms part of the rear boundary wall of 18 Cinnamon Street.
- 4.12 In general terms and in the historic environment, the three sites, the subject of this application are located close to each other and are within or surrounded by conservation areas. However, there are no statutory listed buildings within or in close proximity of the sites. The closest Grade II listed buildings to the west and south west are along Wapping Lane and to the east is Prusom Island. It is worth noting though that The Thames Tunnel which runs under Sites A and B is Grade II\* listed and the tunnel entrance at Wapping Station is Grade II listed.



**Figure 4: The historic environment**

- 4.13 The site does not have any specific policy designations and is located within a predominantly residential area. Surrounding building heights vary from three storeys to seven storeys. The immediate buildings to Site A is Falconet Court at 4 storey high; Site B is flanked by Ross House at 5 storeys and Tasman House also at 5 storeys. Site C sits alongside a three storey terrace block and the building opposite, 2-12 Clave Street is also 3 storeys high.
- 4.14 The site has a fairly good accessibility to public transport even though the PTAL is only 3 (in the ranges 1 to 6 where 1 is low and 6 is excellent). However, Wapping Station is approximately 15m from Site A and 65m from Sites B and C. The area is also served by several bus routes connecting to the rest of the borough and further west towards the City.
- 4.15 In terms of constraints, the application site falls within a Flood Risk Zone and an Archaeological Priority Area. The application site may also be within a potential contamination risk area.

## Proposal

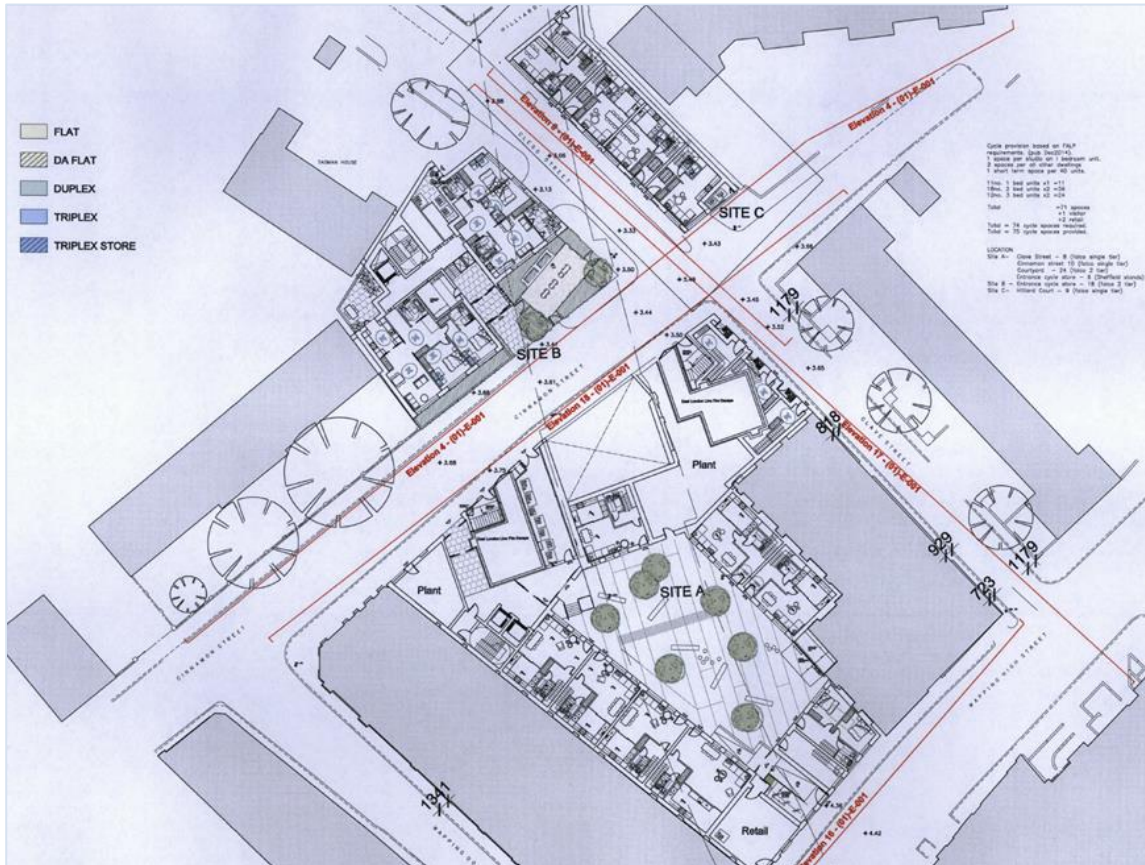
- 4.16 The proposal is for a residential led development consisting of 41 new units set over the three sites, in three individual buildings, ranging from three to five storeys. A small retail unit (47sqm) is also proposed within Site A, along Wapping High Street. The application proposal would involve the partial demolition of the buildings on Site A and the total demolition of all buildings and structures on Sites B and C.



**Figure 5: CGI of proposal (view along Cinnamon Street looking west - showing new buildings on the 3 sites)**

- 4.17 The proposal would consist of the retention of the façade to the Wapping High Street building and the addition of a five storey perimeter building with a central courtyard. This building (Block A) would provide 27 new flats all within the market sale tenure. Site A would consist of 8 one bed, 14 two bed and 5 three bed units. 12 units within this block would be duplexes and triplexes and the remaining 15 would be flats. The central courtyard would be given to private communal amenity space (382sqm).
- 4.18 Site B would deliver 7 units within the affordable rented tenure and 3 units in the intermediate tenure and would consist of 3 x one bed, 4 x two bed and 3 x three bed within a five storey building, with a setback from second to fourth floors on the north eastern elevation. A further setback has been designed on the north-west corner of the building adjacent to Ross House. Site B would also provide a communal play area on the corner of Cinnamon and Clegg Street at ground level and a large private terrace overlooking Clegg Street at second floor level. A further play area would be provided on the fourth floor above the communal terrace overlooking Clegg Street.
- 4.19 The smallest parcel of land at Site C would be a three storey building (Block C) consisting of 4 terraced three bedroom town houses. These houses would be in the affordable rented tenure.
- 4.20 Each block would be self-contained with their own entrances, residential lobby spaces, cycle storage areas and a waste and recycling room together with a plant room, serving

the residential units. With regards to Block A, a separate entrance is being created for the retail unit together with its associated refuse requirements. Also for Block A, 9 of the residential units would be independently accessed from a central courtyard. Three more units (three bed units) would be accessed directly from street level from Clave Street. The upper levels of Blocks A and B would be served by two lifts.



**Figure 6: Proposed ground floor plan of all three blocks**

4.21 The scheme would provide four wheelchair adaptable or accessible units (10%). 2 two bed flats on the first floor of Block A and 2 two bed on the ground floor of Block B. The scheme would provide no on-site car parking spaces.

## 5.0 RELEVANT PLANNING HISTORY

5.1 On 13 June 2008, applications for Full Planning Permission and Conservation Area Consent were withdrawn for the 'Demolition of buildings to enable redevelopment of site by erection of buildings from three to five storeys (22.85metres) to provide five houses and 58 flats with 170sqm retail floor space, under planning application references PA/07/03149 and PA/07/03150.

5.2 On 11<sup>th</sup> April 2008, Full Planning Permission and Conservation Area Consent were granted for the 'Demolition of building and development to provide secondary means of escape from Wapping Station, including erection of a wall along the street frontages: all required as part of the East London Line Project' under planning application references PA/08/00197 and PA/08/00200.



- 5.3 On 03 June 2015, an application for Full Planning Permission was withdrawn for the “Site A (125- 129 Wapping High Street): Partial demolition of the existing structures, retention of the front facade fronting Wapping High Street. Redevelopment of the site to provide buildings ranging 2-4 storeys in height comprising a retail unit (Use class A1) fronting Wapping High Street and 27 residential units (Use class C3). Site B (13-15 Cinnamon Street): Demolition of existing building on site. Redevelopment of site to create a new building ranging from 2-5 storeys in height comprising 11 residential units. Site C (14-16 Clegg Street): Demolition of existing building on site. Redevelopment to provide 4 town houses that would be 2-storeys in height. Sites A, B and C would create a total of 42 residential units including 1, 2 and 3 bedroom sized units”, under planning reference PA/14/03062.
- 5.4 On 11 November 2015, an application for Full Planning Permission was withdrawn for “Site A (125- 129 Wapping High Street): Partial demolition of the existing structures, retention of the front facade fronting Wapping High Street. Redevelopment of the site to provide buildings ranging 2-5 storeys in height comprising a retail unit (Use class A1) fronting Wapping High Street and 27 residential units (Use class C3). Site B (13-15 Cinnamon Street): Demolition of existing building on site. Redevelopment of site to create a new building ranging from 2-5 storeys in height comprising 10 residential units. Site C (14-16 Clegg Street): Demolition of existing building on site. Redevelopment to provide 4 town houses that would be 3-storeys\* in height. Sites A, B and C would create a total of 41 residential units including 1, 2 and 3 bedroom sized units” under planning reference PA/15/02440.

125-129 Wapping High Street

- 5.5 On 28 April 2006, full planning permission was granted for the change of use of warehouse to provide secondary means of escape from Wapping Station plus the removal of part roof and the creation of a raised pavement with bollards fronting Cinnamon Street. Planning reference PA/06/00333.

13-15 Cinnamon Street

- 5.6 On 06 April 1988 full planning permission was granted for the redevelopment by the erection of (I) a four storey building with two storey section comprising 9 residential units and ground level parking, and (II) a two storey building comprising 2 residential units; together with a courtyard and additional parking. Planning reference ID/88/00172.

## **6.0 POLICY FRAMEWORK**

- 6.1 The Council in determining this application has the following main statutory duties to perform:
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
  - To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
  - In considering whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990);

- Pay special attention to the desirability of preserving or enhancing the character or appearance of the adjoining Whitechapel High Street Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

6.2 The list below is not an exhaustive list of policies; however, it contains some of the most relevant policies to the application proposal:

6.3 Core Strategy Development Plan Document (CS)

- Policies:
- SP02 Urban living for everyone
  - SP03 Creating healthy and liveable neighbourhoods
  - SP04 Creating a green and blue grid
  - 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 Place making
  - SP13 Planning Obligations

6.4 Managing Development Document (MDD)

- Policies:
- DM0 Delivering Sustainable Development
  - DM3 Delivering Homes
  - DM4 Housing Standards and amenity space
  - DM8 Community Infrastructure
  - DM9 Improving Air Quality
  - DM10 Delivering Open space
  - DM11 Living Buildings and Biodiversity
  - DM12 Water spaces
  - 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
  - DM27 Heritage and Historic Environment
  - DM29 Zero-Carbon & Climate Change
  - DM30 Contaminated Land

6.5 Supplementary Planning Guidance/Documents

- Revised Planning Obligations Supplementary Planning Document (April 2016).

6.6 Consolidated London Plan (March 2016)

- Policies:
- 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
- 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
- 7.8 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 Noise and Enhancing Soundscapes
- 7.18 Open space
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

## 6.7 London Plan Supplementary Planning Guidance/Documents

- Housing Supplementary Planning Guidance Nov 2012
- Shaping Neighbourhoods: Play and Informal Recreation SPG September 2012
- 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 (2014) Best Practice Guide
- Shaping Neighbourhoods: Character and Context SPG (2014)
- Sustainable Design and Construction SPG (2014)
- Mayor's Climate Change Adaptation Strategy
- Mayor's Climate Change Mitigation and Energy Strategy

#### 6.8 Government Planning Policy Guidance/Statements

- The National Planning Policy Framework 2012 (NPPF)
- Technical Guide to NPPF
- The National Planning Policy Guide (NPPG)
- London Housing Standards (March 2016)

#### 6.9 Other documents

- Tower Hamlets Local Biodiversity Action Plan (2009)

### 7.0 **CONSULTATION RESPONSES**

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted and made comments regarding the application, summarised below:

#### Internal Consultees

##### **Affordable Housing**

7.2 The scheme will deliver 37% affordable housing by habitable rooms. The proposed unit mix provides 11 units for affordable rent 2x1beds, 4x2beds, 5x3beds and three units for intermediate, 1x1bed and 2x3beds. Within the affordable rent the scheme provides 18% of one bed units against LBTH policy target of 30%, 36% of two bed units against LBTH policy target 25%, 45% of three bed units against LBTH policy target of 45% family units. Within the intermediate units, the schemes provide 33% of one bed units against LBTH policy target of 25%, 67% of three bed units against LBTH policy target of 25%. There are no two bed units within this tenure type; LBTH planning policy requires a core strategy target of 50%. On balance, the proposed mix is considered acceptable.

##### **Waste Management Team**

7.3 No objection

##### **Environmental Health**

7.4 Contaminated Land Team: No objection, subject to the imposition of a planning condition, should planning permission be granted, to address potential land contamination.

7.5 Noise and Vibration Team: No comments received.

7.6 Air Quality Team: No objection. The Air Quality Assessment is accepted. It shows that the site is suitable for the proposed use of the development and that the impacts of the development are negligible and therefore not significant. The CEMP is also accepted in

regards to dust. The air quality section of the Construction Environmental Management Plan should include a statement of compliance with the new GLA Non Road Mobile Machinery Low Emission Zone emissions requirements.

### **Transportation & Highways**

- 7.7 The site falls within a PTAL area of level 3. Following negotiations and substantive revisions, the highways team has no objections subject to:
- 7.8 Public footpath: Due to the site constraints and the nature of this development, Transport and Highways welcome the proposal to set back the property to increase the width (up to 1.5m) of the footpath along Clegg Street. A condition should be attached to any planning permission to submit a Maintenance Plan for the extended footpath and any structure above. The applicant must be committed to maintain the footpath and any structure above that meets the minimum safety requirements for residents and pedestrians' usage along Clegg Street.
- 7.9 A condition should also be attached to any permission to state that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development (i.e. reinstate redundant drop kerbs and etc.).
- 7.10 Car parking: Highways require a section 106 'car and permit' free agreement for this development. Cinnamon St has night time parking occupancy of 100% and Clegg Street has parking occupancy of 100% and 143% during weekdays and night time respectively. This exceeds the 80% level, which is considered to be 'stressed'. The layout of the site is not possible to provide accessible parking on site for registered blue badge holders. The transport statement states that blue badge users will be able to utilise the existing resident parking bays on street. Whilst this may be the case it will also add to the existing parking stress in the area, affecting existing residents' ability to park in those bays. It is recommended that the applicant enters into a S106 agreement to fund up to three disabled bays on street if required by residents.
- 7.11 Cycle parking: the original comments from highways colleagues were that the proposed number of cycle spaces exceeds the minimum requirement. However, the applicant is proposing to provide mixture of Falco single tier and Falco 2 tier cycle stands throughout the development. Falco cycle storage does not comply with our policy requirement. However, following receipt of further information on the type of Falco stands proposed, the Highways team is now satisfied with the Falco provision. Nonetheless, a condition would be attached to ensure the cycle stands to be provided meet with the Council's policy requirements and that the cycle storage areas are adequate for the development.
- 7.12 Servicing: Clegg Street and Cinnamon Street are very narrow two way public highways. It is not possible to service any apartment from any of these roads without blocking the public highways. A site visit with the applicant and highways officers addressed the issues raised and subject to a S278 and works to the kerb lines along Clegg Street and Cinnamon Street plus the relocation of a lamp post on Clegg Street, the servicing and waste collection are considered satisfactory subject to necessary conditions to secure detailed arrangements.
- 7.13 Construction Management Plan: A draft construction management plan has been submitted, which is welcomed. A final CMP will be required via a condition once the main contractor has been appointed and will need to be submitted and approved prior to any works taking place. The developer is asked to bear in mind the construction routes as they will be similar to those for the London Dock development and they will need to show

the cumulative effect of this development on both the TLRN and the local road network, together with any mitigation measures to reduce the impact. TfL will require consultation on this and the fact that the development takes place close to London Underground infrastructure. In terms of Travel Plan, a framework travel plan has been supplied and a final version will be required as a condition to any planning permission granted.

- 7.14 Highways improvement works: The applicant will be required to enter into a S278 agreement with the local authority to cover works considered necessary on the public highway as a result of the development, including the reinstatement of redundant crossovers. Some of the works would include changes to kerb lines, relocation of a lamp post, removal of dropped kerbs and introducing/extending single or double yellow lines. This would be secured by condition.

### **Biodiversity Officer**

- 7.15 The application site contains no significant habitats, but Site A has potential to support bats and Black Redstarts, which are protected species. Two features with low potential to support low-value non-maternity roosts for single or small numbers of bats were found on site A. Details of biodiversity enhancements would be secured by condition including further details of the provision of a biodiverse roof.

### **Energy Officer**

- 7.16 The CO2 emission reductions proposed are supported and would result in a circa 35% reduction against the Building Regulations 2013. The current proposals are below the policy target of 45% reduction in CO2 and a carbon offsetting payment is due of £12,600. Out of the two options proposed by the applicant, officers' recommendation is for option A – centralised heating system;
- 7.17 The applicant should commit to the delivery of a communal system; it is recommended that the proposals are secured through appropriate Conditions for: • Delivery of Energy Strategy Option A – Centralised heating system • Submission of PV specification and delivery of a 41.4kWp PV array • Carbon offsetting contribution secured through S106 contribution.

### **Employment & Enterprise Team**

- 7.18 Following receipt of further information with regards to the loss of employment floor space, the Employment and Enterprise Team stated that "*There is a loss of employment space but this is not active and the buildings are derelict and in state of disrepair. Therefore, I agree with the principle of the development proposal because the site would not generate the required income to justify the regeneration to put back in to habitable employment space. In addition, I accepted the proposal based on the provision of a small retail unit that could accommodate at least 2 employees*". The development should secure by way of legal agreement the following commitments:

- Financial contributions - Construction phase: £19,464
- End-user phase: £832
- Non-financial contributions - 20% local labour, - 20% use of local suppliers;
- No end-user apprenticeships or minimum jobs are to be secured as there is no significant employment generated, however, where possible advertise - vacancies locally through Skillsmatch (the Council's employment and skills agency).

- A minimum of 6 apprenticeships delivered during the construction phase (NVQ L2); depending on the length of the build/variations in build costs this figure can be negotiated

### **Surface Water Run Off**

7.19 The proposal is accepted in principle.

- Discharge Rates - The drainage strategy produced by AECOM sets out that the proposals will reduce the existing surface water run-off by at least 50%. The exact details of these measures would be conditioned.
- SuDs - The applicant's appraisal of SuDs techniques for the site is limited. It is advised that the applicant investigates the use of SuDs features that provide source control and other benefits, such as green roofs to improve the biodiversity of the site and also meet policy DM11. Although the landscaping will also reduce discharge rates and is welcomed.
- Maintenance - There is no indication as to how the entire drainage system is to be maintained. Details of agreed adoption, monitoring and maintenance of the drainage and suds features would be conditioned.
- Residual risks - Safe and appropriate flow routes from blockage and exceedance of the drainage system must be evaluated. This must demonstrate no property flooding or increase in flood risk, either offsite or to third parties.

### External Consultees

#### **Historic England**

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

#### **Greater London Archaeology Advisory Service (GLAAS)**

7.21 GLAAS considers that the archaeological interest of the site can be adequately conserved by attaching a suitably worded planning condition.

#### **Metropolitan Police Crime Prevention Design Officer**

7.22 No objections to the development proceeding as agreed by incorporating measures to minimise the risk of crime and with any scheme completed to a manner that it can gain Secured by Design accreditation.

#### **London Underground Infrastructure Protection**

7.23 No comments to make on this proposal

#### **Port of London Authority**

7.24 No objection in principle. However, the PLA would like to see consideration given to the use of the River Bus as an alternative form of sustainable transport. And also consideration should be given to the use of waterborne transport for bulk removal of materials and transport of construction materials and waste. The Port of London

Authority has also requested whether the Council would consider securing S106 contributions for the improvements of Wapping Pier.

#### **Canal and River Trust**

7.25 No comments as application sites fall outside their notified area

#### **Network Rail**

7.26 No objection.

#### **Rail for London and Transport for London Fire**

7.27 Rail for London/TfL emphasized that their comments are in respect of infrastructure protection only. The site is RfL-owned and contains both a ventilation shaft and two emergency exits from the tunnel below. Both of these structures are critical to the operational safety of the railway, specifically in the event of an emergency or other unforeseen event. No objection subject to a list of conditions prescribed which would be attached in the final decision notice.

#### **London Underground (Infrastructure)**

7.28 No objection

#### **Thames Water (TW)**

7.29 No objection subject to a condition with regards to piling; an informative in respect of provision of Groundwater Risk Management Permit from TW for discharging groundwater into a public sewer. TW would expect to see the measures undertaken to minimise groundwater discharges into the public sewer. With regards to Surface Water Drainage TW also requests that a condition be imposed to allow a review of the development's drainage plan. There is no objection to sewerage infrastructure capacity and no objection to water infrastructure capacity provided an informative is attached stating that TW would aim to provide customers with a minimum pressure of 10m head and a flow rate of 9 litres/minute.

#### **Environment Agency**

7.30 No objection. The proposed development will result in a 'more vulnerable' use within Flood Zone 3. This use can be appropriate within Flood Zone 3 providing the site passes the Flood Risk Sequential Test. For the site to pass the Sequential Test you (the LPA) must be satisfied that there are no alternative sites available for the development at a lower risk of flooding. Providing the site passes the Sequential Test a Flood Risk Assessment should be undertaken which demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere.

### **8.0 LOCAL REPRESENTATION**

8.1 258 neighbouring properties were notified about the application and invited to make comments. The application was also publicised in the local press and site notices were posted around the three sites.

8.2 12 written representations were received objecting to the application proposal. A petition of 56 signatures, against the proposal was also received. On the whole residents feel



that very little or only cosmetic changes have been made on this proposal as compared to the two previous applications that were submitted and subsequently withdrawn, PA/14/03062 and PA/15/02440. Residents believe that the application is still flawed and that the application could be modified further. Furthermore, it is noted by a resident that correct processes of publication have not been properly followed, in that there were no site notices displayed on site when the application was submitted. The issues raised are summarised below and will be addressed in full in relevant sections of this report:

- a. *Loss of daylight and sunlight;*
- b. *Overlooking privacy issues;*
- c. *Proposal does not comply with councils and London Plans policies;*
- d. *Scale and massing are wrong;*
- e. *Oppressive sense of enclosure;*
- f. *Poor design;*
- g. *Proposal would not enhance conservation area or local environment;*
- h. *Maximum distance between Sites B and C less than 18m;*
- i. *Play space on Site A should not be private to the residents of that block;*
- j. *Accuracy of Daylight and Sunlight study is questionable;*
- k. *Parking problems and lack of parking spaces;*
- l. *Narrow footpath along Clegg Street;*
- m. *New building on Site B is much taller than existing surrounding buildings, for example Tasman House;*
- n. *Loss of view to Gun Wharf;*
- o. *Mass of Site C has been underestimated;*
- p. *Loss of light industrial usage on Sites B and C;*
- q. *Provision of retail unit would undermine viability and vitality of other businesses*
  - r. *TfL hire a specialists company to remove coal tar from Wapping Overground (on a regular basis) and concerns about the contamination risk and noise nuisance.*

8.3 Objection letters were received from the following owner/occupiers: 10 and 12 Clave Street, 18, 20, 22 and 28 Cinnamon Street, 8 Tasman House, 6 Baltic Court, 25 Hilliard House and a resident of Prusom Island. The objections received would be discussed in more details further in the report. Out of the 12 letters received, 3 were from non-residents. These comments are summarised below:

#### **1. Councillor Julia Dockerill**

8.4 Councillor Dockerill wrote to the Council to confirm that she has been assisting residents in Cinnamon/Clegg/Clave Streets in voicing their concerns about the proposal. The principle of developing the sites is not disputed. However, there is a unanimous view that the proposal represents an overdevelopment of a very constrained location at the heart of a conservation area. The plans and various iterations have still not substantially addressed the prime concerns of residents. Councillor Dockerill believes that this proposal requires substantial modifications still, despite the previous amendments. These are, 1) appropriate density in a conservation area and in a site such as the application site with narrow roads; 2) loss or deprivation of light to most residents surrounding the site; 3) car free development and the creation of 4 town houses for family who would likely require a car; 4) reducing the heights of some of the buildings have made them less attractive without making substantial difference to light. No height alteration has been made to Site C and Ross and Tasman Houses will still be affected by light reductions; 5) pavement width along Clave and Clegg Streets remain a problem; and 6) Site B backs onto Tasman House yet is one storey higher. This has implications in terms of restricting light and privacy. Councillor Dockerill concluded by saying that in her view S106/CIL monies must be retained specifically for the local area, and given

over to the improvement of green spaces and heritage assets in the immediate area to offset the impact of development.

## **2. Gebler Tooth, Sasha Gebler**

8.5 This company owns the freehold of Baltic Court at 5 Clave Street and 131 Wapping High Street. No objection to the principle of redevelopment of the application site. However, despite changes to the design, significant parts of the proposal are still “top heavy”, too high or out of scale with some of the surrounding buildings. The proposed building along Clave Street and corner with Cinnamon Street (the 3 town houses) is very top heavy and appears overbearing. The objector feels that some further alteration would satisfy the concerns raised.

8.6 Following significant revisions (such as the enlargement of Clegg Street’s footpath and marketing evidence outlining loss of employment/viability of the application site), a second neighbour consultation was carried out on 29 July 16. Site notices were also placed at the site on. 11 further responses were received as a result of this exercise. One was in support and 10 were objection letters. Out of these, was an objection from Councillor Denise Jones and Gebler Tooth. The grounds of residents’ objections were similar to those detailed above and many were from the same residents who objected the first time. Of note the objections mention the following:

- *revisions show practically no improvements to previous objections raised*
- *no commitment for discussion with the local community*
- *no plans which are in keeping with the structure of the neighbourhood*
- *no thought to the increased needs for schools or amenities*
- *station has to be pumped out on a regular basis and this process is very noisy*

## **3. Councillor Denise Jones**

8.7 Councillor Jones wrote to officers to confirm that she is requesting to speak at the Development Committee on 28 September. The Councillor also made it known that the objections of residents would be endorsed as well. In terms of the grounds of objections these were on design, layout and external appearance, townscape, views and heritage of the new buildings and on surrounding areas; amenity impacts of the proposal on existing residents in terms of noise and loss of light; noise from maintenance works that take place every 3 months around the shafts; there is also a mention of flooding near the shaft areas which was retrieved from an archaeological report on the “East London Line Extension Project”; transport including parking was also raised as an issue as well as recycling. The Applicant's (Wapping High Street Ltd) Preliminary Risk Assessment document (dated 29 October, 2014) conducted by URS Infrastructure & Environment UK Limited, clearly states that “[the] likelihood of contamination related to the former off-site gas work is considered Medium.” The document states it was solely a desk top assessment. Questioned whether, as part of the planning process the Council should initiate an independent Risk Assessment.

8.8 It is noted that Gebler Tooth had no new comments to add following the reconsultation as it was felt that “*very little appears to have changed*”.

8.9 All the issues raised in objection to the scheme will be fully addressed in the Design, Amenity and Highways sections of this report.

## 9.0 ASSESSMENT OF APPLICATION

9.1. The main planning issues raised by this application that the Committee must consider are:

- (a) Land Use
- (b) Design & Heritage
- (c) Housing & Density
- (d) Neighbouring Amenity
- (e) Other issues

### Land Use

9.2 At a national level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to boost the supply of housing significantly and create larger family units where there is an express need for these types of accommodations, as is the case in Tower Hamlets.

### Loss of employment floor space

9.3 Policy DM15 of the Managing Development Document (2013) seeks to prevent the loss of active and viable employment uses across the borough. Through the demolition of the existing buildings on the application site, the proposal would result in the loss of 655sqm commercial floor space (across the existing 3 sites). The scheme would seek to re-provide 47sqm of this floor space in the form of an A1 retail shop (7% replacement of lost space) use class.

9.4 Although some very low-density employment is provided on the site as 'vehicle repair/storage', the employment status of the application site can be detailed as follows:

9.5 Site A: A mostly demolished and derelict, vacant/abandoned former warehouse building with only the frontage facing Wapping High Street standing strong. Currently accommodates a large ventilation shaft and two fire escapes for Wapping Station which would remain in situ. The majority of the site was demolished in 2008 under planning permission reference (PA/08/00197) and has been wholly vacant since the departure of the East London Line Upgrade team in 2010 following their temporary use of the site. In its current condition (witnessed by officers during a site visit), it is clear that the site and what is left of the partly demolished building would not be let.

9.6 Site B: This is a mid-20<sup>th</sup> century single storey/two storey annex warehouse building; the site measures approximately 92sqm and is partly derelict and boarded up. It became fully vacant in February 2015. It was last used as storage of vehicles which is classed as B8 storage.

9.7 Site C: This site contains an early 20<sup>th</sup> century single storey warehouse building, measuring approximately 82sqm. The building was last occupied by a car mechanic until February 2015 when it was vacated. It is understood this business had 1 employee on a short term basis who has since moved to another premises (location of the premises is not known). This building is also in need of repair.

- 9.8 As already mentioned above, the redevelopment of this site for residential development would result in the loss of employment generating floor space, which the Council would normally seek to resist in accordance with Policy DM15 in the Managing Development Document (MDD). This policy states that development of an employment site should not result in the loss of an active and viable employment use unless it can be demonstrated that the site is no longer suitable or viable for continued employment purposes due to its location, accessibility, size and condition, or that the site has been marketed unsuccessfully at prevailing values for a prolonged period, or that there is a surplus of local employment floor space in the surrounding area.
- 9.9 The applicant has produced a commercial market assessment of the site addressing issues such as its current use and condition, location and demand and rental values. The market assessment has looked at each plot of land separately and concluded that the conditions of the properties are such that they are past repairing and a complete overhaul through demolition and rebuild would be required. Furthermore, returning the land/buildings to a light industrial use would provide no return on investment, given the lack of demand and low rental levels that would be associated with industrial spaces in the area. The market assessment goes on to state that demand for industrial and warehousing spaces in Wapping is non-existent and demand for this type of space has moved to better equipped locations with larger spaces, modern units and better transport links.
- 9.10 Officers recognised that most of the buildings on site are in a poor state of repair. The sites' history is evidence of the various attempts over the last 10 years and more, to bring this brownfield site forward for residential usage. In their current state of repair and basic warehouse form refurbishment would not be viable and would be costly and is unlikely to attract high enough rent levels due to the location and typology of the site. Furthermore, the surrounding area is wholly residential and light industrial use class options would be very limited.
- 9.11 The surrounding area has been undergoing changes with obsolete industrial premises being replaced by housing. The proposal does seek the re-provision of some of the commercial floor space in the form of an A1 shop. This would be located along Wapping High Street where a commercial presence already exists and would be opposite Wapping Overground Station; this is considered to be well suited in terms of size and location for an active retail type use. The A1 would provide some active frontage at ground floor level. In terms of proposed number of employees, this is anticipated at 2 full time staff. Currently, the site employs just one member of staff. Therefore, the new space could accommodate as many (and more) employees as has been employed in recent years. The loss of the existing floor space is therefore considered to be acceptable on balance.
- 9.12 As such, it is considered that the loss of employment floor space could be sustained in this instance and the proposed change of use (residential and retail) is acceptable in land use terms as it would contribute towards much needed housing provision in the borough. This proposal is in accordance with the National Planning Policy Framework, policies SP06 of the Adopted Core Strategy (2010) and DM15 of the Managing Development Document (2013) which seek to ensure that development proposals do not result in the loss of active and viable employment uses.

#### Proposed Retail Use

- 9.13 The proposal would include the creation of a new retail unit at ground floor level of Site A within Use Class A1. The proposed A1 unit would be located on Wapping High Street, opposite Wapping Overground Station; this is considered to be well suited in terms of

size and location for a retail use. In addition, the provision of a small shop unit would be suitable in terms of its size (less than 100sqm).

- 9.14 Policy DM2 part 2 of the MDD sets out that development of local shops outside of town centres, will only be supported if there is a demonstrable local need that cannot be met within an existing town centre, they are of an appropriate scale to their locality; they do not affect the amenity or detract from the character of the area and they do not encourage or form part of a concentration of uses that would undermine nearby town centres. Paragraph 2.3, Part (2) of policy DM2 *“seeks to manage the risk of larger retail shops coming forward outside of designated centres. This could not only threaten the vitality and viability of the borough’s town centres but could also have a negative impact on existing local shops which are serving the needs of the local community. The introduction of larger shops may also be unsuitable to the local area in terms of size and the activity they may generate, for example with regards to congestion, parking and noise”*.
- 9.15 It is noted that the nearest designated Neighbourhood Centre in Wapping is along Wapping Lane, some 80m and 170m away from Site A. The retail unit is only 47sqm which is considerably less than the 100sqm allowed by policy. It is considered that this shop unit would be in compliance with policy DM2 which seeks to ensure that proposals outside of town centres are of an adequate size so as not to impact on nearby neighbourhood centres. Residents objected to the provision of this retail unit and felt that this would threaten the viability of other local shops in the area. As explained above, the shop unit would be of an appropriate size, within an appropriate location and the presence of this shop would not detract from the character of the Wapping High Street area. It is considered that the proposed retail unit would be acceptable in principle in land use terms.

#### Proposed Residential Use

- 9.16 The regeneration of sites such as this within East London is a strategic target of the London Plan (MALP 2016) as outlined within Policy 1.1 which states “the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”. Policy 3.3 of the London Plan (MALP 2016) seeks to ensure that the identified housing need in London is met through the provision of new homes, requiring Boroughs to exceed their housing targets. And Policy SP02 (1) of the Council’s adopted Core Strategy (2010) seeks the delivery of 43,275 new homes over the plan period. This figure has increased in the London Plan (MALP 2016) and for the plan period of 2015 – 2025, the Mayor is looking at delivering 39314 homes in the borough, making the annual target 3931.
- 9.17 The proposed development would deliver a total of 41 new residential dwellings on the site consisting of 27 market rented units and 11 affordable rented homes and 3 intermediate units. Given the strong policy support for the delivery of new homes in the Borough and given that the surrounding area is predominantly residential in character, it is considered that the site would provide a suitable environment for future residents and that the proposed residential use is acceptable in principle in land use terms. To conclude, given the predominantly residential character of the site’s environs, the need for more housing in the Borough in general, the principle of housing use on this brownfield site would be strongly supported in policy terms.

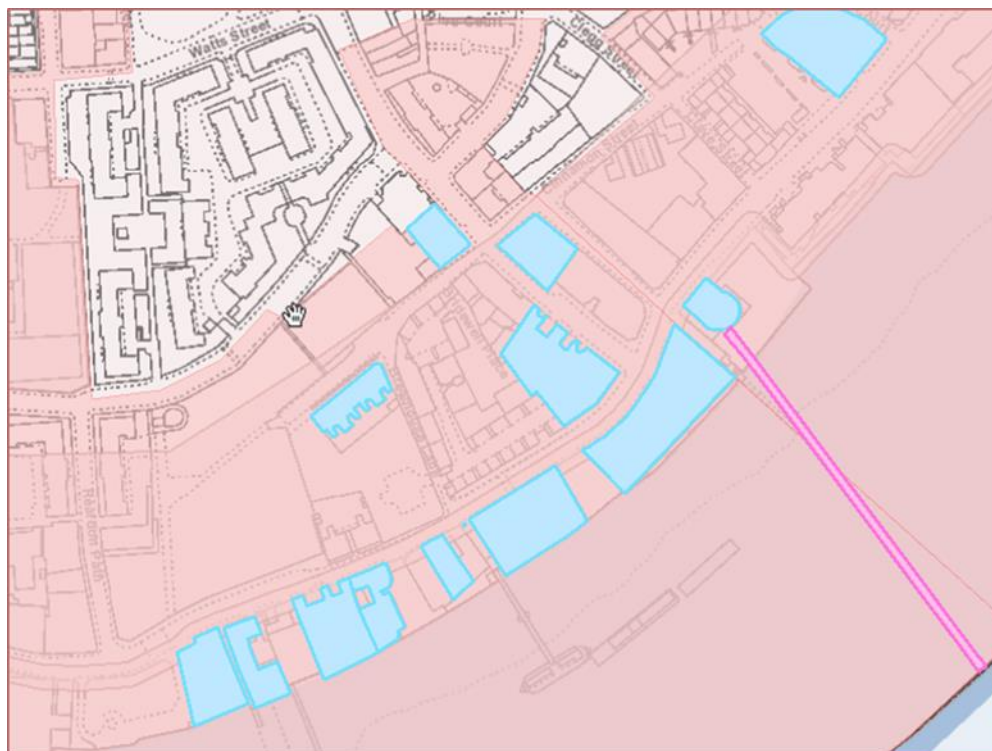
## Design & Heritage

- 9.18 The NPPF is the key policy document at national level relevant to the assessment of individual planning applications. Chapters relevant to heritage, design and appearance are Chapter 7 'Requiring good design' and Chapter 12 'Conserving and Enhancing the Historic Environment.' Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness. Chapter 12 of the National Planning Policy Framework when considering the impact of a proposed development 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. Paragraph 132 emphasises that the weight given should be proportionate to the asset's significance, and that clear and convincing justification will be required for loss and harm to heritage assets.
- 9.19 Paragraphs 132-135 require local authorities when assessing the effects of development on a heritage asset, to give weight to an asset's conservation in proportion to its significance. Heritage assets include designated heritage assets such as listed buildings and conservation areas but also locally listed buildings. Paragraphs 133 and 134 address the balancing of harm to designated heritage assets against public benefits. If a balancing exercise is necessary, considerable weight and importance should be applied to the statutory duty under sections 61 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 133). Where less than substantial harm arises, this harm should be weighed against the public benefits of a proposal, including its retention in its optimum viable use (paragraph 134).
- 9.20 The National Planning Practice Guidance (NPPG) sets out a list of criteria of "What a well design place is? The guidance states:-
- "Well designed places are successful and valued. They exhibit qualities that benefit users and the wider area. Well-designed new or changing places 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"*
- 9.21 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the 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 space and optimising the potential of the site. Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

- 9.22 Core Strategy Policy SP10, Policies 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. Policy DM27 of the MDD seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.

Impact on the Wapping Wall and Wapping Pierhead Conservation Areas and Adjacent Listed Buildings

- 9.23 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 9.24 Section 72(1) of the Planning (LBCA) Act 1990 requires decision makers determining planning applications that would affect buildings or other land in a conservation area to pay "special attention [...] to the desirability of preserving or enhancing the character or appearance of that area". Policy 7.8 of the London Plan (MALP 2016) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (MALP 2016) states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 9.25 Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting. Policy DM27(1) of the Council's adopted Managing Development Document (2013) requires development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive 'Places'.
- 9.26 As discussed in the report above, the existing buildings are mostly of no significant architectural merit and are in a poor state of repair. Most of Site A has been demolished already to make way for two secondary escape routes from Wapping Station. The rest of the buildings on Sites B and C are of very limited townscape and heritage value. Furthermore, they are not statutorily listed or locally listed; two of the sites fall within the Wapping Wall Conservation Area and one within its settings. Wapping Pierhead Conservation Area lies to the west and north west of the site. The part of the building of some significance is on Site A, along Wapping High Street and the frontage of 125-129 Wapping High Street is being retained and would be refurbished. The other important feature on this site is again on Site A and this is the Grade II\* Thames Tunnel which runs underneath the site. As such, there are no in principle objections to their demolition and it is considered that the proposals represent an important opportunity to enhance the setting of the surrounding heritage assets. On balance, the loss of all the other existing buildings can be considered acceptable, subject to the replacement development achieving a high standard of design and the scheme as a whole delivering adequate public benefits.



**Figure 7: Surrounding conservation area and listed buildings**

- 9.27 In terms of statutory listed buildings within the vicinity of the site, as shown on the above map, these are located mostly to the west and south west of the land parcels and are not considered to be directly affected by this proposal. The most significant is Wapping Overground Station to the south of Site A. The listed tunnel entrance and stairway between the platforms and street are within the station. Accordingly, London Overground (LO) and Transport for London (TfL) have been consulted on this proposal. Furthermore, the applicant and Rail for London have engaged in discussions with LO and all the necessary measures have been taken to ensure that their conditions and recommendations are adhered to. For this proposal, LO has emphasized that their comments are in respect of infrastructure protection only, given that the site is RfL owned and it contains both a ventilation shaft and the two emergency exits. To that end, RfL/LO has issued a list of conditions that should be attached to the application decision. In terms of the impact of the development on the fabric of the station, including the Grade II listed tunnel entrance and stairway from the platforms to the street, the impact is considered to be negligible and little alterations are being made to the retained façade opposite on Site A and the material for the whole development would be in bricks. Furthermore, LO have requested full details of the demolition, design and construction methodology, particularly clear access to its ventilation shaft and emergency exits.
- 9.28 In terms of scale and height, it is considered that all the proposed buildings are commensurate with that of the surrounding built form. A recurring issue with the objectors have been the height of the new buildings and the fact that they should be kept at their original heights. The new buildings have mimicked heights that are within the surrounding areas. Site C adjoins buildings of three and four storeys; Site B sits alongside two buildings both of five storeys. The only taller element at 5 storeys is within Site A and this adjoins the rear wall of Falconet Court; furthermore, by setting back the roof storeys, the mass and bulk of the building have been reduced so that the building would not appear overbearing within the context of its surroundings. Similarly, the building on Site B has also been scaled back on its west elevation so as to appear



subordinate on the street scene. Material is primarily bricks, which is considered to be in keeping with the industrial historic character of the area. In order to ensure that the facing materials are of satisfactory quality and finished appearance it is recommended that samples and details of finishes are secured by condition.

- 9.29 It is considered that the proposed buildings have been sensitively designed within the context of the historic built form and public realm and would preserve and enhance the character and appearance of the Wapping Wall Conservation Area. The proposal therefore would accord with Policy SP10 (2) of the Council's adopted Core Strategy (2010), Policy DM27 of the MDD (2013), Policy 7.8 of the London Plan (MALP 2016) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas and river frontages within the Thames Policy Area.
- 9.30 Given that the application site is located adjacent to a Grade II listed building, the Local Planning Authority is required to pay special regard to the desirability of preserving the building or its setting on any special architectural or historic interest which it possesses. It is considered that the proposed building, by virtue of its height, stepped roof profile, design and materials, would not adversely affect the setting of the adjacent Grade II listed Wapping Overground Station, in accordance with Policy SP10 (2) of the Council's adopted Core Strategy (2010), Policy DM27 of the MDD, Policy 7.8 of the London Plan (MALP 2016) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development located in the vicinity of Statutory Listed Buildings does not have an adverse impact on the setting of those buildings.

#### Principle of demolition in a Conservation Area

- 9.31 The proposal would seek the complete demolition of all buildings on Sites B and C and most of the building on Site A with the exception of the Wapping High Street facade.
- 9.32 With regard to the criteria found within policy DM27 of the MDD, proposals for the demolition of buildings within conservation area would be considered under the following circumstances:
- *The significance of the asset, architecturally, historically and contextually;*
  - *The condition of the asset and estimated costs of its repair and maintenance in relation to its significance and demolition, and value derived from its continued use;*
  - *The adequacy of efforts made to retain the asset in use; and*
  - *The merits of any alternative proposal for the site.*
- 9.33 Furthermore, Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Paragraph 131 specifically requires that in determining planning applications, local planning authorities should take account of:
- *"desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness."*

### Existing Condition of the Site

- 9.34 Site A (125-129 Wapping High Street) lies within the Wapping Wall Conservation Area. The buildings are in a very poor state of repair and mostly demolished. Running underneath the site is The Thames Tunnel and to the north, within the site boundary are the stairs and street level fire escape for Wapping Station. The front elevation facing Wapping High Street comprises a gable end with a five bay range and round headed window. This is still in a reasonably good condition and would be retained. Most of the demolition took place in 2008 to allow for the secondary means of escape from Wapping Station. Also included in the 2008 application was the erection of a wall along Cinnamon Street. Both of these were expressly required for the East London Line Project. What remains of Site A is not fit for any purposes. Currently the site and remaining structures (not including the gable frontage) despite being an early 20th century, do not contribute positively to the setting of the Conservation Area.



**Figure 8: Site A and the rear of the partly demolished buildings**

- 9.35 Site B (13-15 Cinnamon Street) is located outside Wapping Wall Conservation Area but is within its immediate settings. This is a mid-20<sup>th</sup> century former warehouse building also in a state of disrepair and is currently vacant.
- 9.36 The building is considered to be modest in contrast to larger warehouse buildings in the area especially those along the river. The front elevation is relatively nondescript and lacks distinctive quality or character in terms of architectural value. Also its state of repair cannot be ignored. Some structural integrity of the exterior does remain in particular the brick built facades but the lack of symmetry along Cinnamon Street detracts from the building as a whole. It is noted therefore that the contribution of Site B is minimal to the street scene. The building as a standalone structure lacks group value. Therefore, its architectural and historical significance are also considered to be low.



**Figure 9: Site B and its frontage on Cinnamon Street**

- 9.37 It is considered that this building with its light industrial form and high windows would not lend itself to a residential usage. Furthermore, in its present condition the building is not considered to be of sufficient merit to retain. Its loss would not result in harm to the conservation area given the lack of significance of the building, the lack of architectural quality and warehouse nature of the building. The building has become redundant since the previous business vacated it. The Design and Conservation Officer has not objected to the loss of this building and the proposed demolition would accord with policy given that officers are supporting the redevelopment proposals.
- 9.38 Site C is located within the Wapping Wall Conservation Area and is occupied by an early 20<sup>th</sup> Century single storey warehouse building. There is a retained party wall to the east of the site which would not be part of this demolition. The building on this site is also in a poor state of repair. Similar to Site B, it is considered that this building does not respond positively to its surroundings and is not of sufficient merit for retention. There are no interesting facades to this building and no original features worth saving. Its original form may well have been compromised by modern additions or replacement over the years such as the metal roller shutter.
- 9.39 As with Site B, this building is also functional and lacks visual articulation and symmetry and is modest in contrast to larger warehouse buildings in the area and those along the river. The building on a narrow site and as a standalone structure lacks group value. There is very little architectural integrity in this small block to warrant its retention. Furthermore, the redevelopment proposal for housing would be supported by officers and this building in its present form would not be consistent to this usage. It is considered that a residential conversion in a new build structure would fully optimise the use of this brownfield site.



**Figure 10: Site C – building used as a garage**

- 9.40 It is noted that none of the buildings affected by this proposal are listed either statutorily or locally. Their contribution to the area and the conservation area are at best functional but with no significance. In urban design terms they have very little townscape value. They are considered to be intrusive and they display a rather negative impact on the surrounding residential locality. Whilst it is recognised that the buildings are brick built and are of some interest, they do not make a significant contribution to the character or appearance of the conservation area. Their style and design no longer add to the character of the area. The buildings are therefore not of sufficient importance that they should necessarily be retained. Provided the proposed new buildings preserve or enhance the conservation area, the demolition of the application site is justified. The frontage of Site A is considered to be of high quality with an architectural elegance that merits preserving; it also holds an important position and significance within the conservation area and Wapping High Street. Hence the retention of the whole frontage is welcome and supported.
- 9.41 Planning Officers in conjunction with the Conservation Design Officer have reviewed the proposed scheme which had been the subject of comprehensive pre-application discussions and extensive negotiations once submitted, and have now been considered acceptable in principle. The proposal would significantly alter the appearance and function of these sites within the Conservation Area by virtue of the change of use. The acceptability of the alterations has been assessed in the context of the buildings' derelict state and the opportunity to restore the application site and return it to an active use. Additionally, in accordance with the NPPF (2012), regard has been given to the role the conversion and alterations would have, in enabling the wider regeneration of the application site and the delivery of affordable homes. Subject to the replacement buildings being of an appropriate scale, height, form and architectural quality, which is discussed further in the following section of this report, officers have no in principle objections to the loss of the existing buildings.
- 9.42 As such, subject to appropriate conditions to ensure a Demolition Management is in place (prior to demolition) this part of the proposal would not result in adverse effects to the surrounding area. It is considered that the character and setting of the Wapping Wall

Conservation Area would be preserved, in accordance with policy SP10 of the Council's adopted Core Strategy (2010), policies DM24 and DM27 of the Managing Development Document (April 2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposal protects and enhances the borough's heritage assets, their setting and their significance.

#### Urban Design, Scale, Height, Massing and Form

- 9.43 Policy 7.4 of the London Plan (MALP 2016) seeks to ensure that buildings, streets and open spaces provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets, contributes to a positive relationship between the urban structure and natural landscape features, is human in scale, allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and is informed by the surrounding historic environment.
- 9.44 Policy SP10(4) of the Council's adopted Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 9.45 Policy DM24 of the Council's adopted Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design and ensuring that the design is sensitive to and enhances the local character and setting of the development in terms of scale, height, mass, building plot sizes, building lines and setback, roof lines, streetscape rhythm, design details and through the use of high quality building materials and finishes.
- 9.46 The factors that are most important in this respect are the buildings' scale, form, massing, proportion and silhouette, facing materials and relationship to other structures. The proposals are for the demolition of all buildings and structures on the three sites that together form the application site. Only one part of the site is being retained, which is Site A's frontage along Wapping High Street. The demolition would give way to a residential led scheme with a small corner retail unit. The buildings would range between three and five storeys in height with various set-back roof storeys. The benefit of this proposal would consist of 41 new housing units of which 14 would be affordable (11 units for social rent and 3 units for intermediate purposes) and a 47sqm retail unit along Wapping High Street.
- 9.47 On the whole, the mass of the buildings has been designed so as to reduce their impacts on the surrounding area. The roofscapes of buildings on Site A and B would be set away from sensitive areas for example along Clave Street and Clegg Street. The mass and height of the buildings would respond to the variation in height and massing of surrounding buildings. Where appropriate, established building lines have been maintained to give definition and reinforce the streetscape. The architectural quality of the scheme is considered to be very high. A condition would require materials, balconies, doors and windows to be approved by the Council to ensure this high quality design is achieved at construction stage. Samples of bricks, being the main material, would be required and secured by condition.

#### Site A – Wapping High Street, Clave Street and Cinnamon Street

- 9.48 The buildings on this site would occupy the larger plot and would deliver 27 residential units with a retail unit. They would be of different heights and considered as separate

parts/sections which would be built as a perimeter block with a central landscaped courtyard with entrances from Cinnamon Street, Wapping High Street and Clave Street. Any development on this site would be restricted by the existing large ventilation shaft and two fire escapes located to the north west of the site fronting Cinnamon Street. Other physical restrictions are the existing blocks along Wapping Dock Street to the south west, Falconet Court and Baltic Court to the east. These two existing buildings flank Site A.



**Figure 11: Ventilation shaft and fire escapes shown in red**

- 9.49 The two storey façade facing Wapping High Street would be retained and restored; this section of the building would remain two storey high; moving west, the section abutting Falconet Court would be five storey with a setback fifth/roof level (by approximately 7m); along Cinnamon Street to the north west, the residential block fronting the courtyard, would be built from first floor level to third floor, due to the existing restrictions of the large ventilation shaft and two fire escapes. The existing vent shaft and fire escapes blocks would be overhauled to appear as part of the development.
- 9.50 Within the courtyard there are a two and a three storey buildings abutting Baltic Court. The two storey building would be entirely within the courtyard and would house 2 two bedroom duplexes. Moving north on Site A along Cinnamon Street in a corner location with Clave Street, the next section is the three storey building fronting Clave Street. This would be two storeys high with a setback third storey along Clave Street. This section would consist of 3 three bedroom triplexes. The three units would be directly accessed from ground floor on Clave Street with two floors of living space above. The third level would be set back to allow for balconies. This elevation would follow the building line and regular square form set by Baltic Court.
- 9.51 As stated above, the retained façade along Wapping High Street would be restored. This façade would be clearly demarcated as two entities, one housing the retail unit and the other residential. The retail section would be refurbished and would retain one of the windows (the right window) and the other window (left) would become the shop's access

and entrance door. On first floor level, the design would introduce two new windows to provide light into the new bedrooms. These would consist of an arched top to reflect the adjacent gable (the larger residential retained frontage). The larger frontage would undergo minimal changes and would consist of the retained fenestration openings. The main entrance into the courtyard would be from Wapping High Street. The windows detailing would match those of Baltic Court.

- 9.52 At ground floor level and in terms of all accesses and entrances, these are varied and are spread along all three elevations. On Wapping High Street, as already mentioned the retail unit would be separately accessed through its own entrance. On the residential side, one entrance would lead directly into the courtyard. Within the courtyard, 9 of the duplexes would benefit from their own private entrances. Other entrances are for a plant room, bin store, cycle store and an enclosed porch and lobby for the three storey and five storey blocks of flats. Furthermore, the retail unit would also have a second access at the entrance of the courtyard. On Clave Street, the only accesses are the front door entrances to the three triplexes.
- 9.53 Cinnamon Street would consist of a few more openings than is currently the case. Starting from the north, one door would lead to a cycle store and immediately after, would be the entry to the first fire escape; next entry door would be for a bin store followed by the entry for the second fire escape and a cycle store. The blocks of flats would have a second entrance (besides the one in the courtyard) from street level located north west along Cinnamon Street. The last door on this elevation would be leading into a plant room.
- 9.54 The design of the facades has been informed by the existing warehouses which are characteristic of this part of the borough. The principal elevations of the buildings would be faced in brick which would be finished in a stretcher bond style. The buildings would have a strong vertical emphasis supported by the vertical bay windows in a crissall type window frames. These would be clad with a timber infill at the top of the windows. The elevations would also incorporate recessed and projected balconies for each unit. The upper level balconies would be inset, for example along Clave Street. Within the courtyard elevations, the building would incorporate a regular pattern of windows and balconies which would project over the communal space. These design features provide a degree of texture and architectural detailing to the façade and are considered aesthetically in keeping with the surrounding built form. The Cinnamon Street elevation would be equally faced with brick and finished in a brick stretcher bond. The plain brick wall above the ventilation shaft would be articulated with brick detailing and pattern to add some relief and create some interest on this flank wall.

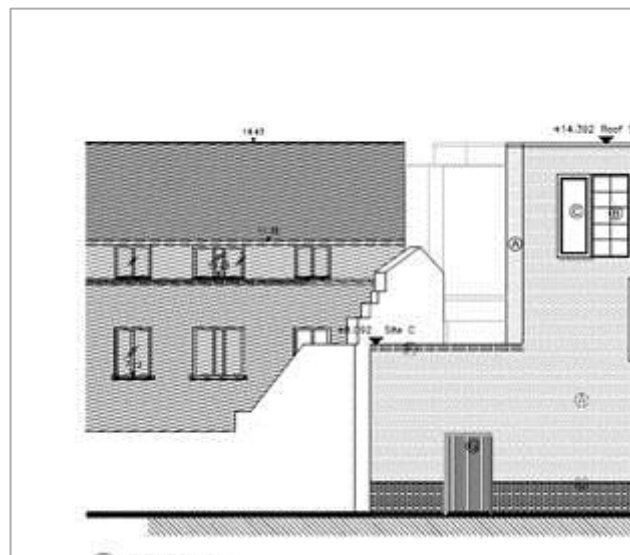
#### Site B - 13-15 Cinnamon Street

- 9.55 The proposed building on this site would be five storeys in height with a set-back roof storey. This building would contain 10 units including 2 two bedroom wheelchair accessible units for affordable housing. The building would be primarily faced in brick with a set-back roof storey and a communal amenity space at 4<sup>th</sup> floor. To the north, the building would read as a two storey plinth. From second to fourth floors the massing would be set back from the street and articulated with Tasman and Ross Houses. At ground level, the Cinnamon Street frontage would include a landscaped area to the west of the building; this would act as defensible space for the ground floor disabled flat. The entrance to the building is via Cinnamon Street with a rear access from Clegg Street to the refuse store.
- 9.56 The building is recessed at the corner of the two streets to provide a child play space/external communal area for children and residents with play equipment and

seating. Access into the building would be at street level; however the units would be raised and a series of steps and 2 platform lifts would be provided for residents. One lift would be provided for the upper floors, which is considered acceptable. The upper floors include projecting and inset balconies with glazed balustrades and a regular pattern of vertical fenestration. A further communal amenity space is provided at fourth floor for residents of the block. One of the flats (a two bedroom) on the second floor of this block would benefit from a very large terrace, measuring 67sqm.

Site C, 14-16 Clegg Street

- 9.57 This site would be occupied by a three storey building to accommodate 4 three bedroom town houses. The building has now been set back to achieve an acceptable and compliant pavement of 1.5m along the east side of Clegg Street. The massing of this building has been designed to reflect the other properties in Cinnamon Street. The four houses on this site would be in the affordable rented tenure and designed for families. The upper floor would be set back further and a glazed balustrade balcony would be introduced at this level. The building would be faced in brick and at ground level includes glazed entrances onto Commercial Street, together with an arched opening into to a colonnade that runs the length of the building, which is a key feature of the existing building.
  
- 9.58 The owner/occupier of 18 Cinnamon Street has expressed concerns about the impact of this proposal on his property. His rear patio garden abuts the application site; there is an existing high wall that forms the boundary of the property which this proposal would not affect. The building has been set back at rear so as to address this issue with the neighbouring property. As shown below, the block on Site C is recessed at rear. A cycle store would be proposed at the ground floor of this block which would be accessed via Hilliards Court.



**Figure 12: North elevation of Site C**

- 9.59 In terms of scale, height and massing, it is considered that the proposed replacement buildings sit comfortably within the context of the surrounding built form. At five storeys, incorporating set-back roof storey, the building on Site B is of comparable height to other nearby buildings, including the residential blocks Tasman and Ross Houses. The proposals have been designed to complement local building heights. Further revisions at the request of officers have reduced the heights across the site. With regards to Site B, the proposal (21.185m) is lower than both neighbouring Ross House (21.230m



(excluding chimney)) and Tasman House (21.240m (excluding chimney)). The new building has been re-orientated and has a pitched roof matching that of the older houses. The building would respond well to its neighbours' and would appear subordinate in its massing when viewed from the street by the stepping down in height towards adjacent buildings and through the use of a set-back roof storey. As a result, the building would not appear overbearing in local views along Clegg Street and would sit comfortably at this corner location, in the view of officers.

- 9.60 In terms of Site C, the building has been part of the architectural landscape and surrounding residents have been used to the low level industrial building. At 3 storeys, the replacement building would not appear incongruous within this historic landscape. There are other buildings in the vicinity of this height and higher. It is noted that the height of a building should be proportionate to its locality and sensitive to the context of its surroundings. Just because the existing building is of a certain height, does not mean that the replacement building should be capped at that height. To achieve a high architectural quality in a building, this should be demonstrated that through its form, massing, footprint, proportion and silhouette, facing materials a common detailed design and facing materials. It is therefore considered that the architectural approach is a robust residential brick building design. These elements include the provision of residential doors onto the street with defensible spaces at ground level where possible, balconies above and the use of brick as the primary facing material.
- 9.61 In terms of site layout, the replacement buildings would broadly sit on the footprints of the existing buildings and the main access routes into the site would be similar but not in the case of Site C whereby the four houses have their own private entrances directly into the properties.
- 9.62 It is recommended that a condition be included to secure details and sample of all facing materials, together with detailed drawings of the residential entrances, commercial entrance and elevation details including balconies and balustrades.
- 9.63 Subject to condition, it is considered that the proposed development would incorporate the principles of good urban design and would take into account and respect the surrounding built form and public realm in terms of scale, height and massing, detailed design, layout, facing materials and finished appearance. The proposals would therefore accord with Policy SP10 (4) of the Council's adopted Core Strategy (2010) and Policy DM24 of the Council's adopted Managing Development Document (2013).

#### Detailed Design Revisions

- 9.64 This application forms the third iteration for this proposal. Two previous development proposals have been withdrawn. The proposal has been revised significantly to make it more in line with policies and has taken on board as many of the issues/points raised by objectors and officers. Below is a summary of the main revisions to this development since its submission in December 2015.

- *On Site A, windows on the retained façade along Wapping High Street;*
- *Setback roof extension (fronting Cinnamon Street) removed;*
- *Remaining lift over-run and side elevation of the block are set further back and are not visible from street level;*
- *The elevation on Site A fronting Cinnamon Street (ventilation shaft) would be detailed in brick pattern to add interest to this blank/hostile wall;*
- *On both Sites A and C, pitched roofs have been removed and replaced with flat roofs to better address building heights;*

- *On Site B, a portion of the 2 storey element fronting Cinnamon Street has been reduced and balconies are inset;*
- *Walls have been closed in to the north between the neighbouring buildings;*
- *On Site C, the large flank rear wall has been designed so that there are more details and articulations;*
- *The east pavement along Clegg Street has been expanded and would now measure 1.5m. This has been achieved by pulling back the façade of the houses at ground floor; to ensure the first floor aligned with the ground floor, the front wall was pulled back. Bedroom layouts changed slightly and storage space was added for each apartment on the wall between stairs and bathroom*

### Landscape and Materials

- 9.65 The main landscaped areas are the private courtyard on Site A and the two amenity spaces on Site B, the ground floor child space and the fourth floor communal amenity. A condition would be attached to ensure that full details are provided for all these three spaces. Furthermore, details of all balconies and any privacy screenings would also be conditioned.
- 9.66 The design of the hard landscaping has been informed by the historic development of the area. The line of the tunnel underneath the site is expressed by a sustainable urban drainage system running through the centre of the paved area. This would be achieved by a contemporary bio-swale style feature serving a number of functions. This bio-swale would also enhance ecology of the site. The lines of the bio-swale would be lined with bricks mimicking materials traditionally used for the tunnel construction. The depth of the water will be kept shallow with outfalls strategically positioned to ensure levels cannot rise above a certain point. A key component in constructing the Thames Tunnel was the revolutionary Tunnel Shield invented by Sir Marc Isambard Brunel's. Sculptural features would be designed within the courtyard to reflect the profile of this patented Tunnel Shield that was used to construct the original pedestrian tunnel. Other hard landscape materials would be sympathetic to the surrounding buildings including natural stone paving, brick and timber.
- 9.67 Pedestrian access into Site A is via Wapping High Street and Cinnamon Street. In both cases, the courtyard sits higher than adjacent ground and a combination of steps, ramps and platform lifts would be provided for residents and visitors to the site. Soft landscaping would be in the form of trees especially picked to sympathise with the confines of the courtyard. A play space would be designed within the private courtyard by incorporating traditional structures and features such as spring board pads through planting, climbing frames and swings integrated into the base of the shield sculptures. A range of seating would also be provided. Subtle lighting would illuminate the courtyard and the feature shields would be lit up at night. Low level paths lights would also be positioned discretely throughout the courtyard alongside ramps and steps. Taken overall the proposed landscape treatment by the chosen use of materials and the general architectural approach taken to the design of the sculptures would be considered acceptable. Should planning permission be granted, the precise nature of the materials and detailing would be controlled by condition.
- 9.68 For Site B, the ground floor space would be equipped with appropriate play features intended for young children. References to the tunnel would be seen in the play equipment and bespoke dark metal railing would surround the space. 2 small trees would give the site a vertical emphasis and other green planting would also be introduced within this space. Officers would condition the materials and layout of this space as it is very close to one of the disabled two bedroom flat. Green privacy

screening or other methods of screening including defensive planting would be required in this part of the play space.

- 9.69 Site C has no landscaped area but each house would be designed with a glazed balustrade balcony. In general roofs would be finished in slate; timber cladding and infill together with timber doors are also proposed for the whole development. In order to ensure that the facing materials and all other materials, doors, windows, balconies, privacy screens, communal and child play spaces are of satisfactory quality and finished appearance, it is recommended that samples and details of finishes are secured by condition.

## Housing

### Density

- 9.70 The Housing SPG (March 2016) states that developments should aim to optimise rather than simply maximise housing potential. Of particular importance is the need to ensure good design and taking into account public transport capacity and local context and character. Other relevant factors include access to social infrastructure, open space and play provision. Optimisation could be defined as “developing land to the fullest amount consistent with all relevant planning objectives” as identified by various policies of the London Plan (MALP 2106), for example policy 3.5 and chapter 7 on design of the London Plan (MALP 2016). Local policies endorse this approach as well and policy SP02 of the adopted Core Strategy (2010) seek to ensure new housing developments optimise the use of land. However, it should be remembered that density only serves as an indication of the likely impact of development. The table below looks at the density matrix for different settings of an area, for example urban setting or central setting.

**HOUSING SPG**

**TABLE 3.2 - DENSITY MATRIX (HABITABLE ROOMS AND DWELLINGS PER HECTARE)**

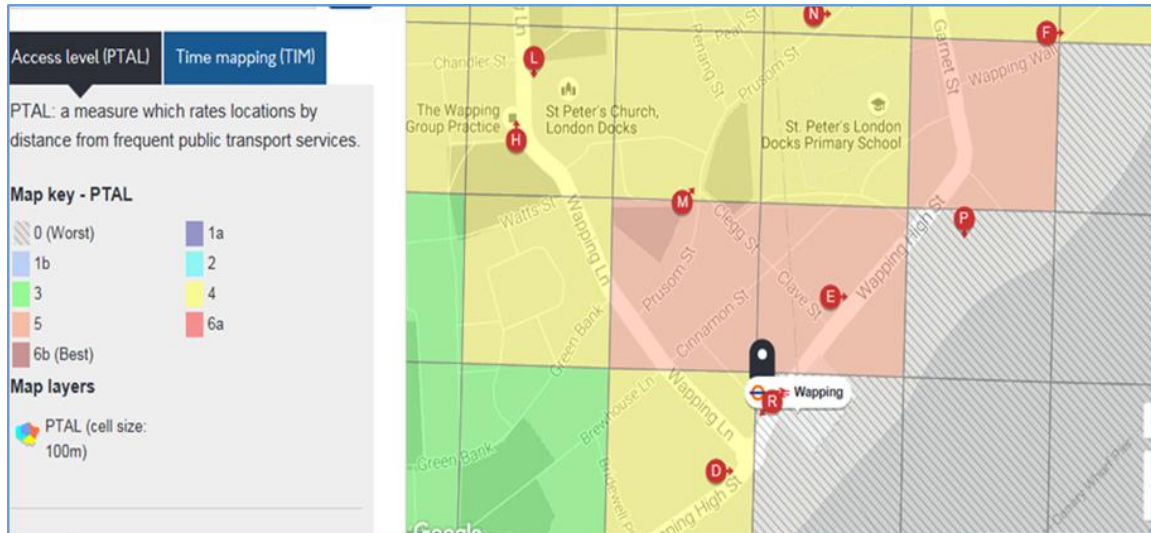
	SETTING	PUBLIC TRANSPORT ACCESS LEVEL (PTAL)		
		0 TO 1	2 TO 3	4 TO 6
INDICATIVE AVERAGE DWELLINGS SIZE	<b>SUBURBAN</b>	<b>150 - 200 HR/HA</b>	<b>150 - 250 HR/HA</b>	<b>200 - 350 HR/HA</b>
	3.8 - 4.6 hr/unit	35 - 55 u/ha	35 - 65 u/ha	45 - 90 u/ha
	3.1 - 3.7 hr/unit	40 - 65 u/ha	40 - 80 u/ha	55 - 115 u/ha
	2.7 - 3.0 hr/unit	50 - 75 u/ha	50 - 95 u/ha	70 - 130 u/ha
	<b>URBAN</b>	<b>150 - 250 HR/HA</b>	<b>200 - 450 HR/HA</b>	<b>200 - 700 HR/HA</b>
	3.8 - 4.6 hr/unit	35 - 65 u/ha	45 - 120 u/ha	45 - 185 u/ha
	3.1 - 3.7 hr/unit	40 - 80 u/ha	55 - 145 u/ha	55 - 225 u/ha
	2.7 - 3.0 hr/unit	50 - 95 u/ha	70 - 170 u/ha	70 - 260 u/ha
	<b>CENTRAL</b>	<b>150 - 300 HR/HA</b>	<b>300 - 650 HR/HA</b>	<b>650 - 1100 HR/HA</b>
	3.8 - 4.6 hr/unit	35 - 80 u/ha	65 - 170 u/ha	140 - 290 u/ha
	3.1 - 3.7 hr/unit	40 - 100 u/ha	80 - 210 u/ha	175 - 355 u/ha
	2.7 - 3.0 hr/unit	50 - 110 u/ha	100 - 240 u/ha	215 - 405 u/ha

Source: Greater London Authority

**Figure 13: Mayor of London Density matrix**

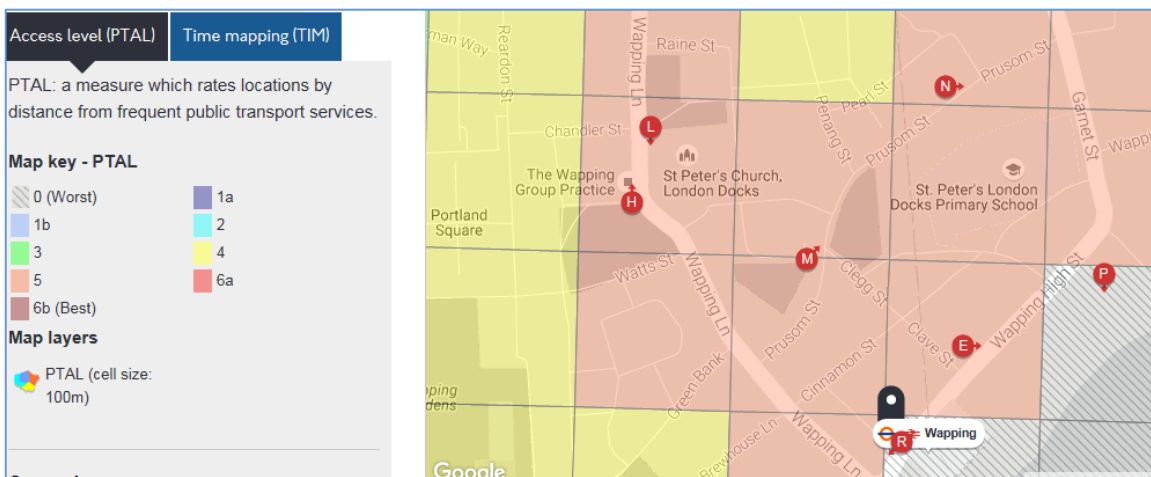
- 9.71 The application site measures approximately 0.22 hectares and the proposed development would have a residential density of 564 habitable rooms per hectare (hr/ha). It is considered that the application site benefits from good access to public transport, being situated immediately adjacent to Wapping Overground Station (Site A)

and in close proximity to local bus routes and stops. The LBTH Transportation & Highways note that the Public Transport Accessibility Level (PTAL) for the site is 3 (and adjoining level 4). However, the more updated map below from the GLA shows the PTAL rating for the site within level 5 (light pink); it is also noted that the site is also close to the wider area's PTAL level of 4 (yellow).



**Figure 14: Public Transport Accessibility Level Map**

9.72 This second map (below) shows a forecast to the year 2021, and identifies the PTAL level for the site and a much wider area as being level 5 where it used to be within level 4. Officers would use the GLA rating for the purpose of this application while applying the density matrix.



**Figure 15: Projected Public Transport Accessibility Level Map**

9.73 Given the density of the surrounding area, with nearby buildings on the south side of Wapping High Street being predominantly 6 storey in height with large foot prints and along Cinnamon Street, buildings of 5 to 6 storeys, it is considered that the setting of the application site for the purposes of calculating residential density lies within an 'Urban' setting, as defined on the table 3.2 above. The above table sets out a target residential density range of 200-700 hr/ha for developments within 'Urban' areas. The proposal would seek to deliver 41 residential units with a residential density of 564 habitable

rooms per hectare (hr/ha). Therefore, it is considered that this proposed density (in numerical terms) would be consistent with the London Plan (MALP 2016) density matrix.

- 9.74 However, density ranges should not be applied mechanistically and a density within the London Plan matrix may be unacceptable, if the scale of development associated with the residential density exhibits symptoms of overdevelopment in terms of adverse impacts on the amenity of future residential occupiers, imposes adverse amenity impacts to neighbouring occupiers, gives rise to poor quality of urban design, fails to contribute positively to local character and place-making or results in adverse impacts upon the local townscape and heritage assets. It is noted that among the many concerns raised by objectors, density and overdevelopment were featured on a few occasions.
- 9.75 The proposed density sits comfortably within the London Plan target residential density. Furthermore, the intent of the London Plan and Core Strategy policy SP02 is to optimise or develop land to the fullest amount consistent with all relevant planning objectives. As discussed in the design section on previous pages and in the coming amenity chapter, officers consider that these specific factors of overdevelopment have been found acceptable. It is considered that the proposal would provide good quality affordable and private homes with an appropriate mix, which would include a policy compliant quantum of on-site affordable housing; the proposal would also include a good proportion of family sized units, designed in a high architectural quality scheme that would positively respond to local context in terms of the surrounding built form, heritage environment and public realm. Therefore, taking into account the above, officers consider that the scheme would optimise the residential density of the site and would help to create a sustainable development, in accordance with the objectives of Policy 3.4 of the London Plan (MALP 2016) and Policies SP02 and SP10 of the Council's adopted Core Strategy (2010).

#### Affordable Housing

- 9.76 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.*" This section of the report would now consider the acceptability of the housing provision with regard to the level of affordable housing, mix of tenures, mix of dwelling sizes and provision of wheelchair units. The application would seek to deliver a total of 41 residential units with one small retail unit on Wapping High Street. The quantum of housing proposed would 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 and therefore would make a positive contribution to meeting local, regional targets and national planning objectives.
- 9.77 The London Plan Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London. 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. London Plan 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 application sites while 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.

- 9.78 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.
- 9.79 The Local Plan seeks a percentage of 35%-50% of affordable housing by habitable room per development subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that developments should not be constrained by planning obligations.
- 9.80 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.
- 9.81 The scheme would propose to deliver an affordable provision of 14 units, comprising of 11 units for affordable rent (borough framework) (on Site B and C) and 3 units for intermediate purposes (on Site B). 27 units are for the private market (Site A). The applicant would seek to provide an affordable housing offer of 37% by habitable room. A viability appraisal was submitted with the scheme and this was independently assessed by the Council’s financial viability consultants. The review of the appraisal concluded that the proposed offer would maximise the affordable housing that can viably be achieved within this scheme.
- 9.82 The affordable housing is being offered at a 78:22 split (by habitable rooms) between affordable-rented units and intermediate units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. The variance from policy, in the context of this scheme, is considered relatively minor and the tenure split is supported with the provision of five larger rented affordable family sized units. The applicant has confirmed that the rented units would come forward at Affordable Rents in line with the Council’s preferred Borough Framework rent levels for the E1 postcode area. The rental levels for the affordable units would be as follows: (updated 2016-17 per week for E1 area postcode) 1bed £236, 2bed £256 and 3bed £278; these are inclusive of service charges.
- 9.83 Whilst the scheme falls outside of the Council’s preferred tenure split, on balance the split is considered acceptable in this instance, given that the scheme provides a high proportion of family sized homes within the affordable tenure and that the overall residential quality would be high.

#### Housing Mix

- 9.84 Pursuant to Policy 3.8 of the London Plan (MALP 2016), 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, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for

families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes.

9.85 The table below compares the proposed housing mix against policy requirements.

<b>Market Sale Units</b>			
<b>Unit Size</b>	<b>No. Units</b>	<b>Proposed %</b>	<b>LBTH Target %</b>
Studio	0	0	0
1 bed	8	29.5%	50%
2 bed	14	52%	30%
3 bed	5	18.5%	20%
4 bed	-	-	
<b>TOTAL</b>	<b>27</b>	<b>100%</b>	<b>100%</b>
<b>Intermediate (Shared Ownership) Units</b>			
Studio	0	0	0
1 bed	1	33%	25%
2 bed	0	0	50%
3 bed	2	67%	25%
4 bed	0	0	0%
<b>TOTAL</b>	<b>3</b>	<b>100%</b>	<b>100%</b>
<b>Affordable Rented Units</b>			
Studio	0	0	0
1 bed	2	18%	30%
2 bed	4	36%	25%
3 bed	5	46%	30%
4 bed	0	0	15%
<b>TOTAL</b>	<b>11</b>	<b>100%</b>	<b>100%</b>

**Figure 16: Proposed housing mix considered against policy requirements**

9.86 In line with policies, overall, the scheme would provide an excess of new affordable rented homes for families (three-bed) at 46% (policy requirement being 45%); the overall target of all new housing is 30% and this scheme nearly matches this provision at 29.2%.

9.87 The rest of the provision would be as follows: there is an under provision of one bedroom units at market tenure against policy targets, with an overprovision of 2 bed units and a good quantum of 3 bedroom; this is not considered a major deviation from policy, given the above target provision of the other two tenures. Furthermore, 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*". The proposed mix in the market housing sector is, in the view of officers, appropriate to the context and constraints of this site.

9.88 As it is a relatively small development, the proposed intermediate mix would over provide, in percentage terms, in both the 1 bed and 3 bed units; however, there is no provision of 2 bed units against a policy requirement of 50% for this tenure type. Furthermore, in view of the scheme's provision of a high number of family sized units within the affordable rent tenure and the high residential quality of the development, officers consider that the departure from the Council's tenure is justified in this instance. On balance, it is not considered that departure from the Council's preferred tenure mix is

serious enough to warrant a refusal of the application especially in view of the schemes overall benefits.

- 9.89 The affordable rented mix would include an under provision of 1 bed at 18%, but an above target provision of 2 bed at 36% and an above target provision of 3 bed at 46%. However, officers consider that the 'Affordable Rented' mix is acceptable in this instance as it helps to maximise the delivery of larger family sized rented units, for which there is an identified need in the Borough. Additionally, the scheme's communal amenity space and child play space provision takes account of the scheme's comparatively higher level family accommodation. Also, it is noted that the large family rented homes are provided with separate kitchens.
- 9.90 Overall, it is considered that the proposed development would provide a suitable mix of unit sizes, including a good overall range of units, as well as a good proportion of family sized (3 bed) affordable rented units. Whilst it is noted there is a high proportion of 3 bed units within the 'Intermediate' tenure, it is considered that the overall mix, including a high proportion of family sized units, is acceptable. Furthermore, in the context of the overall financial viability, the share of affordable rented and intermediate housing, the mix of rented tenures and the emphasis on a large proportion of the affordable rented units to be larger family sized units, all delivered at borough framework rents, the mix of unit sizes is considered acceptable mix and consistent with Policy 3.8 of the London Plan (MALP 2016), Policy SP02 and Policy DM3 (part 7) of the Local Plan which seeks to ensure developments provide an appropriate housing mix to meet the needs of the Borough.
- 9.91 Therefore, the overall mix of unit sizes and tenures would make a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council's Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

#### Residential Design & Space Standards

- 9.92 Policy 3.5 of the London Plan (MALP 2016) seeks to ensure that new residential developments accord with the minimum space standards set out in Table 3.3 (in the London Plan) and take into account factors relating to 'arrival' at the building and the 'home as a place of retreat', have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives.
- 9.93 Policy DM4(1) of the Council's adopted Managing Development Document (2013) seeks to ensure that all housing developments have adequate provision of internal space in order to provide an appropriate living environment, to accord with the minimum space standards in the London Plan (MALP 2016).
- 9.94 The proposed residential units have been assessed against the above policies, together with the design standards set out within the Housing Supplementary Planning Guidance (2012) and London Plan (MALP 2016); it is noted that all the units either meet or exceed the relevant space and design standards. Due to the sites' constraints and the typology of the surrounding area it is accepted that the majority of the residential units on all three sites would be single aspect. This is currently the case for the residential units at Falconet Court and Baltic Court. However, the units are not all north facing. On Site C the four houses would be single aspect, west facing. On Site B, 6 of the units would be single aspects and facing south, east and west. On Site A, the site is extremely constrained and out of the 27 units, 4 duplex units would be north/west facing; 8 further flats on the upper levels would also be facing in the same direction north west of the site.



However, all these units have been arranged with the living areas located close to the windows, to maximise the levels of daylight to the primary living spaces, whilst the kitchens and bathrooms are located to the rear of the rooms. It is considered that this approach provides a degree of mitigation.

- 9.95 Taking into account the above, it is considered that on balance, the proposed residential units are well designed and include adequate internal space so as to provide an appropriate living environment for future residential occupants. The proposal therefore accords with Policy DM4 (1) of the Council's adopted Managing Development Document (2013) and Policy 3.5 of the London Plan (2015).

#### Private Amenity Space

- 9.96 Policy SP02 (6e) of the Council's adopted Core Strategy (2010) and Policy DM4 (2) of the Council's adopted Managing Development Document (2013) require residential developments to include adequate provision of private amenity space. Specifically, a minimum of 5sqm must be provided for each 1-2 person dwelling with an additional 1sqm to be provided for each additional occupant, with balconies/terraces to have a minimum width of 1,500mm.
- 9.97 Each of the residential units includes a balcony, terrace or small patio gardens, which either meet or exceed the Council's minimum amenity space standards. As such, it is considered that the proposals include adequate provision of private amenity space.

#### Communal Amenity Space

- 9.98. Policy DM4 (2) of the Council's adopted Managing Development Document (2013) requires all developments with 10 or more residential dwellings to include adequate provision of communal amenity space. Specifically, 50sqm of communal amenity space must be provided for the first 10 units, with a further 1sqm to be provided for every additional unit thereafter. The proposed development would deliver 41 new residential units, for which adopted policy therefore requires a minimum provision of 81sqm of communal amenity space which is roughly equivalent to 2sqm per each new home. On a site by site basis, the requirement for each site would be as follows: Site A would require 54sqm; Site B requires 20sqm any and Site C would need a total of 8sqm of communal amenity space.
- 9.99. The proposal would include the provision of 382sqm of communal amenity space at ground level within Site A; the 67sqm policy requirement of communal space is easily delivered within Site A. The courtyard would be for the sole use of the residents of the 27 units on Site A. It would be landscaped with hard and soft landscaping including timber decking. It is noted that this courtyard would also serve as the entrance to many of the units together with spaces for cycle storage plus plant room. The line of the tunnel running underneath the site would be expressed by the sustainable urban drainage system running through the centre of the paved area. The applicant would also propose a sculptural feature, designed to reflect the profile of Sir Marc Isambard Brunel's patented Tunnel Shield that was used to construct the original pedestrian tunnel. The site would also encompass child play space and this would be further explored in the next section on child play space.
- 9.100. On Site B, a further 58sqm is proposed on the fourth floor which will provide communal amenity space for residents of both Site B and C. Both Sites B and C would be within the affordable tenure and it is considered acceptable that both this communal space is shared by the residents of the two blocks.

9.101. Given the site's constraints, it is considered that on the whole, the provision of communal amenity space exceeds policy requirements. It is recommended that a condition be included to secure full details of all hard and soft landscaping within the two sites, including the child play space, communal amenity spaces and the sculpture. Subject to condition, it is considered that the proposals include adequate provision of communal amenity space, in accordance with Policy DM4 (2) of the Council's adopted Managing Development Document (2013).

### Child Play Space

9.102. Policy 3.5 of the London Plan (MALP 2016) states that all new housing developments should make provision for public, communal and open spaces, taking particular account of the needs of children and older people.

9.103. Policy SP02(6e) of the Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013) require developments providing family homes to include adequate child play space, with at least 10sqm of play space to be provided for each child.

9.104. The Mayor of London's Play and Informal Recreation Supplementary Planning Guidance (2012) seeks to ensure that all children and young people have access to places for play within reasonable and safe walking distance of new residential developments. For children under 5 years old play spaces should be provided within 100m of their homes, whilst for 5-11 year olds play spaces should be within 400m of their homes and for 12+ year old should be within 800m.

9.105. The proposal would deliver a total of 41 residential units. Using the Borough's child yield evidence base, the scheme is predicted to yield 16 children as shown below:

	Under 5s	5-11 year olds	11+ year olds	Total
<b>Child Yield</b>	7.67	5.53	3.24	<b>16.437</b>
<b>Required Play space (sq. m)</b>	76.7	55.3	32.4	<b>164.4</b>

**Figure 17: Child play space required (based on borough child yields)**

9.106. As the sites and tenures are split, officers have simplified the level of child play space required for each, in the table below.

	Under 5s	5-11 year olds	11+ year olds	Total
<b>Private</b>	19.6sqm	8.0sqm	2.0sqm	<b>29.6sqm</b>
<b>Intermediate</b>	7.5sqm	6.6sqm	5.0sqm	<b>19.1sqm</b>
<b>Affordable rent</b>	49.6sqm	40.7sqm	25.4sqm	<b>115.73sqm</b>
<b>Required Play space (sq.m) TOTAL</b>	76.7sqm	55.3sqm	32.4sqm	<b>164.4sqm</b>

**Figure 18: Child play space requirement by age and tenure**

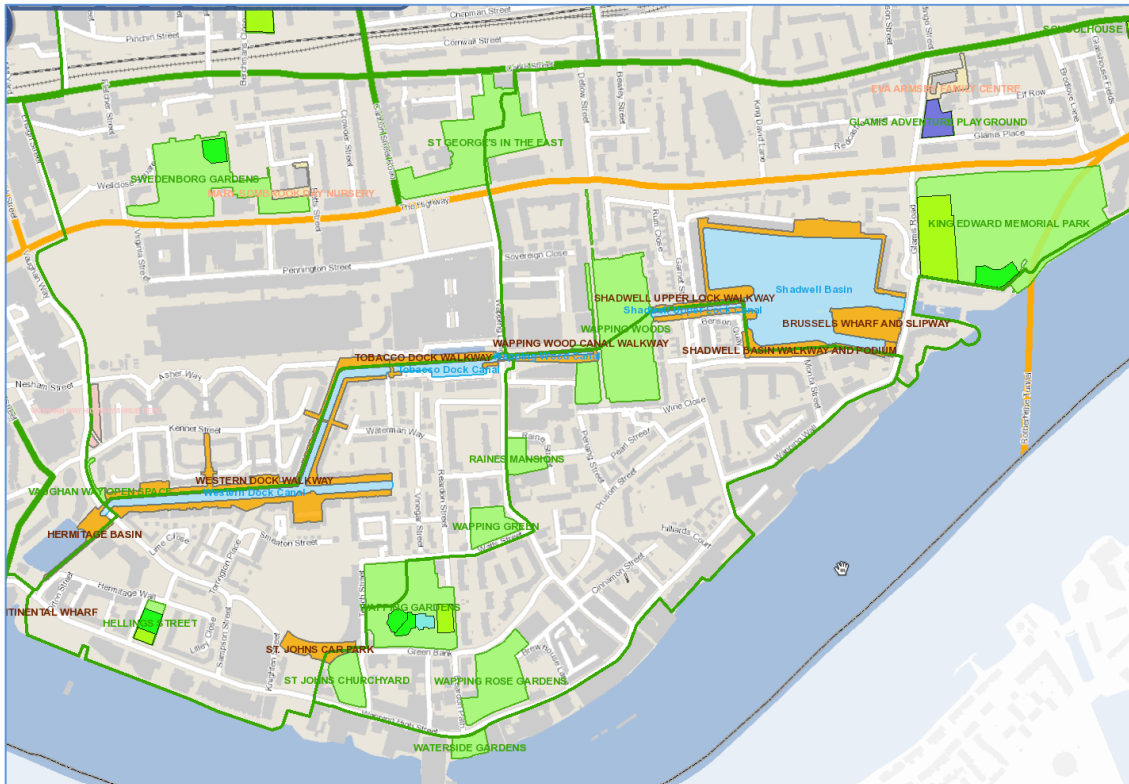
9.107. The child occupancy and play space requirement have also been calculated by the GLA calculator. Whilst the GLA child yield estimate is based upon London data, it is considered the more reliable estimate figure, given it is currently derived from a more recent data set, compared to the one used to produce the Borough based estimate. The

table below shows the calculations for child play space for the entire development.

Assessing child occupancy and play space requirements							
<b>Size of your development:</b>							
Number of FLATS							
	Studio	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Social rented/affordabl			2	4	1		7
Intermediate			1		2		3
Market			8	14	5		27
<b>Total</b>							<b>37</b>
Number of HOUSES							
		1 bed	2 bed	3 bed	4 bed	5 bed	Total
Social rented/affordabl					4		4
Intermediate							0
Market							0
<b>Total</b>							<b>4</b>
<b>Proportion of children</b>							
		Number of children	%				
Under 5		8	45%				
5 to 11		6	34%				
12+		4	20%				
<b>Total</b>		<b>18</b>	<b>100%</b>				
<b>Play space requirements</b>							
	GLA benchmark (sqm)*	Alternative local benchmark (sqm)**	Total (sqm play space) required				
	10		182.1				
		10	182.1				
* GLA benchmark standard=minimum of 10sqm of dedicated play space per child							
** Borough's local benchmark							

**Figure 19: Child play space requirement (based on GLA child yields)**

- 9.108. The above table shows that a total number of 18 children would be expected as a result of this proposal. 8 children under the age of 5, 6 children between the ages of 5-11 and 4 children over the age of 12.
- 9.109. Child space on Site A for the private tenure is incorporated within the central courtyard (382sqm). It is noted that a total of 30sqm would be required for children of all age groups within this tenure and this can be adequately accommodated on site. Within Site B, the proposal would provide approximately 77sqm of dedicated play space. This provision would satisfy and exceed the policy requirement for the under 5's age group for both affordable rented and intermediate tenures where a target of 57sqm has been identified. However, it is noted that there would be no on-site provision of child play space for 5-11 and 11+ year olds.
- 9.110. Whilst 'door step' play space provision is a necessary requirement for children space provision for under 5's the Local Plan and the Mayor of London's 'Children and Young People's Play and Information Recreation SPG recognises for older children recourse to existing off site play space within the surrounding area can legitimately help contribute towards meeting a new development's minimum child play space requirements. For children between ages 5 and 11 off site provision needs to be within 400m walking distance and 800 metre for children 12 and over with consideration given to whether the route to this off site play space is convenient and safe. This reinforces the importance of providing the play space for under 5's on-site wherever possible, whilst acknowledging that play space for older children can be provided further afield. The map below shows the locations of other parks and play areas within the vicinity of the site.



**Figure 18: Map showing proximity to local parks**

9.111. It is noted that there are public parks and gardens located a short distance from the site which could be used for play by 5-11 and 12+ year olds living at the site, including the play area north of the site in Prusom Street, which is located 65m away and Wapping Rose Gardens, which is located 180m to the west of the site. Wapping Gardens lie 237m west of the site and has a ball court for older children. The swimming baths on The Highway and St George's in the East Public Park and gardens are 600m north of the site. Wapping Woods is 290m away to the north. King Edward Memorial Park some 600m to the east also offers play areas for older kids. Notwithstanding, the existing parks and play spaces around the site, it is also of note that this scheme would yield 18 children (GLA calculations) only and 8 of those would be under 5's and their play space would be provided. A total of 10 children would need access to other play spaces and parks in the area or within at least 400m and 800m. It is considered that the spaces mentioned above and as seen on the map, lie well within the recommended maximum walking distances set out in the Mayor of London's Play and Informal Recreation SPG (2012) and could cater for 10 additional children.

9.112. . As the proposal is meeting its on-site play space requirements for under 5's, and given that there are public gardens and parks located a short distance from the site that could be used for play by future 5-11 and 11+ year olds living at the site, it is considered that the proposed play space provision is on balance acceptable in this instance. Whilst officers acknowledge pressure on existing parks and play spaces through cumulative developments, it is considered, in this instant that given such a low number of children and all the parks available, on balance the proposed child play space strategy would adequately meet the requirements of the child population generated by the scheme. It is recommended that a condition be included to secure full details of the on-site child play space.

- 9.113. Subject to condition, it is considered that the proposed provision of child play space is acceptable on balance, in accordance with the objectives of Policy SP02 (6e) of the Core Strategy (2010), Policy DM4 (2) of the Council's adopted Managing Development Document (2013) and Policy 3.5 of the London Plan (MALP 2016).

#### Inclusive Design and Wheelchair Adaptable/Accessible Homes

- 9.114. Of the 41 proposed units, the application would propose the delivery of 4 wheelchair units/13% by habitable room. 2 two bedroom units would be wheelchair adaptable within Site A on the first floor, in the market tenure. A further 2 two bedroom units would be provided as wheelchair accessible in the affordable rented tenure and these would be located within Site B at ground floor level. Each flat would have its own private and direct access into the flats. The wheelchair units on the first floor would be served by cores that include 2 lifts, which the Council would support as this would provide wheelchair access resilience in the event that one lift is out of service.
- 9.115. Officers welcome the affordable rented wheelchair units to be provided as wheelchair accessible, whilst the market tenure wheelchair units would be as wheelchair adaptable. Conditions should be included to require the delivery of 13% wheelchair adaptable/accessible homes, together 1:50 plans of the wheelchair units, and to require the units to be designed to accord with Part M4 (3B) of the new Building Regulations (optional requirements for wheelchair dwellings), which came into force on 1<sup>st</sup> October 2015.
- 9.116. Subject to condition, it is considered that the proposed development would provide an appropriate environment for wheelchair users and accords with current accessibility standards, in accordance with Policy SP02 (6) of the Council's adopted Core Strategy (2010).

#### **Neighbouring Amenity**

- 9.113 Core Strategy Policy SP10 '*Creating Distinct and Durable Places*' and MDD Policy DM25 '*Amenity*' require development to protect the amenity of adjoining and surrounding existing and future residents as well as the surrounding public realm. Indeed Policy DM25 of MDD seeks development, to not just protect but where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy states that this should be achieved by; not resulting in an unacceptable loss of privacy, nor enable an unreasonable level of overlooking or unacceptable increase in the sense of enclosure; avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sun lighting and day lighting 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.
- 9.114 As noted above under Section 8 - Local Representation – of this report, 258 letters were sent to neighbouring properties notifying them of this proposal. 12 individual letters of objection were received together with a petition against, consisting of 56 signatures. The following section would seek to address some of the concerns raised in terms of daylight/sunlight, overlooking and loss of privacy.

#### Daylight and Sunlight – Impacts on Neighbouring Properties

- 9.128 The day lighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an

assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times their former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room and figures should not exhibit a reduction beyond 20% of their former value.

- 9.129 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value. The significance of loss of daylight can be summarised as follows:
- 0-20% reduction – Negligible
  - 21-30% reduction – Minor significance
  - 31-40% reduction – Moderate significance
  - Above 40% reduction – Substantial significance
- 9.130 Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.
- 9.131 The application has been accompanied by Daylight, Sunlight and Overshadowing Report, prepared by Point 2 Surveyors, which has been independently assessed by the Council's appointed consultant, BRE. The results of the assessment are provided below.
- 9.132 The properties that are likely to be affected by this proposal have been analysed by Point 2 and the Council's independent adviser BRE, has evaluated these same properties. They are 138-140 and 142-146 Wapping High Street, Baltic Court, 2-12 Clave Street, 18-32 Cinnamon Street, Tasman House, Ross House and Columbus House. The evaluation concludes that loss of daylight to all windows within 142-146 Wapping High Street, 2-8 Clave Street 20-32 Cinnamon Street, Columbus House and Tasman House would be within the BRE guidelines and the impact to these buildings could be considered negligible.
- 9.133 There would be a loss of daylight outside the BRE guidelines to a small number of windows in 138-140 Wapping High Street, Baltic Court, 10-12 Clave Street and 18 Cinnamon Street. The impact to those buildings is classed as minor adverse because the loss of light is just outside the BRE guidelines.
- 9.134 Several windows are affected in Ross House, however, the majority of windows meet the guidelines. This is considered in more detail below. Loss of sunlight to all main living rooms would be within the BRE guidelines. Two rooms in Tasman House would suffer a loss outside the guideline values but these are bedroom windows for which loss of sunlight is less important.
- 9.135 The two proposed amenity spaces were also analysed and it is confirmed that these would achieve the recommended level in the BRE guidance.

- 9.136 It should be noted that some local residents have objected to the proposal on the grounds that it would result in a loss or partial loss of views from their properties. Matters pertaining to impacts on views and/or property values are not normally considered to be material planning considerations and it is not considered that there would be any special circumstances which would justify treating them as such in this case.
- 9.137 The following section would look at the impacts of the proposal on the properties that have been tested.

Detailed assessment of the proposal's impacts

138-140 Wapping High Street

- 9.138 This property is located to the south east of the site and is a newly built seven storey mixed use development. There are 44 windows facing the site which serve 32 rooms. 31 out of the 31 rooms will be fully BRE compliant in terms of VSC and/or NSL. The impact of the proposal on this property is therefore considered negligible and the occupants would unlikely notice any alteration to their levels of daylight. A first floor kitchen would experience an NSL alteration which is beyond the BRE guidelines; however, in terms of VSC this room is fully BRE compliant. In terms of sunlight, all rooms would be fully compliant with the BRE guidelines and the effect on these rooms is considered negligible.

142-146 Wapping High Street

- 9.139 142-146 Wapping High Street lies to the east of the application site and is considered to be further away so that any impact would be completely compliant in terms of the BRE guidelines. Out of the 62 windows tested, all were compliant and these residents are unlikely to notice any alteration to their levels of daylight. Similarly, sunlight levels are also compliant and the effect is considered to be negligible.

Baltic Court

- 9.140 This property is on the eastern edge of the property along Clave Street and its rear elevation abuts the application site. It is a three storey property and only the second floor would be affected by the proposal. Only two windows (bedroom and lounge) would be affected but these rooms are served by other windows which meet the guidelines. Therefore, the impact is assessed as being minor adverse. One resident wrote with regards to the impact on their daylight; however, as reported all windows tested were compliant.

2-12 Clave Street

- 9.141 This property is a row of terraced houses opposite Site A and in the case of 12 Clave Street, opposite Site C as well. 2-8 would have a negligible loss of their daylight and sunlight amenity. All 41 windows have been assessed and they pass the BRE guidelines. These properties are also dual aspect. In the case of 10 Clave Street, this unit is approximately 11m away from Site A. 11 windows serve 7 rooms facing Site A. All windows would be within the BRE guidelines in terms of VSC. There is a noticeable effect on the daylight distribution on three rooms; however, these rooms are served by 3 windows in total and the overall impact is seen as being minor adverse. It is noted that the resident at 10 Clave objected on loss of light and direct overlooking. In this instance and in accordance with the independent assessment undertaken, the loss of light would not be considered as significant as to affect the resident's enjoyment of their property.

Furthermore, officers visited this property and the room in question is dual aspect and has more than one window on both elevations.

- 9.142 12 Clave Street sits on the corner with Clave and Cinnamon Street. All windows within 6 rooms of this property have been tested and two of the rooms have two windows. 3 of the 6 rooms would be fully BRE compliant in terms of VSC. The two ground floor rooms would experience VSC and NSL alterations which are beyond the guidance and these would be assessed as being minor significant, especially when taken together with their daylight amenity values. It is also noted that the ground floor windows are already shadowed by a fence surrounding the corner of the site. Loss of sunlight for the whole terrace would be within the BRE guidelines for all main windows.
- 9.143 A first floor room (R2/61) would experience an alteration in NSL beyond the guidance; however, its VSC would be over 26% again the BRE recommendation of 27%. Therefore, this room's loss in daylight amenity would be considered to be minor. Officers visited this property as well and it was noted that there is a surrounding wall that encloses the urban garden. Furthermore, the ground floor level room has a window and door. The results of the assessment show that on balance, this property would not suffer an excessive loss of its daylight or sunlight.

18-32 Cinnamon Street

- 9.144 This row of terraced properties is three storey high and abuts Site C to its east. No VSC losses are noted for 20-32 Cinnamon Street. The effect of this proposal to these houses would be negligible. 18 Cinnamon Street is located close to the site and one room (R1/41) (out of two) would experience a VSC alteration above the recommended guideline. The other window would pass the VSC daylight test. The effect on this room is therefore considered as being minor in nature. Loss of sunlight to the whole terrace would be within the BRE guidelines. Residents at 18, 20, 22 and 28 wrote in to object about this proposal. Officers visited the properties at 18 and 20 Cinnamon Street. As with the properties on Clave Street these properties are dual aspect with more than one window in the living rooms. In accordance with the independent assessment, it is noted that only 18 Cinnamon Street would experience an alteration in its VSC and that is only to one window within a room with two windows. The effect to these houses would be negligible.

Tasman House

- 9.145 An objection letter came from a resident of Tasman House. Officers visited this resident and it was noted that the flats are dual aspects. This block of flats is situated close to Site B and in the northwest direction. There are no windows on this elevation. The flats are dual aspect and to the north east is Site C where the entrance of the flats are located. There are 63 windows serving 59 rooms and they have all been tested. All windows assessed would meet BRE guidance in terms of VSC and NSL alterations and therefore they would pass their daylight amenity level.
- 9.146 In terms of sunlight level, this is an issue for the south west side of the building. All living rooms would meet the guidance. Two rooms which would not pass the test are bedrooms and the BRE report states that loss of sunlight is less important in this instance. That said, it is noted that both these rooms would retain a 3% winter APSH against the recommended 5% and in terms of total APSH the rooms would retain 32% and 41% against a recommended 25%. In view of these values and the fact that these rooms are bedrooms and within an urban location such as this, the effect would be considered as minor in nature.



### Ross House

- 9.147 Whilst no objection letters came from this block of flats, officers paid a visit to two flats during their meeting with residents. This block of flats is very similar to Tasman House and is dual aspect. Ross House would face Site A in its entirety. It would also have an oblique view of Site B as it sits alongside this site. The property is five storeys tall and is abutted by a blank wall currently forming part of Site B. 41 out of 55 windows assessed would meet BRE guidance.
- 9.148 6 windows on ground floor level would suffer a loss of light outside of the BRE guidance, as would 3 on the first, 2 on the second and 1 on the third floors. For most of these windows, the loss of light is only marginally outside the guidelines and 3 of these windows already have low VSC due to the balcony above them.
- 9.149 Two further rooms would suffer VSC alterations above the BRE recommended maximum; however, the NSL alterations to these rooms are well within the BRE guidance.

### Columbus House

- 9.150 This block of flats is similar to Tasman and Ross Houses. It lies to the west of the application site and is the furthest away. Residential properties are located above the ground floor café. All windows assessed would meet BRE VSC guidance. Loss of sunlight would also be acceptable and furthermore the windows in question face to the north east.

### Context for daylight and sunlight losses

- 9.151 It is inevitable that in an urbanised borough such as Tower Hamlets and with such pressure being placed on the local planning authority to optimise the potential of development sites, daylight and sunlight infringement would be a regular occurrence. In reaching final conclusions in relation to daylight and sunlight impacts, sufficient weight needs to be given (a) to the nature of buildings and street patterns, (b) the current levels of daylight and sunlight enjoyed by existing residential occupiers that may fall below the absolute targets set out in the BRE Guidelines and (c) due weight and impact given to any existing consent that has yet to be implemented.
- 9.152 It is therefore fair and appropriate for the Council to apply a certain amount of flexibility when applying the recommendations, as set out in the BRE Guidelines. This degree of flexibility is utilised on a regular basis. However, as Members will be aware, one needs to make judgements as to the acceptability of daylight and sunlight infringements on a case by case basis, when balanced against other material planning considerations.

### Conclusion

- 9.153 In this instance, the development is considered acceptable in terms of daylight/sunlight as the impacts of the scheme taken overall is well within normal levels of failings given the urban context and with an acceptance that any new development, however modest in its height, might have significant impacts on a small number of neighbouring windows.
- 9.154 Although, it is acknowledged that there would be some daylight and sunlight impacts on neighbouring properties and these would result in a detrimental impact on the amenities of those residential occupiers, on balance, the proposed development is considered to accord with Policy SP10(4) of the adopted Core Strategy (2010), and Policy DM25 of the Managing Development Document (2013).

### Daylight and Sunlight within the Development

- 9.155 The daylight conditions within new homes are normally assessed in terms of the Average Daylight Factor (ADF). British Standard 8206 recommends the following minimum ADF values for new residential dwellings:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 9.156 Only the windows of the lowest two floors – ground and first - of the proposed development have been tested by Point 2. A total of 67 rooms have been tested to establish the ADF standards and 58 would meet the required ADF value, representing 87% of the total number of rooms. 7 of the 9 rooms which do not meet the minimum daylight amenity levels do so because their view is obscured by balconies belonging to the above flats. The test was also carried out without the balconies and had this been the intended design for the upper floors flats, the compliance level would have been 97%. However, this approach is not a recommended measure especially if these said balconies are not being removed.
- 9.157 The two remaining rooms that do not meet their ADF are a ground floor kitchen in Block B (Site B) and a first floor living space within Site A. The levels achieved are 1.3% and 1.81% respectively. Where living/kitchen/dining rooms fall below the target ADF levels, the living areas are located close to the windows, to maximise the levels of daylight to the primary living spaces, whilst the kitchens are located to the rear of the rooms. It is considered that this approach provides a degree of mitigation. The independent assessment by bre states that daylight provision would be generally good for most of the scheme. It should be noted that the new buildings are all very close to each other. In the case of Sites B and C, the separation distance is less than 9m. This would normally (using the recommended 18m window separation distance) be insufficient to enable the daylight standards to be met.
- 9.158 Taking into account the above, on balance it is considered that the proposed residential units would be afforded adequate levels of daylight, in accordance with the objectives of Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

### Overlooking, Outlook and Sense of Enclosure

- 9.159 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not lead to an unreasonable level of overlooking between habitable rooms of adjacent residential properties and their private amenity spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people.
- 9.160 Issues of overlooking, outlook and sense of enclosure are considered to be subjective. Given the narrow width of all the streets around the application sites including the application land parcels themselves, it is noted that the acceptable 18m distance would not be achievable in this instance. The separation distance between the new buildings and neighbouring properties would range from approximately 10m to 29m. Separation distance from Tasman House to Site C is approximately 21m; Ross House to Site A across Cinnamon Street is approximately 18m; Site A across Clave Street to 10-12

Clave Street is between 10m – 11.5m; 12 Clave Street to Site C is about 103m; and Site A across Wapping High Street to 142 Wapping High Street is about 28m. With regards to the new blocks themselves, on Site A all the buildings would be buffered by the internal courtyard. Sites B and C face each other; however, the building on Site B is stepped away from Site C and the balconies at Site C are on the upper level.

- 9.161 Whilst many of these separation distances are below the Council's target separation distance of 18 metres between facing residential windows, given the across-street relationship between the buildings, together with the spatial constraints of the site and the setbacks that have been included in the design of the new blocks, it is considered that the separation distance between the buildings is acceptable in this instance and would afford residents comparative levels of privacy to existing conditions. This is pertinent to Clave Street where the separation distance is at its lowest. The second floor of the new houses has been set back and a balcony introduced to mitigate the impact of direct overlooking and the sense of enclosure. Furthermore, it is noted that Clave Street already has a residential block facing on the west facing 2-12 on the east. Similarly, residents along Cinnamon Street, 18-34, would not be significantly or unreasonably affected by the proposals due to their orientation which is south east and away from Site C. 18 Cinnamon Street being the closest of the properties to Site C would notice a significant change in outlook due to the height of Site C. However, the outlook and openness that all residents have enjoyed so far have been on a borrowed basis, due to the low levels of the existing buildings on site. It has already been argued that the height and mass of all new buildings are acceptable within the context of the local area.
- 9.162 Taking into account the above, it is considered that on balance, the proposed development would afford existing and future residents within and around the site with acceptable levels of privacy and outlook, in accordance with the objectives of Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

#### Noise & Vibration

- 9.163 The NPPF is the principal guidance adopted England for assessing the impact of noise. Policy 7.15 of the London Plan (MALP 2016), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 9.164 The applicant's has submitted a Noise and Vibration Assessment report by Aecom dated 21 December 2015. Dominant noise sources at the site were noted to be road traffic, intermittent construction noise and drilling noise from the garage located on Cinnamon Street (now moved to another location). Vibration levels were assessed and these were considered low enough so that the proposed residential use would be acceptable and no mitigation measures would be required. The report concluded that subject to acceptable and suitable mitigation measures taken, for example low level plant equipment and locating all plant within plant rooms and suitable glazing on all windows, the sites would be considered acceptable for their intended use, which is residential.
- 9.165 It would be advisable to recommend that conditions be included to ensure that the above measures are adhered to, in terms of the plant rooms and to require post completion noise testing to demonstrate compliance, and to require the use of adequate sound insulation for residential units that adjoin commercial premises, together with post completion noise testing.

- 9.166 The objections received cited noise and disturbance as a concern by local neighbours in particular during construction works. Recent objections brought another noisy issue to officers' attention. This matter was also brought up by Councillor Denise Jones, in her objection letter. It is understood that noisy disturbance occurs every 3 or 4 months by London Overground Infrastructure undertaking critical 3 monthly maintenance activities in Wapping, on Site A. London Overground confirmed in an email to one resident that *"The 4 monthly sucking out the drainage interceptors and sumps are required to ensure their critical drainage pumps don't fail due to blockages and that the water which is discharged into the Thames is coal tar free. They have discussed with their contractor to ensure a more efficient working practice is in place for future maintenance as the night in questions resulted in prolonged clearing time due to a drainage bung not being applied in the correct position to allow easy clearance of their main sump"*.
- 9.167 This is clearly concern for the residential development on Site A and the mitigation measures to be put in place to preserve future residents' amenity. To address this matter Officers would secure stringent means of acoustic and triple glazing for all windows within Site A via a condition.
- 9.168 In general, noise level is not considered to be of a significant nature in this area. As a result of the loss of the light industrial uses in particular on Site C, noise levels and air quality should be significantly improved. The proposed residential dwellings and the development as a whole would not be a major or significant source of noise. Construction works are of a temporary nature and officers would as a matter of course, condition the working hours and noisy activities to be done within an acceptable time rather than early morning or late afternoon. Saturday working would be capped till 1pm and Sunday and public holidays would be non-construction days. Subject to conditions, it is considered that the proposed development would adequately protect future residents from undue noise disturbance, in accordance with Policy SP10 (4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

### **Secured by Design**

- 9.169 Policy 7.3 of the London Plan (MALP 2016) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. Policy DM23 (3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.
- 9.170 The proposal has been developed in accordance with the principles of Secured by Design. The scheme would deliver significant benefits in terms of safety and security by providing active frontages around and throughout the site. The design, layout and landscape strategy of this scheme lend itself well to the aims of Secured by Design. At present, the sites are vacant, unused, derelict and in a poor state of repair. They have inactive frontages along Wapping High Street and Cinnamon Street as well as Clegg Street. This lack of activity limits the opportunities for natural surveillance of the streets, which in turn can encourage anti-social behaviour.
- 9.171 However, the proposed replacement buildings would be in residential use, with defensible spaces, doors and windows onto the street at ground level and balconies and windows above. This will result in enhanced natural and passive surveillance of these streets, which will discourage anti-social behaviour and make the streets feel safer. The

communal amenity space and child play space within the development, which are located on Sites A and B would be secured with gated access.

- 9.172 The proposals have been assessed by the Metropolitan Police Designing out Crime Officer, who raised minor objections as detailed above. It is recommended that a condition be included to ensure all Secured by Design measures as well as external lighting are designed in line with Secured by Design Statement, which shall detail the measures that are to be incorporated into the development to ensure that it achieves Secure by Design accreditation.
- 9.173 Subject to condition, it is considered that the proposals would reduce the opportunities for criminal behaviour and improve safety and security within and around the site without compromising good design. The proposals therefore accord with Policy 7.3 of the London Plan (MALP 2016) and Policy DM23 (3) of the Council's adopted Managing Development Document (2013).

### **Inclusive Design**

- 9.174 Policy 7.2 of the London Plan 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. 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.
- 9.175 Because the area is within a flood plain, the applicant has had to take measures to ensure that the design of the proposal is resilient and the proposal would not increase the risk or impact of flooding at the site. Therefore, ground floor levels to most of the units at lower level would be raised. The entrances into Site A are both levelled but there is a stepped and ramped access to enter the courtyard. Houses accessed through the courtyard would have a level threshold into the properties. The triplex along Clave Street would also have level access from street level but all habitable rooms are located above and are accessed via a staircase.
- 9.176 On Site B, access from Cinnamon Street would be level but the accommodation at ground floor would be raised above entrance level. Therefore, the lobby would incorporate platform lift access and stairs as well. Sites A and B would also have two lifts serving the flats. The scheme would provide double level thresholds to all the ground floor uses and entrances and dual lift access will be provided to all the fully wheelchair accessible residential units. Site C would have level access from street but would incorporate some steps in the internal lobby together with a concealed platform lift.
- 9.177 Subject to condition, it is considered that the proposed development would provide an appropriate environment for wheelchair users and accords with current accessibility standards, in accordance with Policy SP02 (6) of the Council's adopted Core Strategy (2010).

### **Archaeology**

- 9.178 The National Planning Policy Framework (Section 12) and the London Plan (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.

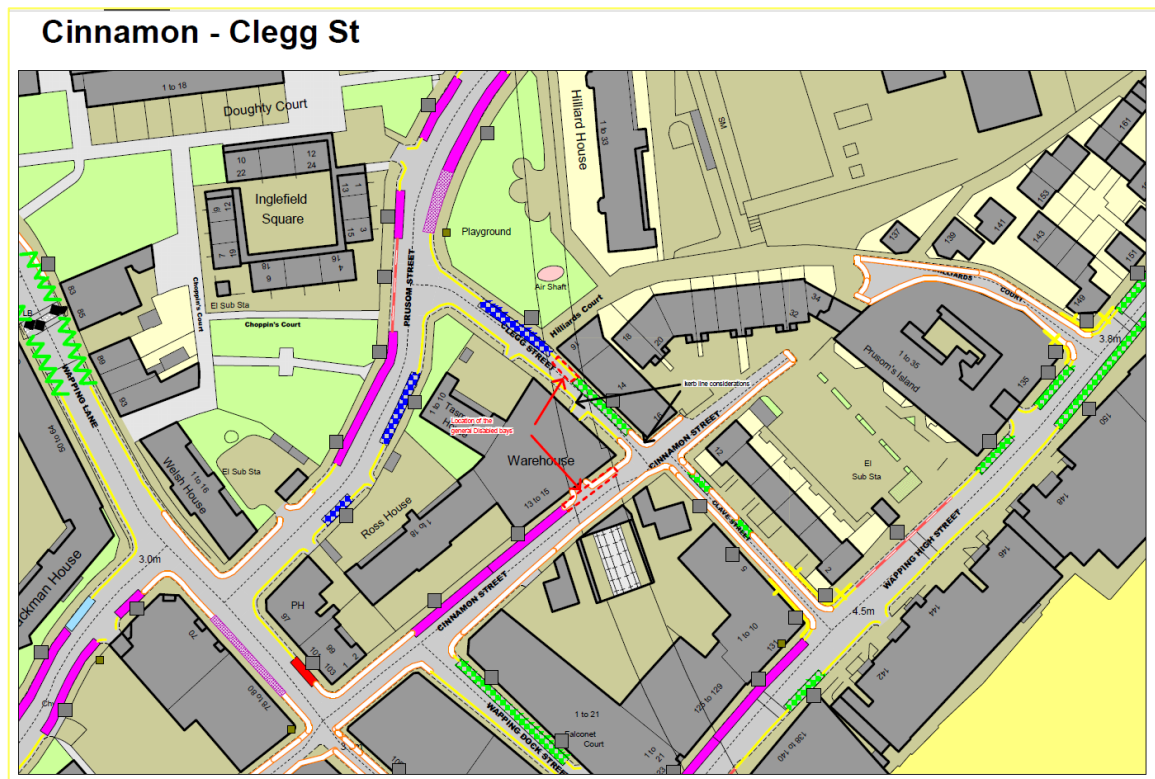
- 9.179 Greater London Archaeology Advisory Service has advised that the submitted documentation of the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that it is considered that a condition could provide an acceptable mitigation and safeguard. A condition is therefore recommended to require a two stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.
- 9.180 To conclude, it is considered that subject to these appropriately worded conditions, the impact of the development on archaeology would be acceptable.

## **Highways and Transportation**

### Car Parking

- 9.181 Policy SP09 (4) of the Council's adopted Core Strategy (2010) and Policy DM22 (2) of the Council's adopted Managing Development Document (2013) require developments located in areas of good public transport accessibility to be secured as 'car free'. Policy 6.13 of the London Plan (MALP 2016) also promotes 'car free' development in areas with good access to public transport, whilst still providing for disabled people. This policy also seeks to ensure that 20% of parking spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles.
- 9.182 The Council's Parking Standards, as set out in Appendix 2(1) of the Managing Development Document (2013), require developments with off-street parking to include 2 spaces or 10% of all spaces to be provided as accessible parking as a minimum.
- 9.183 It is recognised by the Highways Authority that Cinnamon Street has night time parking occupancy of 100% and Clegg Street has parking occupancy of 100% and 143% during weekdays and night time respectively. This exceeds the 80% level, which is considered to be 'stressed'. However, it is also recognised that the layout of the site, is such that it is not possible to provide accessible parking on site for registered blue badge holders. The transport statement states that blue badge users would be able to utilise the existing resident parking bays on street. Whilst this may be the case, officers opine that this would also add to the existing parking stress in the area, affecting existing residents' ability to park in those bays.
- 9.184 It is therefore recommended that the applicant should enter into a S106 agreement to fund up to three disabled bays on street if required by residents of the development within a three year period from the date of first occupation. This would be secured by a legal agreement in line with advice from the parking section. Following a site visit with the Highways officers and the applicant, it was agreed that two general use disabled bays would be installed on Cinnamon Street, on existing double yellow line. A further single general use disabled bay would be installed on Clegg Street near 16 Hilliards Court on existing single yellow line. The single yellow lines along Clegg Street would require upgrading to double yellow lines. These new bays would be subject to changes in the kerb line and would involve the relocation of a lamp column in Clegg Street to allow for free movement of large vehicles. A total of £10,000 would be secured in the

S106 towards these highways works. The map below shows the location of these disabled bays and the kerb line in question that would be changed.



**Figure 19: Map showing local parking provision**

- 9.185 The site benefits from an acceptable access to public transport, with a PTAL of 3; in accordance with both adopted policies and the recommendations of LBTH Transportation & Highways, the associated S106 agreement would include a clause to secure the residential units as 'car and permit free' (with the exception of disabled parking and on-street parking for residents using the Permit Transfer Scheme).
- 9.186 It is noted that a majority of the objections has been received on the grounds that there is already parking stress in the area and that this proposal would exacerbate this problem. However, as set out above, the proposed provision of 3 disabled car parking spaces and the omission of on-site resident and visitor parking is considered to be acceptable and in accordance with the requirements of Policy SP09 (4) of the Core Strategy (2010), Policy DM22 (2) of the Managing Development Document (2013) and Policy 6.13 of the London Plan (MALP 2016).

Cycle Parking

- 9.187 Policy DM22 (4) of the Managing Development Document (2013) and Policy 6.9 of the London Plan (MALP 2016) require developments to include adequate provision of safe, secure and accessible cycle parking facilities. The cycle parking standards are also set out at Table 6.3 of the London Plan (MALP 2016) which require the following minimum provision of cycle parking, 1 space per 90sqm (commercial) and 1 space per studio / 1 bed unit; 2 spaces per all other dwellings.
- 9.188 The proposed number of cycle spaces provided for the entire development would exceed the minimum policy requirement. The applicant would provide a mixture of Falco

single tier and Falco 2 tier cycle stands throughout the development. The highways officer was concerned about this type of stand which does not comply with the Council's policy requirement. The applicant subsequently submitted further information and illustration to show that the stands to be used in the development would allow the user to lock both wheel and the frame, therefore ensuring the safety and security of the parked bikes. This is considered to be acceptable and would be subject to the inclusion of conditions to secure full details of the layout of the cycle stores and to require the cycle spaces to be retained and maintained for the life of the development.

- 9.189 Subject to condition, it is considered that the proposals include adequate provision of safe, secure and usable cycle parking facilities, in accordance with Policy DM22 (4) of the Council's adopted Managing Development Document (2013) and Policy 6.9 of the London Plan (2015).

#### Waste & Recyclables Storage

- 9.190 Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013) require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.
- 9.191 The proposals include the provision of designated refuse stores, located within each block and within short walking distance of the residential units and of the residential lift cores. In the case of Site C, the four houses would share a refuse store to the side along Hilliards Court. The refuse stores are well located for collections, being directly accessed from the public highway on Cinnamon Street and Wapping High Street as well as Clegg Street.
- 9.192 The proposed waste and recyclables storage arrangements have been assessed by LBTH Waste Policy & Development and Transport for London and are considered to be appropriate, subject to the inclusion of a condition to secure plans showing full details of the waste storage facilities, together with a waste access plan. On this basis, the proposed waste and recyclables storage facilities are considered to be acceptable, in accordance with Policy SP05 of the Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013).

#### Servicing

- 9.193 Servicing for the proposal has been deemed inadequate by the Highways team. However, following a site visit, the highway officers are now satisfied that concerns raised would be resolved in the following ways. A condition would be attached to the planning application requiring the applicant to agree a S278 agreement to adjust the footway at Clegg St, remove all existing crossovers, improve footpath outside the development (to be widened to 1.5m), and any other highways improvement work that may be required to enable this development.
- 9.194 LBTH Transportation & Highways further recommend that a condition be included to secure a Delivery and Servicing Management Plan.
- 9.195 Taking into account the above and subject to condition, it is considered that the proposed servicing arrangements would not result in any significant adverse impacts on the safety or capacity of the road network. The proposals therefore accord with Policy SP09 (3) of the Core Strategy (2010) and Policy DM20 (2) of the Managing Development Document (2013).



## **Air Quality**

- 9.196 Policy 7.14 of the London Plan (MALP 2016) seeks to ensure that design solutions are incorporated into new development to minimise exposure to poor air quality and promotes sustainable design and construction to reduce emissions from the demolition and construction of buildings.
- 9.197 Policy SP03(2) of the Council's adopted Core Strategy (2010) seeks to manage and improve air quality along transport corridors and traffic congestion points and seeks to implement a 'Clear Zone' in the borough to improve air quality. Policy DM9 of the Council's adopted Managing Development Document (2013) requires applications for major development to be accompanied by an Air Quality Assessment to demonstrate how it will prevent or reduce associated air pollution during construction or demolition.
- 9.198 The applicant has provided an Air Quality Assessment Report (AQA), prepared by Aecom, dated December 2015, which provides an assessment of the potential effect on local air resulting from the demolition, construction and operational phases of the development.
- 9.199 The Council's Air Quality Officer has reviewed the AQA and has found it to be acceptable. The assessment concludes that the site is suitable for the proposed uses and that the impacts of the development are negligible and therefore not significant. It is recommended that the air quality section of the Construction Environmental Management Plan should include a statement of compliance with the new GLA Non Road Mobile Machinery (NRMM) Low Emission Zone emissions requirements as set out in the GLA 'Control of Dust and Emissions during Construction SPG'. The Site manager will also need to maintain a list of all on-site NRMM using the GLA's database.
- 9.200 To conclude, it is considered that, subject to conditions, the proposed development is acceptable in air quality terms, in accordance with the objectives of Policy 7.13 of the London Plan (MALP 2016) and Policy SP03(2) of the Council's adopted Core Strategy (2010).

## **Contaminated Land**

- 9.201 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. 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
- 9.202 The Council's Environmental Health Team have advised that the Council's standard full contaminated land condition requires a developer to risk assess their site, and that the desk study requested as part of this condition is also called a Preliminary Risk Assessment (PRA). This is a search of existing records to see what the likely risk is. If there is a risk of contamination on the site, or nearby from mobile contamination, then an intrusive investigation is required so that soil samples can be tested for the likely contaminants. When these results come through, the PRA is revised in light of actual data. If there is still a problem, then remediation proposals are required, to be agreed with the Contaminated Land Officers. Following remediation, a Verification Report is required to be submitted (as secured by an appropriately worded condition) to show that the agreed work has been carried out and that there is no longer a risk from

contaminated land on the site. Typically, this will include waste transfer notes, soil test data and photographs. Accordingly, the protocol in place to ensure public health and safety during development works is suitably robust, and there is no need for the Council to carry out independent Risk Assessments.

### **Energy & Sustainability**

- 9.203 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 climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy 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.
- 9.204 The submitted proposals have followed the energy hierarchy of be lean, be clean & be green and have sought to focus on using less energy and the integration of renewable energy technologies. The Council would seek to lean towards a centralised heating system (the applicant's Option A) and this should be delivered for the whole proposal. The applicant has confirmed that this would be supported. The delivery of Energy Strategy Option A would ensure the scheme can easily connect to a district energy system in the future and is compliant with London Plan Policy 5.6B and delivers a communal heating system. A 41.4kWp photovoltaic array is also proposed for this proposal.
- 9.205 The CO<sub>2</sub> emission reductions are anticipated to be circa 35% against the Building Regulations 2013 baseline. This is significantly below the adopted policy DM29 requirements for a 45% reduction. In accordance with policy requirements, the applicant has also agreed to the full financial contribution of £12,600 to the Council's carbon off-setting programme to achieve a total reduction of 45%.
- 9.206 To conclude, the overall approach to reducing carbon dioxide is supported by the Energy Officer and this is in accordance with relevant policies. However, it is recommended that appropriate conditions are secured for the delivery of Option A – centralised heating system, submission of PV specification and delivery of a 41.4kWp PV array and financial contribution towards carbon offsetting secured within the s106 agreement.

### **Flood Risk and Water Resources**

- 9.207 The site is located in Flood Zone 3 and therefore, the proposed development would result in a 'more vulnerable' use. However, the Environment Agency states that the residential use could be appropriate within a Flood Zone 3 provided the site passes the Flood Risk Sequential Test. The Local Planning Authority has carried out a Flood Risk Sequential Test and has found that there are no other reasonably available sites in a lower flood risk zone or at a lower risk of flooding than the application site. It is also noted that the area is already built up with both residential and commercial uses. Furthermore, despite being in Flood Zone 3, the site is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance in any year flood event, but is at risk of flooding if there was to be a breach or they were to be overtopped.
- 9.208 The Environment Agency has recommended raising finished floor levels (FFLs) above the 2100 tidal breach flood level (5.75m AOD on site). The submitted FRA states that FFLs will be set to 4.980m AOD at Site A and 4.392m AOD at Sites B & C. This doesn't quite meet the recommended height. However, the FRA also states that safe havens will be provided at residential floor levels for each site and the applicant has committed to

providing the 2100 tidal level. This would be secured by conditions. It is therefore considered that the site has the potential to meet the borough's growing housing need and that the proposed development would incorporate adequate flood resilient design and would not increase the risk or impact of flooding at the site. Therefore, subject to a planning condition to ensure that the necessary mitigation measures proposed are in place, the scheme would be in accordance with Policy SP04 (5) of the Council's adopted Core Strategy (2010), policy DM13 of the MDD, Policy 5.12 of the London Plan (MALP 2016) and government guidance set out in Section 10 of the National Planning Policy Framework (2012).

### **Biodiversity**

- 9.209 Policy 7.19 of the London Plan (MALP 2016), policy SP04 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. Policy DM11 of the MDD also requires elements of living buildings. The application site is not located within a Site of Importance for Nature Conservation (SINC). The application was supported by a Preliminary Ecological Appraisal Report (PEA) by Aecom (November 2015) and this report was assessed by the Council's Biodiversity officer.
- 9.210 The LBTH Biodiversity officer has concluded that on the whole, the application site has no significant habitats; however, Site A has the potential to support bats and Black Redstarts, which are protected species. Also, two features with low potential to support low-value non-maternity roosts for single or small numbers of bats were found on site A. It was noted that there are missing bricks near the western corner of 125-129 Wapping High Street and loose flashing on Baltic Court. Whilst it is accepted that the latter building is not part of the development site, any proposed new buildings immediately adjacent would still impact on this potential roost. It is noted that many residents have mentioned the presence of bats in the area. Whilst this may be so, officers would ensure that the recommendations of the PEA report are adhered to and correct procedures are used to remove these features so that bats do not remain in these places or get trapped.
- 9.211 The Local Planning Authority would therefore strongly request that these features are made unsuitable for roosting bats (either by demolition or by preventing bats access) during November to February inclusive. During these months, there is no chance that bats would be using these features. Should this work not take place between the specified months, then an ecologist would be required to undertake a check to confirm the absence of roosting bats. This would be secured by specifically worded conditions and would need to be discharged prior to the commencement of works on this particular part of the site.
- 9.212 Furthermore, the Biodiversity Officer has recommended that a number of other conditions be imposed to secure the maximum ecological value from the development proposals. These conditions would require the submission of a further bat survey, details of biodiverse roofs, substrate depth and type, planting and additional habitats, landscaping and details of bat and bird nesting boxes, including numbers and locations of these boxes.
- 9.213 Having regard to the concerns of residents and the imposition of robust conditions in line with the PEA and advice of the Council's Biodiversity officer, to secure the necessary mitigation and enhancements, it is considered that the proposal would have an acceptable impact on biodiversity and would be in accordance with relevant policies as detailed above.

## Planning Obligations

- 9.214 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's draft Planning Obligations SPD (2015) sets out in more detail how these impacts can be assessed and what the appropriate mitigation could be. The Council adopted a Borough-level Community Infrastructure Levy on April 1<sup>st</sup> 2015. Consequently, planning obligations are much more limited than they were prior to this date, with the CIL levy used to fund new education, healthcare and community facilities to meet the additional demand on infrastructure created by new residents.
- 9.215 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and,
  - Fairly and reasonably related in scale and kind to the development.
- 9.216 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. Furthermore, Regulation 123 stipulates that a planning obligation must not constitute a reason for the grant of planning permission if it provides for the funding or provision of any type of infrastructure which appears on the local planning authority's Regulation 123 infrastructure list.
- 9.217 The applicant has agreed to meet the following planning obligations. The financial obligations secured include:
- Financial contributions:
- a) £19,464 construction phase employment training
  - b) £832 end-user phase employment training
  - c) £12,600 carbon off-setting
  - d) £10,000 towards the cost of three disabled on street car parking spaces
  - e) Monitoring fee of £3,500 (equivalent to £500 per each substantial Head of Terms)
- Total financial contribution: £46, 396 including monitoring contribution.
- 9.218 Non-financial contributions:
- f) On-site affordable rented housing consisting of 2 x one bedroom, 4 x two bedroom and 5 x three bedroom units at Borough Framework Levels inclusive of service charges (including 2 two bed wheelchair units)
  - g) 1 x one bedroom and 2 x three bedroom intermediate units
  - h) Annual income for social and intermediate housing to be capped
  - i) Access to employment
    - 20% local procurement
    - 20% local labour in construction

- j) 6 apprenticeships delivered during the construction phase
- k) Car and Permit Free
- l) Compliance with the Code of Construction Practice

9.219 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and the Regulations 122 and 123 tests.

9.220 With regard to affordable housing provision, the applicant has submitted a Financial Viability Assessment which has been independently reviewed by consultants appointed by the Council. Officers are satisfied that the proposal would deliver the maximum amount of affordable housing that could be supported by the viability of the scheme without threatening the deliverability of the development.

### **Financial Considerations**

9.221 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that the authority shall have regard to:

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

9.222 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.

9.223 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor’s Community Infrastructure Levy.

9.224 Mayor of London CIL liability is estimated to be £114,450 (following estimated social housing relief (£55,860).

9.225 Tower Hamlets CIL liability is estimated to be £650,240 (following estimated social housing relief (£319,200)

9.226 Using the DCLG’s New Homes Bonus Calculator, this development is likely to generate approximately £63,482 of New Homes Bonus in the first year and a total payment of £380,890 over 6 years.

### **Health Considerations**

9.227 Policy 3.2 of the London Plan (MALP 2016) seeks to improve health and address health inequalities having regard to the health impacts of development proposals while the Council’s policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people’s wider health and well-being.

9.228 The proposal raises no unique health implications, and would not prejudice the opportunity of, residents, neighbours or members of the public to benefit from

appropriate living conditions and lead healthy and active lifestyles. The play space and communal amenity space proposed would adequately meet the policy requirements. The gym and swimming pool available to the private and intermediate tenures would serve to promote active and healthy lifestyles. The standard of the proposed residential accommodation would be high, commensurate with the high density of the scheme.

### **Human Rights Considerations**

- 9.229 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 9.230 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".
- 9.231 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.
- 9.232 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.
- 9.233 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.
- 9.234 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.235 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.

9.236 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### **Equalities Act Considerations**

9.237 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.

9.238 The residential units and commercial floor space within the development meet the standards set in the relevant regulations on accessibility. Of the residential units proposed within the development, 10% would be wheelchair accessible. The design standards across the three sites offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.

9.239 Furthermore, the proposed contributions towards the Tower Hamlets CIL, large affordable housing, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a 37% quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

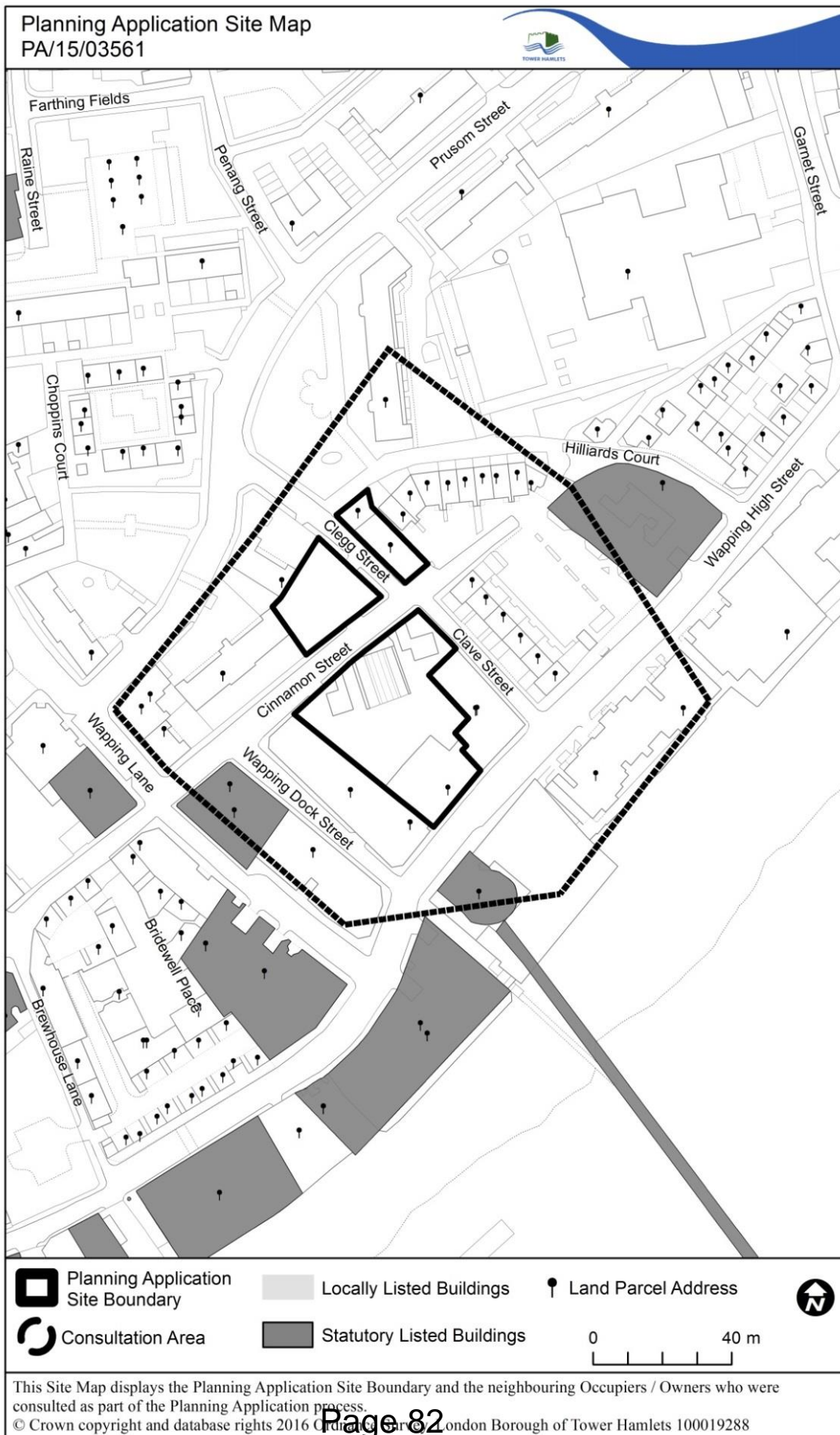
9.240 The proposed development and uses as a consequence are considered to have no adverse impacts upon equality and social cohesion

## **10.0 CONCLUSION**

10.1 All other relevant policies and considerations have been taken into account. Planning Permission should be approved for the reasons set out in the RECOMMENDATIONS section at the beginning of this report.

# SITE MAP

11.1 Please refer to the next page of this report.





# Agenda Item 5.2

<b>Committee:</b> Development	<b>Date:</b> 28 <sup>th</sup> September 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Chris Stacey-Kinchin	<b>Ref No:</b> PA/15/03433
	<b>Ward:</b> Mile End

## 1.0 APPLICATION DETAILS

**Location:** Harley House and Campion House, Frances Wharf, London

**Existing Use:** Class C3 (Residential) at upper levels, Class A1 (Retail) at ground floor

**Proposal:** Roof extensions at 7th floor and 9th floor levels to provide 6 new residential units along with the reconfiguration of 1 existing unit

**Drawings and documents:** 3389.6.OS  
3389.S.1  
3389.S.2  
3389.S.3  
3389.S.4  
3389.S.5  
3389.S.6  
3389.S.7  
3389.S.8  
3389.S.9  
3389.S.10  
3389.S.11  
3389.S.12  
3389.P.10, Rev A  
3389.P.20, Rev A  
3389.P.30, Rev B  
3389.P.40, Rev B  
3389.P.50, Rev B  
3389.P.60, Rev B  
3389.P.70, Rev A  
3389.P.80, Rev B  
3389.P.90, Rev B  
3389.P.100  
3389.P.110, Rev B

3389.P.120, Rev B  
3389.P.130, Rev A  
3D Images  
3389/Planning/DAS, Nov 2015  
Planning Statement, Nov 2015  
3389/RT/Planning, 28/01/2016  
Energy Statement V2.0, 15/07/2015  
43462/IM, 04/08/2015  
50739/IM/EB, 29/06/2016  
10865-NEA-01, 29/02/2016

**Applicant:** Frances Wharf LLP

**Ownership:** Frances Wharf LLP  
A2 Dominion  
Individual Leaseholders

**Historic Building:** None

**Conservation Area:** Site is adjacent to Limehouse Cut Conservation Area

## 2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Development Committee as the proposal has attracted a total of 26 letters in objection from nearby residents.
- 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 2016 and the National Planning Policy Framework and all other material considerations.
- 2.3 The proposal is for the extension of the existing building at 7<sup>th</sup> and 9<sup>th</sup> floor levels to provide an additional 6 residential units (3 x market units and 3 x intermediate units) along with the reconfiguration of 1 existing residential unit (from a 3 bed to a 2 bed unit). It is also proposed to reconfigure the existing 7<sup>th</sup> floor external communal amenity space and re-provide it across both the 7<sup>th</sup> and 8<sup>th</sup> floor levels, and provide new child play space at ground floor level.
- 2.4 The addition of 6 new residential units along with the reconfiguration of 1 existing residential unit on this site can be considered to be acceptable and accords with Policy 3.3 of the London Plan (2016), Policy SP02 of the Core Strategy 2010 and Policy DM3 of the Managing Development Document 2013.
- 2.5 The proposed mix and standard of the additional residential accommodation being proposed and the associated amendments being proposed to the communal external amenity space provision and child play space on site is considered to be acceptable. The proposal therefore accords with Policies 3.3, 3.4, 3.5, 3.6, 3.8, 3.12, 7.2 of the London Plan (2016), Policy SP02 of the Core Strategy 2010 and Policies DM3 and DM4 of the Managing Development Document 2013.

- 2.6 Subject to safeguarding conditions, it is considered that the development would not have an unacceptable impact on the amenity of adjoining residents in terms of noise, overlooking, natural light and construction impacts in accordance with Policy SP10 of the Core Strategy 2010 and Policy DM25 of the Managing Development Document 2013.
- 2.6 The proposed design of the extensions to the existing building at 7<sup>th</sup> and 9<sup>th</sup> floor levels are considered acceptable as they complement the existing building by matching the material palette and architectural detailing of the existing building below. The proposal therefore accords with Policies 7.4 and 7.6 of the London Plan (2016), Policies SP10 of the Core Strategy 2010 and Policies DM24 and DM27 of the Managing Development Document 2013.
- 2.7 Subject to the management of the impacts through the use of conditions, the proposed development would not unacceptably impact on the public transport network or the highway. This would accord with Policies 6.3, 6.9 and 6.13 of the London Plan (2016), Policy SP09 of the Core Strategy 2010 and Policies DM20 and DM22 of the Managing Development Document 2013.
- 2.8 The refuse provision on site is generally considered to be acceptable in accordance with Policy 5.17 of the London Plan (2016), Policy SP05 of the Core Strategy 2010 and Policy DM14 of the Managing Development Document 2013.
- 2.9 Subject to conditions, it is considered that the proposed development is acceptable with regard to energy and sustainability considerations. This would accord with Policies 5.2, 5.3 and 5.7 of the London Plan (2016), Policy SP11 of the Core Strategy 2010 and Policy DM29 of the Managing Development Document 2013.

### 3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- a) That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
  - b) A unilateral undertaking to secure the proposed affordable housing offer

### 3.2 Conditions on planning permission

1. Time limit
2. Development to be built in accordance with the approved plans (*compliance*)
3. Proposed materials to match existing and details of proposed materials to be submitted for approval (*pre-commencement*)
4. Construction management plan (*pre-commencement*)
5. Risk assessment and method statement (*pre-commencement*)
6. Programme of works and mitigation for lift works (*pre-commencement*)
7. Full details of the proposed PV array and compliance with approved energy strategy (*pre-commencement*)
8. Details of new communal amenity space and child play space (*pre-commencement*)
9. Details of obscuring glazing to 7<sup>th</sup> floor corridor (*pre-commencement*)
10. Permit free agreement (*pre-occupation*)
11. Cycle parking (*compliance*)
12. Proposed glazing to comply with recommendations in noise report (*compliance*)
13. Refuse (*compliance*)

14. Hours of construction works (*compliance*)

### 3.3 **Informatives on planning permission**

1. Canal and River Trust code of practice for works

## 4.0 **LOCATION AND PROPOSAL DETAILS**

### **Site and Surroundings**

- 4.1 The application site is the Frances Wharf development on Burdett Road which is a 5-10 storey 'stepped' residential block which features 101 residential units along with a 'Tesco Express' retail store at ground floor level, and is focused around a small private courtyard. The Frances Wharf development comprises of Harley House and Champion House which both benefit from their own entrance cores, with the former sitting adjacent to the Limehouse Cut Canal and the latter sitting adjacent to Thomas Road. It should be noted that the original development permitted (PA/05/01337) at Frances Wharf contained 90 residential units, and subsequently an additional 11 units have been approved and provided on site through alterations to the existing building (see relevant planning history section below).
- 4.2 The building is clad in a variety of materials, namely white render, red brick, timber cladding and grey cladding panels, and also features a number of protruding balconies with glazed upstands. It should be noted that the upper portions of the building, which are slightly set back from the main portion of the building below and comprise of parts of the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> floors fronting Burdett Road are clad entirely in white render which 'caps off' the top of the building.
- 4.3 The subject site is located on the east side of Burdett Road directly to the north of the Limehouse Cut Canal, which sits in the adjacent Limehouse Cut conservation area, and to the south of Thomas Road. On the opposite side of Burdett Road sits a retail superstore housed in a single storey structure with associated car parking, whilst to the north of the site (on the opposite side of Thomas Road) sits a large residential block rising to 11 storeys at its southern end. To the south of the site (on the opposite side of Limehouse Cut) sits a vacant piece of land known as 307 Burdett Road, however it should be noted that this site does currently benefit from planning permission for the erection of an 11 storey residential block. Directly to the east of the site sits a small business park comprising of two 3 storey blocks along with associated parking in the centre of the site.
- 4.5 The site does not sit within a flood zone or an archaeology priority area and does not feature any trees within its curtilage. The site has a PTAL rating of 4 indicating a good level of public transport accessibility and is located within controlled parking zone B2 which is in operation between 8:30am to 5:30pm Monday to Friday with residents parking bays.

### **Proposal**

- 4.7 The applicant seeks full planning permission to extend the existing building at 7<sup>th</sup> floor and erect an additional level to provide an additional 6 residential units along with the reconfiguration of 1 existing residential unit (from a 3 bed to a 2 bed unit). It is also proposed to reconfigure the existing 7<sup>th</sup> floor external communal amenity space and re-provide it across both the 7<sup>th</sup> and 8<sup>th</sup> floor levels, and provide new child play space at ground floor level.

- 4.8 The proposed development will provide a total of 411sqm of additional residential (class C3) floor space, comprising of 3 x 1 bed units, 2 x 2 bed units and 1 x 4 bed unit. The applicant proposes to provide to deliver the 3 x 1 bed units as 'shared ownership' units, whereas the 2 x 2 bed units and 1 x 4 bed unit are to be delivered as market units.
- 4.9 In order to service the proposed extensions at 7<sup>th</sup> and 9<sup>th</sup> floor levels the applicant intends to extend the lift and stair cores of both Harley and Campion House by 1 storey. It is also proposed to provide additional refuse and cycle parking facilities to accommodate the additional residential units being proposed.

### **Relevant Planning History**

#### *Application Site:*

- 4.12 PA/04/01682 – Demolition of existing building and relocation of sub-station and redevelopment of the site by a 9 storey mixed use building to create 107 residential units and 1,930 sq.m of offices with associated landscaping. (Application withdrawn 08/08/2005)
- 4.13 PA/05/01337 – Demolition of existing building and erection of a 4 to 9 storey mixed use building with basement to create 90 residential units (30 x one-bedroom, 40 x two-bedroom, 20 three-bedroom) and 947 sq.m of offices (Use Class B1) at basement and ground floor level. Creation of a public walkway and associated landscaping. (Permission granted 07/06/2007)
- 4.14 PA/09/02132 – Conversion of two, 2 bedroom duplex apartments to four units (1 x Studio, and 3 x 2 Bed) including the addition of a balcony within a residential apartment block permitted under reference PA/05/1337. (Permission granted 25/03/2010)
- 4.15 PA/09/02423 – Variations to legal agreement dated 7th June 2007 associated with planning permission reference PA/05/01337. (Permission granted 25/03/2010)
- 4.16 PA/12/01961 – Conversion of redundant spaces associated with unused B1 commercial units into 1no. (comprising 1 x 1 bedroom 2 person) duplex. Residential unit will be within the existing development. Development will be on the Lower Ground Floor and Ground Floor levels. (Permission granted 26/09/2012)
- 4.17 PA/12/01962 – Conversion of redundant spaces associated with unused B1 commercial units into 1 no. (comprising 1 x 3 bedroom 5 person) duplex. Residential unit will be within the existing development. Development will be on the Ground Floor and Mezzanine Levels. (Permission granted 10/09/2012)
- 4.18 PA/12/02000 – Change of use and conversion of vacant B1 commercial units into 4no. (comprising 4 x 2 bedroom 3 person) flats. Residential units will be within the existing development. Development will be in the Lower Ground Floor and Ground Floor. (Permission granted 26/09/2012)
- 4.19 PA/12/03364 – Extension and upgrade of concierge and entrance area, to include improved an enlarged concierge and lobby, storage and a self-contained flat in the mezzanine. Development will be on the Ground Floor and Mezzanine Levels, and will be situated within the entrance to the development off Burdett Road. (Permission granted 14/02/2013)

- 4.20 PA/12/03366 – Change of use and conversion of vacant B1 commercial units into 2no. (comprising 2 x 2 bedroom 3 person) duplex units. Residential units will be within the existing development. Development will be on the Ground Floor and Mezzanine Levels. (Permission granted 25/02/2013)
- 4.21 PA/13/01529 – Application for a non-material amendment for the following alterations following grant of planning permission (PA/12/3364), dated 14.02.13: (Permission granted 18/07/2013)
- 4.22 PA/14/01495 – Alteration and enlargement of site 5 (unit 6) from a 2 bedroom apartment to a 3 bedroom apartment, to include the set back of the existing entrance door, conversion of existing plant room into a bedroom and the provision of a balcony at first floor level. (Permission granted 28/07/2014)
- 4.23 PA/15/02258 – Roof extensions at 7th floor and 9th floor levels to provide 6 new residential units of use class C3 along with reconfiguration of 1 existing unit. (Application withdrawn 05/11/2015)

*Neighbouring Site (307 Burdett Road):*

- 4.24 PA/08/01796 – Redevelopment of site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse Cut to provide 56 residential units, 658 square metres of commercial space (Use Classes A1/A3/A4) at ground and lower ground floor level, cycle parking, amenity space and other associated works. (Application withdrawn 11/12/2008)
- 4.25 PA/09/00214 – Redevelopment of the site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground and lower ground floor level, cycle parking, amenity space and other associated works. (Permission refused 06/01/2010 and allowed by appeal APP/E5900/A/10/2131760/NWF 17/05/2011)
- 4.26 PA/13/01656 – Minor Material Amendments to Planning Permission ref: PA/09/214 dated 17 May 2011 for the redevelopment of the site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground and lower ground floor level, cycle parking, amenity space and other associated works.  
Proposed amendments:  
1. internal rearrangement of the consented building resulting in a reduction in units to 42  
2. internal rearrangement to amend the proposed employment floorspace at ground floor to provide child play space for the residential units. (Permission granted 10/06/2014)
- 4.27 PA/13/01764 – Application for a non-material amendment following a grant of planning permission. Erection of a part 6 and part 11 storey building and lower ground floor level adjacent to limehouse cut to provide 42 residential units, with associated child playspace at ground level, cycle parking, amenity space and other associated works. (Application withdrawn 05/08/2013)
- 4.28 PA/14/00153 – Application for a Non-material Amendment to vary the wording of condition no. 3 (landscaping scheme), no. 5 (wheelchair adaptable units), no. 6

(renewable energy), no. 8 (elevation drawings), and no. 12 (floor levels) of planning permission dated 17/05/2011, ref: PA/09/00214. (Permission granted 20/02/2014)

- 4.29 PA/14/00332 – Application for a Non-Material amendment to condition 7 (risk assessment and method statement) of Planning Permission PA/09/00214, dated 17/05/2011 to amend the trigger for submission of the details required by this condition. (Permission granted 07/03/2014)
- 4.30 PA/14/00386 – Application for a Non-Material amendment to condition 9 (contaminated land site investigation) of Planning Permission PA/09/00214, dated 17/05/2011 to amend the trigger for submission of the details required by this condition. (Permission granted 10/03/2014)
- 4.31 PA/15/01397 – Application for non-material amendments for planning permission PA/13/1656 dated 10/06/2014:
- Reconfiguration of plant areas, removal and relocation of louvers on the east elevation
  - Introduction of a new pedestrian access on Dod Street and reconfiguration of the fenestration;
  - Re-arrangement of bicycle racks, 36 cycle spaces are proposed at ground floor level with a further 60 spaces on lower ground floor level
  - The removal of the vertical ladders to the external envelope to reduce security risk
  - Minimal increase in parapet heights to facilitate (where possible) a clear 2.5 metre floor to ceiling height as well as increased balustrade height to 1.5 metres to the 6th floor roof terrace
  - Revisions to the ground floor residential and child play space entrance to meet disable access requirements
  - First floor roof terrace extended over the plant located at ground floor to provide residents with additional amenity
  - Garden store on the 6th floor has been redesigned to house additional plant located adjacent to the stair core
  - Revisions to the proposed material palette (Permission granted 08/04/2016)
- 4.32 PA/16/01385 - Non-material amendment (S96A) following grant of Minor Material Amendment application (S73) approved under PA/13/01656 dated 10/06/2014. Amendments sought: Revision to wording of Condition 14 to allow the development to be implemented in accordance with the CLP documents approved under PA/14/00324 and addendum prepared by Steer Davies Gleave dated January 2016. (Permission granted 17/06/2016)

## **5.0 POLICY FRAMEWORK**

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

### 5.3 **Government Planning Policy**

National Planning Policy Framework 2012  
National Planning Practice Guidance 2016

### 5.4 **London Plan (Consolidated with Alterations since 2011) 2016**

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  
3.8 – Housing choice  
3.12 – Negotiating affordable housing on individual private residential and mixed use schemes  
5.2 – Minimising carbon dioxide emissions  
5.3 – Sustainable design and construction  
5.17 – Waste capacity  
6.3 – Assessing effects of development on transport capacity  
6.9 – Cycling  
6.13 – Parking  
7.1 – Lifetime neighbourhoods  
7.2 – An inclusive environment  
7.4 – Local character  
7.6 – Architecture  
7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes  
7.30 – London’s canals and other rivers and waterspaces

### 5.5 **Core Strategy 2010**

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

### 5.6 **Managing Development Document 2013**

DM3 – Delivering homes  
DM4 – Housing standards and amenity space  
DM12 – Water spaces  
DM14 – Managing waste  
DM20 – Supporting a sustainable transport network  
DM21 – Sustainable transportation of freight  
DM22 – Parking  
DM24 – Place-sensitive design  
DM25 – Amenity  
DM27 – Heritage and the historic environment  
DM29 – Achieving a zero carbon borough and addressing climate change

### 5.7 **Supplementary Planning Documents**

London Plan Housing Supplementary Planning Guidance (2016)



Limehouse Cut Conservation Area (adopted August 2011) character appraisal and management guidelines

## **6.0 CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

### **LBTH Access Officer**

6.3 No comments received.

### **LBTH Affordable Housing Officer**

6.4 The proposed affordable housing offer is welcomed.

### **Canal and River Trust**

6.5 The daylight and sunlight assessment included with the submission does not make any reference to the Limehouse Cut, and any additional overshadowing that may be caused by the extension, the CRT would request that this be considered. As the development would bring more people to the canal side the CRT would request that a contribution be made towards the improvement of the canal environment. If the Council is minded to grant planning permission, it is requested that a condition requiring a risk assessment and method statement is imposed.

### **Crime Prevention Officer**

6.6 No comments received.

### **LBTH Design and Conservation**

6.7 No objections to the amended design.

### **LBTH Energy Efficiency Unit**

6.8 No comments received.

### **LBTH Environmental Health – Noise & Vibration**

6.9 An acoustic report which outlines how the facades of the proposed development have been designed to meet the daytime and night time internal acoustic standards set out in BS8233:2014 should be submitted.

### **Transport for London**

6.10 TFL have no objections to the proposed development and welcome the inclusion of 9 cycle parking spaces which meets the relevant standards. Conditions should be imposed upon the proposed development which exempt future residents from applying for local car parking permits and require the submission of a Construction Management Plan.

## **Thames Water**

6.11 No objections.

## **LBTH Transportation & Highways**

6.12 The proposed development should be secured as car free by way of a S.106 agreement. Officers welcome the addition of cycle parking for the residents of the proposed residential units, and these should be provided in line with FALP standards. The bike store should be safely and conveniently accessible for residents.

## **LBTH Waste Policy & Development**

6.13 The proposed development should provide waste storage in line with the shortly to be adopted waste capacity guidelines in order to future proof the development.

## **7.0 LOCAL REPRESENTATION**

7.1 A total of 143 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in 'East End Life'.

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

No of individual responses:	Objecting: 26
	Supporting: 0

No of petition responses:	Objecting: 0
	Supporting: 0

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

- The construction of the additional residential units will result in considerable disruption for residents, including noise, dirt and dust. Residents have already been subjected to disruption by previous developments on this site.
- The lift shaft of Harley House will be out of action during construction which will adversely impact upon those who rely on this lift, including those with mobility issues. Residents of Harley House currently do not have access to use the lift in Campion House as an alternative and will therefore be forced to climb up to 8 flights of stairs.
- The proposed development will adversely impact upon the privacy and security of existing residents.
- The proposed development will result in the loss of daylight and sunlight for some residents. The submitted daylight and sunlight assessment is insufficient as it does not assess all of the flats within the existing development.
- The existing facilities on site such as the bin store cannot cope with additional residents.
- The proposed development will make parking in the surrounding area harder and will adversely impact upon traffic congestion in the locality.

- The proposed development is of poor design as it is inconsistent with the existing building, creates a 'top heavy' building and does not respect the local context.
- The proposed development represents an overdevelopment of the site, and will result in an overcrowded building.
- A further 6 'luxury' apartments will not contribute towards the housing crisis, affordable housing solutions are required instead.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Housing
3. Amenity
4. Design
5. Transportation and Highways
6. Refuse
7. Energy and Sustainability

### **Land Use**

- 8.2 The application proposes to provide 6 new residential units (class C3) and reconfigure 1 existing residential unit (class C3) at 7<sup>th</sup> and 9<sup>th</sup> floor levels.
- 8.3 Policy 3.3 of the London Plan (2016) seeks to ensure that sufficient new housing is brought forward in order to meet demand, in accordance with table 3.1 in the London Plan which sets Borough housing targets.
- 8.4 The Council's 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 supporting new developments which provide housing including infill developments where they meet an identified need and contribute towards creating sustainable communities.
- 8.5 The Council's Managing Development Document policy DM3 supports development which delivers new homes and provides further guidance on how development can help to deliver new homes to meet the full range of needs of existing and future residents of the Borough.
- 8.6 The proposed development seeks to deliver an additional 6 residential units on this site (3 x 1 bed units, 2 x 2 bed units and 1 x 4 bed unit) along with the reconfiguration of 1 existing residential unit (from a 3 bed to a 2 bed unit). This will result in the creation of an additional 411sqm of residential (C3) floor space across the 7<sup>th</sup> and 9<sup>th</sup> levels of the building. Given the fact that this site already features predominantly residential (C3) uses and is located in an area which is predominantly residential, officers are supportive of the principle of the proposed land use.
- 8.7 Considering the above, officers conclude that the proposed development can be supported in land use terms, in accordance with the relevant policies as set out above.

## Housing

- 8.8 The application proposes to provide 6 new residential units and reconfigure 1 existing residential unit (from a 3 bed to a 2 bed unit) at 7<sup>th</sup> and 9<sup>th</sup> floor levels, reorganise the existing external communal amenity space at roof level and provide new child play space at ground floor level.
- 8.9 Policy 3.3 of the London Plan (2016) seeks to ensure that sufficient new housing is brought forward in order to meet demand, whilst policy 3.4 seeks to ensure that development optimises housing output for different types of location. Policy 3.5 seeks to ensure that new residential accommodation is of the highest quality and policy 3.6 seeks to ensure that provision is made within new developments for play and informal recreation. Policy 3.8 seeks to ensure that new residential developments provide a genuine choice of homes that are affordable and policy 3.12 seeks to ensure that local authorities seeks the maximum reasonable amount of affordable housing in all new developments. Policy 7.2 seeks to ensure that development demonstrates how it has incorporated the principles of inclusive design, including the specific needs of older and disabled people.
- 8.10 The Council's Core Strategy policy SP02 seeks to ensure that new housing assists in the creation of sustainable places by optimising the use of the land, delivers the maximum reasonable amount of affordable housing, and is appropriate, high-quality, accessible, well-designed and sustainable. This will be achieved by setting housing design standards, requiring new developments to be compliant with up to date building regulation standards, and ensuring that an adequate level of private and communal amenity space is provided within proposed developments, along with child play space.
- 8.11 The Council's Managing Development Document policy DM3 seeks to ensure that development maximises affordable housing and provides a balance of housing types, including family homes. Policy DM4 seeks to ensure that all housing developments include an adequate provision of internal space in order to provide an appropriate living environment, along with sufficient levels of both private and communal external amenity space in accordance with the London Plan Housing SPG, and also seeks to secure 10% of new housing as either accessible or 'easily adaptable'.
- 8.12 It should be noted that 11 additional market units (1 x studio unit, 1 x 1 bed unit, 7 x 2 bed units and 2 x 3 bed units) have been constructed on this site since the grant of planning permission (PA/05/01337) for the original development of 90 units (see relevant planning history). As the original S.106 agreement specified that the 35% affordable housing provision should be calculated in the form of gross floor space, the above subsequent applications did not qualify for affordable housing contributions as they involved the reorganisation of the existing building and thus did not result in the creation of any additional gross floor space. It should be noted that it is no longer the Council's policy to calculate affordable housing provision in the form of gross floor space.
- 8.13 Whilst the proposed development does result in the creation of new floor space, it should be noted that as the existing development is complete and occupied, officers do not consider that the proposed development can reasonably be considered to be 'incremental development', and are instead treating it as a standalone application (albeit on the same site and physically connected to the existing building). As such the existing provisions relating to affordable housing within the S.106 of the original consent (PA/05/01337) do not apply to this application, and as the proposal only seeks to create an additional 6 residential units, no affordable housing provision is

formally required by policy. Notwithstanding the above however, the applicant has put forward an offer of 3 x 1 bed intermediate units, which equates to 35% of the proposed development by habitable rooms, and this is welcomed by officers. The existing registered provider on site (A2 Dominion) has expressed an interest in these additional units, and this provision will be secured through a Unilateral Undertaking (UU).

- 8.14 The proposed development involves the creation of 3 x 1 bed units, 2 x 2 bed units and 1 x 4 bed unit. This represents an overall mix of 50% 1 bed units, 33% 2 bed units and 17% 4 bed units which officers consider to be broadly acceptable. It should be noted that the 3 x 1 bed units are to be of intermediate tenure, whilst the 2 x 2 bed units and 1 x 4 bed unit are to be of market tenure.
- 8.15 The application site is considered to be in an ‘urban’ location due to the fact that it is greater than 800m walking distance from Canary Wharf major centre (in accordance with table 3.2 in the London Plan), and also has a PTAL rating of 4 (good).

	London Plan Density	Existing Development	Proposed Development
<b>Units/ha</b>	260	459	486
<b>Hab Rooms/ha</b>	700	1327	1400

The above table outlines that the proposed development will have a minimal impact upon the overall density of the existing development. Whilst both the existing and proposed developments do exceed the London Plan density matrix, officers do not consider that the proposed development displays symptoms of ‘overdevelopment’, and the quality of the residential units and their associated amenity spaces is further discussed below.

- 8.16 Officers have assessed the 6 new residential units along with the reconfigured 1 existing residential unit (from a 3 bed to a 2 bed unit) at 7<sup>th</sup> and 9<sup>th</sup> floor levels, and can confirm that they either meet or exceed the housing standards as set out within table 3.3 of the London Plan, in terms of both their internal floor space and the level of private external amenity space that they provide.
- 8.17 As the proposal seeks the creation of under 10 units there is no formal requirement for the development to provide any additional fully wheelchair accessible units in line with Part M4(3) of the Building Regulations. The inclusion of wheelchair turning circles on the plans demonstrates however that accessibility to all of the new units has been considered as part of the design which is welcomed by officers.
- 8.18 The existing development currently provides a communal terrace at 7<sup>th</sup> floor level accessed via the Campion House core for the use of existing residents, and this space measures a total of 316sqm. As part of the proposed development the existing communal amenity space is to be reorganised resulting in a net loss of 33sqm (circa 10%), however it is still substantially above the minimum communal amenity space requirements. It should also be noted that 50sqm of the reorganised communal amenity space is to be provided in the form of child play space at ground floor level, and that none of the existing communal amenity space features any child play space. Given the fact that child play space is now to be provided on site for the first time and that the reorganised communal amenity space is still substantially above the minimum communal amenity space requirements officers are content with the implications of the development on the communal amenity space within the development. Full details of the reorganised communal amenity space and the proposed child play space will be secured by condition.

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

### **Amenity**

- 8.20 Officers have assessed the amenity implications of the proposal, including the proposed physical extensions to the building and the impact of the construction phase of the proposal.
- 8.21 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.22 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that all development protects the amenity of surrounding building occupiers.
- 8.23 The Council's Managing Development Document policy DM25 states that development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants by not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.
- 8.24 The applicant has submitted a daylight and sunlight assessment which outlines the impacts of the proposed development on existing residents and the levels of daylight and sunlight which will be afforded to future occupiers of the additional units. All habitable rooms which face into the existing courtyard of the building have been tested along with a number of windows on the adjacent Argyle Court development and affected windows on the Burdett Road facing elevation of the building. Out of the 98 windows tested, all but 2 experience daylight reductions which are considered acceptable in line with BRE guidance. The two windows which do experience reductions in their daylight which are greater than the recommended levels suggested by BRE do so as a result of a new balcony which is to be placed above them, however it should be noted that their resultant daylight levels will still remain above the minimum recommended levels contained within the BRE guidance, and therefore on balance officers consider that the proposal is acceptable in terms of its daylight impacts on existing residents. No gardens or amenity spaces, as defined in the BRE guidance, are located close enough to the proposed development to be adversely affected by overshadowing from the proposal, and as the Limehouse Cut sits to the south of the proposed development officers do not consider as though the proposal will cause any significant additional overshadowing of this space. Due to the siting of the new residential units officers are content that all of these units will receive adequate levels of daylight and sunlight and this has been confirmed within the daylight and sunlight report.
- 8.25 A number of objectors have raised concerns that the construction of additional units on top of the existing building will result in considerable disruption for residents and will also result in the Harley House lift being out of action during construction works. In order to address the concerns of the objectors the applicant has outlined various measures that will be undertaken during the construction process to minimise disruption to existing residents including: locating equipment, site offices and worksites away from neighbouring properties where reasonable practical; ensuring that standard construction working hours are not exceeded; the use of site hoardings or portable acoustic enclosures/screens; and the use of quieter alternative methods of construction where reasonably practical. Whilst officers appreciate that the above

measures will not completely remove all disturbances to existing residents, through a robust construction management plan which would be secured by condition in the event that permission is granted, officers consider that the proposed works can be undertaken in an acceptable manner where disruption to existing residents is kept to a minimum. With respect to the disruption caused by extending the existing Harley House lift the applicant has confirmed in writing that the majority of the necessary works to the existing lift core can, in the main, be undertaken whilst the existing lift is still operating on the floors below, therefore causing minimal disruption to existing users of the Harley House lift. A condition requiring further details of the programme of works to the Harley House lift prepared by a lift manufacturer will be secured in the event that planning permission is granted to ensure that any disruption to existing residents is kept to a minimum and suitable mitigation measures are put in place during any periods of disruption.

- 8.26 With respect to issues surrounding overlooking, outlook and sense of enclosure for existing residents, officers consider the proposal to be broadly acceptable. At 7<sup>th</sup> floor level the existing unit in the north east corner of Harley House which is most affected by the proposals will still receive a good level of outlook, despite the proposed new additions at this level, and will also still retain a good level of privacy, as the large private external amenity space and the associated planting around it (which will act as a buffer zone) will prevent others from being able to look directly into the unit itself. It should be noted that this unit currently features a similar situation to what is being proposed in the sense that its private amenity space will directly abut a communal amenity space. A condition will be placed on the glazing to the adjacent hallway to ensure that it is obscured so users of this route do not look directly into the adjacent private amenity space. At 8<sup>th</sup> floor level the proposal additional communal amenity space is separated from the nearby existing units by 9m to ensure that existing residents still retain an acceptable level of privacy and this arrangement is considered acceptable by officers. Officers do not consider that the addition of a new 9<sup>th</sup> floor level raises any further amenity issues with regard to overlooking, outlook and sense of enclosure as such units will be located directly above existing units.
- 8.27 With respect to the proposed new residential units the applicant has submitted a noise survey to determine what measures are required to be undertaken to ensure that the proposed new residential units provide a suitable level of amenity for their future occupiers. This survey has stipulated the necessary specification for all new glazing to ensure that the new residential units meet the relevant British standards with respect to noise levels, and a compliance condition stating that new glazing shall meet the specification recommended within this report shall be imposed in the event that planning permission is granted.
- 8.28 Considering the above, officers conclude that the proposed development is acceptable in amenity terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

### **Design**

- 8.29 The application proposes to extend the existing building at 7<sup>th</sup> floor and erect an additional level to provide an additional 6 residential units. No other external alterations to the lower portions of the existing building are proposed.
- 8.30 Policies 7.4 and 7.6 of the London Plan (2016) seek to ensure that proposed buildings are of a high architectural quality and relate well to their surroundings.

- 8.31 The Council's Core Strategy policy SP10 seeks to ensure that proposals promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.32 The Council's Managing Development Document policies DM24 and DM27 seeks to ensure that development is designed to the highest quality standards, incorporating principles of good design. Development is also required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 8.33 The existing building steps up in height and is part 5, 6, 7, 8 and 10 storeys in height (inclusive of both ground and mezzanine levels). The proposed extensions involve the erection of a 7<sup>th</sup> floor level in the north west corner of the building (above Campion House) along with the erection of a 9<sup>th</sup> floor level above the southern portion of the building (Harley House). The proposal also involves the extension of the existing stair and lift cores by a further level. An 11 storey building sits to the north of the site (Argyll Point) and permission exists for a part 6 and part 11 storey building to the south of the site (307 Burdett Road) on the south side of the Limehouse Cut.
- 8.34 Given both the context of the site, where taller buildings exist (or are approved) to both the site's north and south sides, and the fact that the proposed additional floor will only raise the existing overall height of the building by 2.75m from 30m to 32.75m, officers consider the principle of raising the height of this building acceptable in this instance. As the proposed development seeks to extend the building at both 7<sup>th</sup> and 9<sup>th</sup> floor levels, the 'stepped' form of the building will be retained, and the resultant form of the building with the proposed extensions will appear similar to the building as it is currently stands, albeit with the addition of a further 2.75m in height. Officers have also considered the impacts of the proposal on the adjacent Limehouse Cut conservation area and are content that the proposed development will not have an adverse impact upon the conservation area.
- 8.35 Concerns have been raised by some objectors that the proposed development will result in a 'top heavy' building, however officers consider that in this instance the existing building can accommodate an additional storey without appearing 'top heavy'. It should be noted that the existing building currently features a clearly defined 'top, middle and bottom' to it (highlighted by changes in materials). Both Campion House and Harley House feature single storey 'tops' and double storey 'bottoms', whilst Campion House has a 5 storey 'middle', and Harley House has a 7 storey 'middle'. Due to the fact that the building currently features a double storey 'bottom' and a considerable 'middle' (5/7 storeys), officers consider that a double storey 'top' (as a result of the 7<sup>th</sup> and 9<sup>th</sup> storey extensions) would appear proportionate to the remainder of the building and would neither upset the existing architectural language and order of the building nor result in the building appearing 'top heavy'.
- 8.36 In order to ensure that the proposed extensions at 7<sup>th</sup> and 9<sup>th</sup> floor levels complement and relate to the existing building in an acceptable manner, the same material palette, design details and pattern of openings have been carried through from the existing floors below. Officers consider that this approach is acceptable as it ensures that the additional extensions to the building do not appear incongruous, and instead appear as though they form a portion of the original building as opposed to a later addition.
- 8.37 The layout of the proposed 7<sup>th</sup> floor extension involves the creation of a new internal glazed corridor which will link Campion House to Harley House running directly to the east of the 3 x 1 bed units which it serves. This corridor also provides access to the



7<sup>th</sup> and 8<sup>th</sup> floor external terraces and provides passive surveillance opportunities for the adjacent communal amenity space which is welcomed. The layout of the proposed 9<sup>th</sup> floor extension largely follows the layout of the levels below and features a central hallway which allows residents of the proposed additional residential units to access both the lift and stairs. Officers consider that the proposed layouts of the extensions at 7<sup>th</sup> and 9<sup>th</sup> floor levels are acceptable.

- 8.38 The proposed development involves the reorganisation of the existing communal amenity space at 7<sup>th</sup> floor level and re-provides it across both 7<sup>th</sup> and 8<sup>th</sup> floor levels (in addition to new child play space at ground floor level). The proposed landscaping to these new terraces will feature both hard and soft landscaping which is welcomed as the existing terrace only features hard standing and has no landscaping to it. Full details of both the hard and soft landscaping treatments to the proposed new terraces at 7<sup>th</sup> and 8<sup>th</sup> floor levels will be secured via condition.
- 8.39 Considering the above, officers conclude that the proposed development is acceptable in design terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Transportation and Highways**

- 8.40 The application proposes to provide additional cycle parking spaces within the existing basement bike store for the use of future residents of the proposed 6 additional residential units.
- 8.41 Policy 6.3 of the London Plan (2016) states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed and that development should not adversely affect safety on the transport network. Policy 6.9 states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum cycle parking standards which are set out in a table which forms a part of policy 6.13.
- 8.42 The Council's Core Strategy policy SP09 (3) seeks to ensure that all new development does not have an adverse impact upon the capacity of the road network.
- 8.43 The Council's Managing Development Document policy DM20 (2) states that development must be able to demonstrate that it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network. Policy DM22 (1 & 4) both state that development will be required to comply with the Council's minimum parking standards in order to ensure suitable provision for cyclists, however it should be noted that these standards have now been superseded by the parking standards set out within the recently adopted London Plan (2016), which this application is being assessed against.
- 8.44 It is proposed to provide an additional 9 cycle parking spaces (in the form of 'Sheffield' stands) in the existing secure bike store at basement level (which is accessed via a lift) for the 6 additional units. Such provision is in line with the current FALP cycle parking standards which require 1 cycle parking space per 1 bed unit, and 2 cycle parking spaces per 2 or larger bed unit and is welcomed. Officers have viewed inside the existing bike store during the site visit and are content that there is sufficient space to provide the additional 9 cycle parking spaces required for the additional units. LBTH Highways officers are also content with the proposed cycle parking provision.

- 8.45 In addition to the provision of adequate cycle parking spaces, officers will impose a condition which requires the applicant to enter into a S.106 agreement in order to prevent future occupiers of the proposed development obtaining parking permits thus securing the development as car free. This will ensure that the development will not exacerbate the existing strain on car parking spaces in the surrounding area nor adversely impact upon traffic congestion in the locality.
- 8.46 In order to understand the potential impacts upon the highway network during the construction phase of the proposal and how they will be mitigated against, the submission of a Construction Management Plan will be conditioned.
- 8.47 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in highways terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

### **Refuse**

- 8.48 The development currently benefits from an existing bin store at ground floor level adjacent to Thomas Road. In order to accommodate the uplift in residential units the applicant proposes to place an additional 2 x refuse bins and 1 x recycling container within the existing bin store.
- 8.49 Policy 5.17 of the London Plan (2016) states that all developments should plan for waste management, and should minimise waste and achieve a high level of performance with respect to reuse and recycling.
- 8.50 The Council's Core Strategy policy SP05 (1) states that the Council will ensure that development implements the waste management hierarchy of reduce, reuse and recycle by ensuring that building users reduce and manage their waste effectively.
- 8.51 The Council's Managing Development Document policy DM14 (2) states that development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle.
- 8.52 In line with the shortly to be adopted waste capacity guidelines, the proposed 6 residential units will require 665 litres of refuse storage and 450 litres of recyclable storage.
- 8.53 The existing refuse bins and recycling containers within the bin store at ground floor level adjacent to Thomas Road are currently subject to overflowing, however the applicant has demonstrated that there is space within the existing refuse store to accommodate further bins, and officers can confirm that this is the case after visiting the store during a site visit.
- 8.54 In order to cater for the proposed 6 additional residential units and help to alleviate the issue of overflowing bins the applicant proposes to install 2 x 1100 litre refuse bins and 1 x 660 litre recycling container within the existing bin store. As this offer exceeds the waste capacity guidelines for the proposed 6 units by a factor of 2.5, officers are supportive of this element of the proposal.
- 8.55 A condition requiring the installation of the additional bins prior to the occupation of the additional 6 residential units will be imposed in order to secure the proposed refuse provision.

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

### **Energy and Sustainability**

- 8.57 Policies 5.2, 5.3 and 5.7 of the London Plan (2016) seek to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions, demonstrate that sustainable design standards are integral to the proposal and integrate on-site renewable energy generation, where feasible.
- 8.58 The Council's Core Strategy SP11 seeks to ensure that carbon emission are reduced in non-domestic buildings by supporting non-domestic developments that promote the use of renewable energy technologies and reducing the carbon emissions of all public buildings in the Borough.
- 8.59 The Council's Managing Development Document policy DM29 states that all development will be required to be accompanied by an Energy Assessment to demonstrate its compliance with the Borough's carbon reduction targets and will also need to demonstrate that climate change mitigation measures are maximised within development.
- 8.60 The applicant has submitted an Energy Statement which outlines the measures that are being taken to ensure that the proposed development has been designed with sustainability measures in mind. This document states that the proposed development achieves a 54% CO2 reduction over the baseline Building Regulations through both energy efficiency measures and the incorporation of renewable energy technologies (in this instance a PV array on the roof) which exceeds the policy expectation of a 45% CO2 reduction over the baseline Building Regulations. To ensure that such measures are carried out conditions will be imposed in the event that planning permission is granted to ensure that the development is carried out in line with the submitted Energy Statement and that further information on the design of the proposed PV array is submitted for approval.
- 8.61 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in energy and sustainability terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

## **9.0 HUMAN RIGHTS CONSIDERATIONS**

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a

person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

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

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

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

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

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

## **10.0 EQUALITIES ACT CONSIDERATIONS**

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

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

## **11.0 FINANCIAL CONSIDERATIONS**

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

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

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

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

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

11.3 In this context “grants” might include New Homes Bonus.

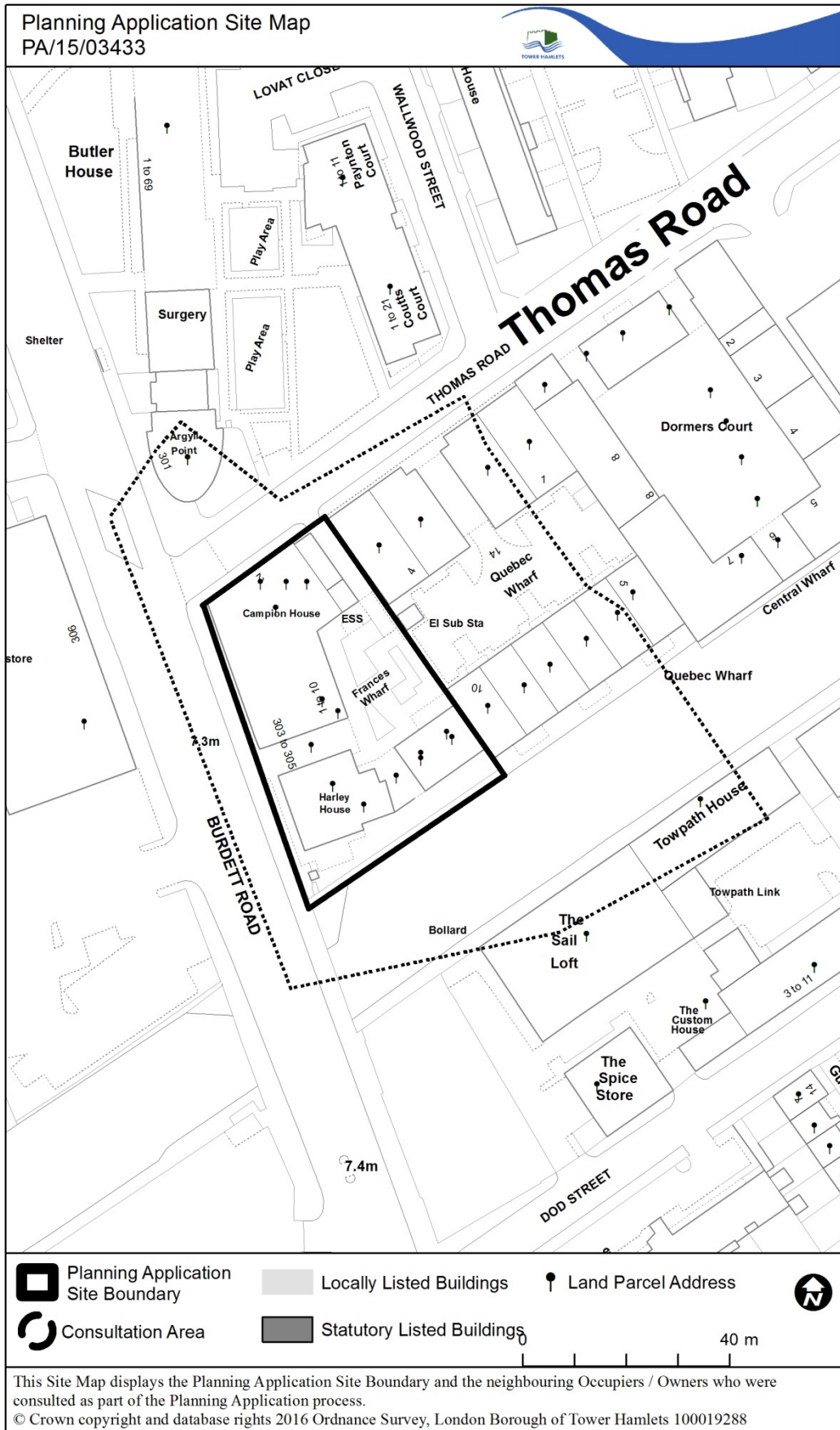
11.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012.

11.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015.

## **12.0 CONCLUSION**

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

13.0 SITE MAP



**APPENDIX 1 – PROPOSED PLANS**

**View of proposed development from Burdett Road**



Proposed 7<sup>th</sup> floor plan

Page 106



7th Floor Proposed, 1:200 (A3)



A3  
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**P30**<sup>B</sup>

PLANNING

Notes:  
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LEGEND

	Existing Structure
	Market housing, 2 bed flat.
	Intermediate housing, 1 bed flat.
	Market housing, 4 bed flat.

B Flat 455, layouts amended 09/2016  
 A General amendments 01/2016  
 Rev Details: \_\_\_\_\_ Date: \_\_\_\_\_  
 Project Title:  
 Harley House and Campion House, Frances Wharf, Burdett Road, London, E14

Drawing Title:  
 Proposed Seventh Floor Plan

Drawing no: 3380.P.30 Revision: B  
 Scale: 1:200 @ A3 Date: 07.08.2014  
 Drawn: \_\_\_\_\_ Checked By: \_\_\_\_\_

**mgl architects**  
 Unit 4, Tanners Yard, 1/3 Treadway Street, London, E2 6QB  
 t: +44 (0)20 7729 2289  
 f: +44 (0)20 7729 8382  
 e: admin@mgl-architects.com  
 w: www.mgl-architects.com



Proposed 9<sup>th</sup> floor plan

Page 107



9th Floor Proposed, 1:200 (A3)



**P50<sup>B</sup>**

PLANNING

Notes:  
 \*B - THIS DRAWING HAS BEEN ELECTRONICALLY PRODUCED. THEREFORE DO NOT RELY ON ANY SCALES QUOTED. WORK ONLY TO FIGURED DIMENSIONS. DO NOT SCALE. ALL DIMENSIONS TO BE CHECKED ON SITE. ANY ERRORS TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.

Legend	
	Existing Structure
	Market housing: 2 bed flat.
	Intermediate housing: 1 bed flat.
	Market housing: 4 bed flat.

B. 7th floor terrace amended 03/16

A. Amended layouts and balconies 01/16

Rev Details: Date:

Project Title:  
 Harley House and Campton House, Frances Wharf, Burdett Road, London, E14

Drawing Title:  
 Proposed Ninth Floor Plan  
 3no. Penthouse Units

Drawing no: 3389.P.50

Revision: B

Scale: 1:200 @ A3

Date: 07.08.2014

Drawn: Checked By:

**mg1 architects**

Unit 4, Tanners Yard,  
 1/3 Treadway Street,  
 London, E2 6QB

t: +44 (0)20 7729 2289  
 f: +44 (0)20 7729 6382  
 e: admin@mg1-architects.com

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# Agenda Item 5.3

<b>Committee:</b> Development Committee	<b>Date:</b> 28 September 2016	<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> Hannah Connell	<b>Ref No:</b> PA/16/01012
	<b>Ward:</b> Spitalfields and Banglatown

## 1. APPLICATION DETAILS

- Location:** Land Rear to 1-12 Fakruddin Street, London, E1 5BU
- Existing Use:** Vacant brownfield site
- Proposal:** Development of land to the rear of 1-12 Fakruddin Street, including construction of 5 No. dwellings with ground floor commercial unit and associated pedestrian walkway to new community centre and allotments. The development will result in a new crossover to Vallance Road and increase of garden space to the properties at 1-5 Fakruddin Street.
- Drawings:** P(0)034 REV. I  
P(0)035 REV. D  
P(0)036 REV. D  
P(0)037 REV. D  
P(0)038 REV. D  
P(0)039 REV. D  
P(0)040 REV. E  
P(0)041 REV. C  
P(0)045 REV. F  
P(0)046 REV. B  
P(0)047  
P(0)048  
P(0)051  
P(0)052  
P(0)056  
P(0)057  
P(0)058  
P(0)063
- Documents:** Daylight And Sunlight Report dated 20<sup>th</sup> July 2015 prepared by Rights of Lights Consulting
- Applicant:** Spitalfields Housing Association
- Ownership:** Spitalfields Housing Association
- Historic Building Conservation Area** N/A  
N/A

## **2. EXECUTIVE SUMMARY**

- 2.1 This application is reported to the Development Committee as the proposal has received two petitions, one in support (28 signatories) and one in objection (38 signatories). The objections can be summarised as concerns over: impact upon privacy/loss of light; overdevelopment of land, noise and anti-social behaviour from the commercial unit and the absence of a community playground.
- 2.2 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013), the London Plan (2013) and national planning policy and guidance, along with all other material considerations and has found that:
- 2.3 The proposed scheme delivers a sustainable and community oriented development that would provide five family sized dwellings, community facilities in the form of Gardner's Club, 16 allotments and a Commercial unit to the Vallance Road frontage. In terms of cycle storage, 16 spaces are provided on site and there are additional spaces for motorbikes between houses 5-6 Fakruddin Street. No car parking has been provided.
- 2.4 It is considered that the proposals have been well designed and take into account and respect the surrounding built form and public realm whilst not giving rise to any unreasonable impacts on the amenity enjoyed by neighbouring occupants.
- 2.5 The proposed dwellings are all family sized and comfortably accord with current London Plan space standards and Policy DM4 of the LBTH Managing Development Document, which seek to ensure that all dwellings achieve an appropriate living standard.
- 2.6 With regard to impacts on residential amenity, the development would result in some reduction to the daylighting conditions of properties (1-6) Fakruddin Street. However, on balance given that the dwellings are dual aspect and would benefit from a reasonable level of daylight overall, it is considered that the residents would still enjoy a good level of daylight within this urban setting.
- 2.7 It is considered that any noise impact can be suitably mitigated through the use of conditions, including securing details of the glazing specification and plant specification for the commercial unit, and securing a Construction Environmental Management Plan to details measures to mitigate the impacts of the works on nearby residents and the area generally. The application therefore is considered to satisfy the objective of Policy DM25 of the MDD.
- 2.8 In terms of security the site will be well lit, with significant natural surveillance and therefore it is not considered that the proposal gives rise to unacceptable crime related concerns. The security measures will be safeguarded through a secure by design statement condition. Policies 7.3 of the London Plan, SP09 of the Core Strategy and DM23 of the MDD.
- 2.9 Due to the sites high PTAL (6a) level, the development will be secured as a car free development through a S106 agreement.
- 2.10 Moreover, the scheme would not have an adverse impact on biodiversity in the locality and would provide adequate landscaping to an otherwise redundant site.

As such, the application is in accordance with the National Planning Policy Framework, as well as the aims and objectives of the Council's Local Plan policies and guidance.

### **3.0 RECOMMENDATION**

3.1 That the Committee resolve to GRANT planning permission, subject to the prior completion of a legal agreement in the form of a unilateral undertaking to secure the following planning obligation:

Non-Financial Contributions:

- Car and Permit Free Agreement

3.2 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters

#### **Conditions**

1. Three Year Time Limit
2. Development to be carried out in accordance with approved plans and documents
3. Materials
4. London Overground Notification
5. London Overground Asset Agreements
6. Car-free Agreement
7. Biodiversity and mitigation enhancements
8. Surface water drainage details
9. Secure by Design Statement
10. Noise
11. Vibration
12. Window Obscure Glazing details north elevation
13. Contamination
14. Community Facilities Management Plan
15. Glazing specification (noise)
16. Plant specification
17. Hard and Soft Landscaping
18. Lighting
19. PV panels

#### **Informatives**

Highways (Section 278)

3.3 That the Corporate Director Development & Renewal is delegated power to negotiate the unilateral undertaking indicated above within normal delegated authority

3.4 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

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

## **4.0 PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

- 4.1 The application site is located to the rear of 1-12 Fakruddin Street and comprises a linear strip of land owned by the Spitalfields Housing Association (SHA). The existing land is vacant; however has been used as a taxi car park/contractors compound.
- 4.2 The site is bounded by Vallance Road to the east; the gardens of SHA homes (1-12 Fakruddin Street) to the north, SHA owned land to the West, and the East London Line Extension to the south. The site area is approximately 0.13 hectares and is relatively flat in topography.
- 4.3 Vallance Road consists of predominantly medium-scale housing blocks, however also includes educational establishments, light industry/factories and general convenience/retail stores. Immediately surrounding the site is low density residential housing and light industry.
- 4.4 The SHA homes to the north of the site surround a private cul-de-sac known as Fakruddin Street. Fakruddin Street has been designed around an island arrangement with street level parking and contains modest two storey dwellings of brick appearance and shallow pitched roofs. The dwellings are post-war era and mimic Victorian terrace housing with decorative sash replica windows and brick course detailing.
- 4.5 In terms of heritage the site is not located in a Conservation area and there are no statutory or locally listed buildings within the immediately surrounding area. Historical records that dating back to the 1870's suggest the land was used for terrace housing, until it was subsequently damaged in the Second World War.
- 4.6 In terms of public accessibility, the site is well serviced by public transport. Vallance Road offers a variety of different bus services and the site is a short distance from Bethnal Green/Whitechapel/Shoreditch High Street Overground services. The site has a PTAL of 6a.

### **The Proposal**

- 4.7 The application proposes the development of land to the rear of 1-12 Fakruddin Street, including construction of 5 No. dwellings with ground floor commercial unit and associated pedestrian walkway to new community centre and allotments. The development will result in a new crossover to Vallance Road and increase of garden space to the properties at 1-5 Fakruddin Street.
- 4.8 The proposed 5 No. dwellings would comprise four three bedroom houses and one x four bedroom house split over 2 and a half stories. The design brief is informed by an ambition to minimise massing on 1-5 Fakruddin Street and provide a contemporary design that activates Vallance Road. This is achieved through the use of a range of materials, pitched roof design and roof terraces directed towards the East London Line.
- 4.9 The scheme also includes several community facilities for the use of the Spitalfields Housing Association residents (Fakruddin Street), including a single storey gardeners club and 16 allotments to the west of the site. The site will be secured with gates that

are fob operated, so that the residents can come and go as they please.

- 4.10 The application also includes a ground floor commercial unit (café/retail space) and small garden space fronting Vallance Road. The commercial unit will be open to the public and is approximately 50 sqm in size.

## **5.0 RELEVANT PLANNING HISTORY**

**The following planning decisions are relevant to the application:**

PA/85/00003 permission was allowed for Residential development comprising 32 houses communal room laundry open space and ancillary parking.

PA/85/00222 permission was allowed for Residential development comprising 32 houses, communal meeting rooms, laundry, open space and ancillary parking

PA/01/01661 permission was allowed for the relocation of two temporary buildings at the rear of Fakruddin Street to the rear of 5 Fakruddin Street.

PA/02/01015 permission was allowed for use as a car park in connection with the school use at 118 Vallance Road

## **6.0 POLICY FRAMEWORK**

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

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

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

### **6.3 London Plan (MALP 2016)**

3.3: Increasing housing supply  
3.5: Housing Standards  
7.4: Local Character  
7.5: Public Realm  
7.8: Heritage Assets and Archaeology

### **6.4 Tower Hamlets Core Strategy (2010)**

SP02 Urban living for everyone  
SP05 Provide appropriate refuse and recycling facilities  
SP09: Creating Attractive and Safe Streets and Spaces  
SP10: Creating distinct and durable places  
SP12: Delivering Place making

### **6.5 Managing Development Document (2013) (MDD)**

DM1: Development within the town centre hierarchy  
DM2: Local Shops  
DM3: Delivering Homes

DM4: Housing Standards and Amenity Space  
DM8: Community Infrastructure  
DM11: Living buildings and biodiversity  
DM14: Managing Waste  
DM 20: Supporting a sustainable transport network  
DM22: Parking  
DM23: Streets and the Public Realm.  
DM24: Place Sensitive Design  
DM25: Amenity  
DM29: Achieving a zero carbon borough and addressing climate change

## 6.6 Other Relevant Documents

- Mayor of London Housing Supplementary Planning Guidance (2016).

## 7.0 LOCAL REPRESENTATIONS

7.1 A total of 89 planning notification letters were sent to nearby properties as detailed on the attached site plan. A total of 3 written representations and two petitions were received, one in support (28 signatories) and one in objection (38 signatories).

7.2 The planning consideration reasons given to the objection can be summarised as follows:-

- *The scheme will impact upon privacy and result in the loss of light;*
- *The commercial unit will create noise and nuisance to the neighbouring residents and encourage anti-social behaviour and security concerns to the area;*
- *Overcrowding/overdevelopment on a small estate*
- *The site should be developed as a community playground*
- *Community centre should be re-located to the proposed position of the commercial unit to facilitate a playground.*

7.3 The planning consideration reasons given in support can be summarised as follows:-

- *No planning reasons were given. Other than a general support for the community centre.*

Whilst it is appreciated that two petitions were received. There are doubts over the legitimacy of each petition, as they appear to have the same signatories (12 signatories replicated on each petition).

## 8.0 CONSULTATION RESPONSES

The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS SECTION BELOW:

The following were consulted regarding the application:

### 8.1 External Consultees



## 8.2 **London Overground**

Did not raise objection to the proposal, however recommended 15 conditions and one informative in the event planning permission is granted, which are included in section 3 of this report

## 8.3 **Crime Prevention Officer**

Concerns regarding the 'Fakruddin Passage'. This space appears to offer free access for all and is therefore not easily policed. The space areas to sit and be free from police eyes from the main street (Vallance Rd). Groups will feel comfortable in this space, therefore will continue to return and 'hang around'. This passage should be either robustly controlled (access control) for the use of residents only at both ends or design the space into individual residents use therefore removing the communal aspect of this space.

## 8.4 **Crossrail Safe Guarding**

The site of this planning application is identified outside the limits of land subject to consultation under the Safeguarding Direction.

The implications of the Crossrail proposals for the application have been considered and Crossrail Limited does not wish to make any comments on this application as submitted.

## 8.5 **London Underground**

London Underground Infrastructure Protection has no comment to make on this planning application.

## 8.6 **Transport for London**

TfL planning understands that London Overground Infrastructure Protection have been consulted which is welcomed. Given this TfL do not have any further comments to add.

## 8.7 **Network Rail Asset Protection - Asset Protection Project Manager**

No comments received.

## 9.0 **INTERNAL CONSULTEES**

### 9.1 **Borough Biodiversity Officer**

The site is entirely hard surfaced, as the western part of the site, which was previously vegetated, is in use as a contractor's compound for an adjacent development. There will not, therefore, be any significant adverse impacts on biodiversity.

A condition relating to full details of biodiversity and mitigation enhancements requested.

### 9.2 **LBTH Highways and Transportation**

No objection subject to conditions relating to servicing, vehicular access and s106 car free agreement.

**9.3 LBTH Energy Officer**

The proposals for the 5 unit development are generally supported and include the installation of renewable energy technologies (Photovoltaic array and solar thermal panels) which are shown on the roof plan (Drawing No. P(0)037). The u-values proposed for the development are supported and will reduce the space heating requirements of the dwellings. The aspiration to achieve Code for Sustainable Homes level 5 is supported and will result in dwellings with reduced CO2 emissions compared to standard build developments, through a low energy building with minimised energy costs for future occupants.

**9.4 LBTH Highways Engineer/Sustainable Drainage**

The applicant intends to discharge surface water runoff via Suds, details will be determined as a result of an assessment.

As such a detailed surface water drainage scheme will need to be submitted prior to works commencing.

**9.5 LBTH Environmental Health: Land Contamination**

No objection subject to contamination condition

**9.6 LBTH Environmental Health: Noise and Vibration**

No response received.

**10.0 MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Design
- Housing
- Amenity
- Highways & Transportation
- Energy/Carbon Reduction
- Biodiversity

**11.0 LAND USE**

11.1 The application site is located within the Whitechapel Masterplan. The area is currently undergoing intense regeneration which is guided by the Whitechapel Vision Document adopted by Council in December 2013. The key objectives for the area are to intensify the town centre uses, public spaces and activity stretching across both sides of Whitechapel Road and beyond.

11.2 The existing lawful use of the land is designated as a car park, which was granted permission in 2002. However it is understood that a section of the land (fronting

Vallance Road) was also used as a Contractors Compound connected to a recent development on Pedley Street, although there are no relevant planning records to support this.

- 11.3 With regard to the proposed residential land use, the provision of housing is supported and is consistent with the pattern of land use prescribed within the London Plan (MALP 2016), SP01 and SP02 of the Adopted Core Strategy, and the Whitechapel Master Plan. In addition, the increased number of dwellings will assist in the achievement of the LBTH housing provision targets.
- 11.4 The residential units will sit alongside a community garden building and 16 private allotments. The proposed community garden building is welcomed and will encourage the Fakruddin Street residents to use the site, creating a hub for the local community. The community infrastructure is in line with the objectives of Policy DM8 of the MDD, which seeks to.
- 11.4 The proposal also includes the provision of a ground floor commercial unit. The final use of the commercial unit has not been specified; however it is envisaged that the unit would be used for retail and/or café purposes.

Whilst the site is located outside the Whitechapel District Town Centre, where A1/A3 uses are concentrated, on balance, given the unit size (50 sqm) it is not considered that the use would undermine the vitality/vibrancy of the Whitechapel District Centre and as such is appropriate scale to the character of the area, thereby complying with Policy DM2 of the MDD. Furthermore the unit is considered to activate the street frontage and pedestrian entry into the community.

If the scheme were found to be acceptable, a flexible condition will be appended to the consent to ensure a range of uses is possible. On another note, planning permission will be required for associated plant equipment and Advert consent is required for the signage.

## **12.0 DESIGN**

- 12.1 In addition to the NPPF the council have a number of local planning policies which require development proposals to take into account and be sensitive to the character of the surrounding area and ensure that buildings and neighbourhoods promote good design principles in order to create buildings, places and spaces that are of high quality and are sustainable, accessible, and attractive, durable and well integrated with their surrounds (Policy SP10 in the Core Strategy 2010 and Policy DM24 in the Managing Development Document 2013).
- 12.2 The design brief is informed by an ambition to minimise massing on the adjacent housing development and provide a contemporary design that activates Vallance Road and is complimentary to the surrounding area. The application site is linear in nature and will astride the property boundaries of 1-12 Fakruddin Street. Therefore the scheme has been designed to commensurate siting and scale of the adjacent terrace housing, whilst incorporating a modern twist on the traditional terrace house.

### *Residential Units*

- 12.3 The proposed residential units have been designed as a mews style development with pitched roof, brick façade and timber panel detailing to the southern elevation. The overall height is approximately 2.5 stories, with units 2-5 dropped into the ground

by a further 300mm. The proposed roof form is broken up with solar panels and inset roof terraces. Coloured press metal flashings are proposed to the balconies.

In general principle the proposed design is considered to be acceptable to the surrounding area in terms of overall scale and character. The design draws on elements from the neighbouring development (Fakruddin cul-de-sac), such as a pitched roof and the use of stock brick. The use of timber panelling and coloured metal flashings will provide a contrast to the brick and assist with breaking up the bulk of the development from Vallance Road. The ground floor commercial unit will front Vallance Road. The proposed visualisations show a Coffee shop advert. However this will need to be covered under an Advertisement Consent application and does not form part of this application.

On balance the resultant development is broadly in keeping with the height and scale of the surrounding area and will provide an active street frontage to Vallance Road. Subject to further details regarding the proposed materials, the design palette is considered to be broadly acceptable and would complement the traditional terrace housing with a contemporary twist.

#### *Gardeners Club*

- 12.4 The proposed Gardeners Club (community garden centre) would be single storey in scale and have a flat roof timber cladding and a green roof. The building would read subordinate to the surrounding built form and is situated at the western end of the application site, next to the community allotments.

The proposed development is considered to be in keeping with the surrounding built form and would introduce a contemporary design that reflects the proportions and materials of the existing area. For the reasons stated above the application satisfies the design objectives mentioned in policy DM24 of the MDD.

### **13.0 QUALITY OF ACCOMMODATION**

- 13.1 The proposed residential units have been assessed against the internal space standards set out in Table 3.3, Policy 3.5 of the Minor Alterations to the London Plan (2016) (Housing Standards SPG) as well as Policy DM4 of the Managing Development Document (Adopted 2013). These policies state that all housing developments should have adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should meet the most up-to-date internal and external space standards.

This information is contained in the table below.

**Table 1: Minimum space standards for new Flats (based on 3 storeys)**

Dwelling type	Min. Required GIA (sqm)	Proposal (sqm)
3B 4p – Unit 1	90	113.76
3B 5P – Unit 2, 3 and 4	99	102
4B 6p – Unit 5	112	126.6

- 13.2 As such, the proposed units fit comfortably within the above minimum gross internal space requirements and would provide a satisfactory standard of living for the future occupants of the site.

- 13.3 Policy SP02 of the Core Strategy and Policy DM4(2) of the MDD require a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant.
- 13.4 Each unit is allocated amenity space in the form of a terrace set within the roof space fronting the East London Line. Please refer to the below table.

**Table 2: Minimum amenity space standards**

Dwellings	Min. Required (sqm)	Proposed Amenity space (sqm)
Unit 1	7	7
Unit 2	8	8.3
Unit 3	8	8.3
Unit 4	8	8.3
Unit 5	9	11.4

- 13.5 The proposed terraces accord with space standards for outdoor space as set out in Policy DM4 (2) of the MDD. Whilst it is appreciated that the terraces would overlook the East London Line, and are therefore susceptible to noise and disturbance, it is considered that the outdoor provision is acceptable in principle, given that the future occupiers would also have access to the communal garden centre/allotments on the site. In addition the site is located in close proximity to local parks (Weaver Fields, Allen Gardens, Vallance Road Gardens).
- 13.6 The proposed residential units are considered to comfortably accord with the minimum internal and external space standards and therefore would provide a satisfactory standard of accommodation for the future occupiers. The proposal complies with policy SP02 of the adopted Core Strategy and policy DM4 (2) of the Managing Development Document (2013).

## 14.0 HOUSING MIX

- 14.1 Policy DM3 of the MDD states that Development should provide a balance of housing types, including family homes, in accordance with the breakdown of unit types set out within the most up-to-date housing needs assessment. Policy SP02 of the Core Strategy states that 30% of new housing is to be suitable for families (three-bed plus).
- 14.2 The proposal is opting for a five unit scheme which is divided into the following housing mix

**Table 3: Housing mix**

Dwelling type
1 x 3B 4p
3 x 3B 5P
1 x 4B 6p

- 14.3 As such, the proposed scheme is catering to the family housing market of the borough. Whilst it is appreciated that the scheme does not provide smaller units on site, it is considered that family housing is appropriate to this location in terms of scale and character.

On balance the proposed housing mix is considered to be acceptable and will contribute to the London housing supply.

15.0 **AMENITY**

15.1 Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of existing and future residents and buildings occupants, together with the amenity of the surrounding public realm.

15.2 The proposed residential units will be located at least 9m from the rear boundary wall of 1-5 Fakruddin Street. In designing the development, the applicant sought to sensitively design the units so that they would not adversely impact upon the outlook and the day lighting and sun lighting conditions of neighbouring properties at 1-5 Fakruddin Street. In doing this, additional garden space has been allocated to the residents, and windows designed to mitigate views into the rear gardens.

*Overlooking/privacy/loss of outlook*

15.3 Generally a distance of approximately 18 metres between directly facing habitable room windows is desirable to reduce inter-visibility.

15.4 In terms of overlooking the site has three first floor windows that directly face the rear gardens of (1-5) Fakruddin Street, however the windows (kitchen) have been designed so that they are fitted at a low level to avoid any direct overlooking into neighbour gardens. High level windows are also proposed to units 2-5 at ground level. In order to safeguard the resident's privacy, conditions will be appended to the consent to ensure that further details are provided of the final treatment, to be approved by the Council prior to works commencing. Whilst it is appreciated that the units do not conform to the separation distance of 18m, on balance, taking note of the above measures, it is not considered that there would be any unacceptable issues in respect of privacy or overlooking to neighbouring residential properties, as there will be no direct inter-visibility.

15.5 In terms of outlook, 1-5 Fakruddin Street would face the rear two storey brick wall of the proposed development. Design elements have been introduced to reduce the appearance of the bulk along this northern elevation. The bulk of the north elevation has been broken up in massing, with units 2-5 slightly stepped down from the ridge of unit 1, and the pitched roof also reduces the visual impact upon the neighbouring residents. Whilst it is appreciated that there would be a level of visual impact upon the neighbouring site, this is compensated by extending the garden and provided a separation distance of at least 9m from respected building lines. Additionally the properties in question at 1-5 Fakruddin Street are dual aspect houses, thus the proposal is not considered to result in an unduly detrimental loss of amenity for these occupants.

*Sense of enclosure*

15.6 The proposal would result in developing a vacant piece of land at the back of 1-5 Fakruddin Street. Given that the land is currently underdeveloped, the proposal would result in some degree of enclosure and encroachment upon the properties to the north of the site. However given the overall scale of the development and proposed set-back, on balance the overall impact is considered to be an acceptable and not unusual in the context of an urban location.

*Daylight and Sunlight*

- 15.7 Policy SP10 of the Core Strategy and policy DM25 of the MDD seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential development.
- 15.8 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with daylight distribution assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 15.9 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at 27% VSC or retain at least 80% of the pre-development VSC value. The significance of loss of daylight can be summarised as follows:
- 0-20% reduction – Negligible
  - 21-30% reduction – Minor significance
  - 31-40% reduction – Moderate significance
  - Above 40% reduction – Substantial significance
- 15.10 The applicant has submitted a Daylight & Sunlight report addressing day lighting and sun lighting. The report concludes that the majority of the windows tested meet or surpass the BRE numerical recommendations.

#### *Daylight*

- 15.11 29 windows were tested from the dwellings, immediately north of the site at 1-7 Fakruddin Street. Out of the 29 windows, 10 failed the Vertical Sky component test and 19 adhered to the BRE guidelines. The 10 windows that failed the VSC test are stipulated in the below table.

**Table 4: Daylight Results – Impact of neighbouring properties**

Fakruddin Street Properties	Windows affected	Proposed Vertical Sky Component (27 % recommended)	Percentage Loss (%)
Number 1	Window 1	25.1	30
	Window 4	25.5	31
Number 2	Window 6	24.5	34.6
	Window 8	24	35.8
Number 3	Window 10	19.6	36.4
	Window 11	25.4	23.5
	Window 12	23.8	34
Number 4	Window 14	25.2	32.3
	Window 16	25.5	31.8
Number 5	Window 18	26.7	27

The most affected windows were generally sited at the ground floor of the properties. Of the remaining rooms, 7 rooms received a reduction of between 30 -36.4 % loss of daylight and 3 rooms received a reduction of between 23.5 - 30% loss of daylight. Generally speaking a 20-30% loss would only have minor adverse impact on daylight

conditions and 30-40% loss would have a moderate adverse impact upon daylight conditions

On balance given that the dwellings are dual aspect and would still benefit from a reasonable level of daylight (VSC mostly above 20%) in all other rooms, it is considered that the residents would still enjoy a good level of daylight within this urban setting.

#### *Sunlight*

- 15.12 All windows which face within 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test (annual probable sunlight hours between 21 September and 21 March). The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

#### *Overshadowing to Gardens*

- 15.13 The BRE guide recommends that at least 50% of the amenity space should receive at least two hours of sunlight on 21 March. Due to the siting of the development, properties 1-5 Fakruddin Street will be the most affected by the scheme. Whilst it is appreciated that the rear gardens would not achieve the above specified requirement, a good proportion of the gardens would still receive adequate levels of sunlight, as identified in the submitted daylight sunlight report. On balance given that the gardens will be compensated with additional amenity space and have the benefit of using the south facing community facilities, the overall impact is considered to be acceptable within the urban setting.

#### *Daylight to proposed development*

- 15.14 On the whole, it is considered that the proposed development shows a reasonable level of daylight and sunlight. The main living rooms are all located on the second floor of the dwellings and are south facing with large terrace/windows serving the individual rooms. Similarly the majority of the bedrooms are south facing and would also receive adequate levels of daylight and sunlight.
- 15.15 To conclude, the design of the scheme, in terms of general massing and layout, would seek to minimise daylight/sunlight impacts to neighbours and would achieve high standards of daylight/sunlight for future occupants. Taking the above into account and the results of the daylight/sunlight report, officers consider that the scheme would comply with the daylight/sunlight issues as set out in policy SP10 and policy DM25 of the Council's Local Plan

## **16.0 HIGHWAYS AND TRANSPORTATION**

#### *Car Parking*

- 16.1 Policy SP09 of the Core Strategy (2010) and Policies DM20 and DM22 of the Managing Development Document (2013) seeks to promote more sustainable levels of transport by reducing car parking and improving public transport and minimising any impact on the adjoining road network.



The site benefits from excellent public transport links and has a PTAL of 6a. The scheme will not be providing car parking space on site. Future residents would be restricted from applying for on-street car parking permits given the level of parking stress in the area if Members were minded to resolve to grant planning permission.

On balance, it is not considered that the proposed development would result in an adverse impact on the safety and capacity of the surrounding highway network, or result in additional pressure to on-street car parking and therefore accords with relevant policy.

*Cycle Parking*

16.2 Cycle parking has been designed to meet the Council and London Plan standards. Two cycle spaces have been allocated to each residential unit, and will be located at the front of the units within an enclosed porch area and inside each home by the front door. Additional bicycle storage (5 x spaces) will be located next to the Gardeners Club Community building. One cycle space has also been allocated to the front of the commercial unit for short stay customers. In addition to cycle storage the scheme has also incorporated parking for motorbikes, which will be located between 5 and 6 Fakruddin Passage. Consequently, subject to the provision of further specific details, the cycle storage facilities proposed are acceptable.

*New Crossover*

16.3 The current access point is adjacent the end markings of Bus Stop V. The crossover is used as a vehicle entry to the site. No objections are raised in regards to the location of the new crossover, which is adjacent to the rail line away from the bus stop. The space will have bollards to avoid any prospect of residents accessing the space with a vehicle unless this is controlled by Spitalfields Housing Association. TFL require access for inspection, planned maintenance, and emergency access. The emergency services will have access to the space.

**17.0 WASTE**

17.1 Policy DM14 of the MDD states that Development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle.

**Table 5: Waste storage requirements**  
*Draft guidelines as of 05-03-15 (currently now being used):*

Number of Bedrooms	Suggested Minimum capacity			
	Refuse	Dry recyclables	Compostable waste	
			Without Garden	With garden
1	70	50	23	100
2	120	80	23	100
3	165	110	23	200
4	215	140	23	200

- 17.2 Waste storage will be located in an enclosed area at the front of the site adjacent to the Commercial unit. The store will be closed off to the public and comprises 6 x 240 litre bins, suitable waste separation and recycling.
- 17.3 The agent engaged with LBTH Highways Officer in regards to the waste service arrangements for the proposed scheme. In conclusion the following terms were agreed:
- *Deliveries and refuse collections from the commercial unit will be made from Fakruddin Street which will be accessed from Pedley Street.*
  - *There will be no vehicular access to the proposed dwellings from Vallance Road.(retractable bollards will ensure that this is maintained)*
  - *TfL may occasionally access the site for maintenance of their railway assets, no vehicular access is anticipated, however if this is necessary, it can be done from the Pedley Street end of the site where there are vehicular turning spaces.*
- 17.4 In light of the above, it is considered that adequate waste facilities have been provided for the scheme. If the Committee is minded to approve the application, conditions will be appended to the decision to safeguard the above arrangements.
- 18.0 SECURE BY DESIGN**
- 18.1 According to paragraph 69 of the NPPF, the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and a high quality public space, which encourage the active and continual use of public areas. Policies 7.3 of the London Plan, SP09 of the Core Strategy and DM23 of the Managing Development Document seek to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime do not undermine quality environments.
- 18.2 The original scheme opted for a gated community, with the entrance to Vallance Road sealed off with a 2.4m high pedestrian gate. Whilst it is appreciated that the design was conjured up with a Metropolitan Police Officer, Officers do not consider it necessary and as such would undermine community cohesion in the area, particularly as there are community allotments to the rear of the site.
- 18.3 An investigation on recorded crimes has been undertaken by using crime statistics from the Metropolitan Police website for the proposed site location. Whilst it is appreciated that there is some evidence of crime in the ward, theft and burglary crimes had reduced over a 12 month period, since last July 2015.
- 18.4 Notwithstanding the above, it is not considered that having a gated community would reduce crime rates in the area. The site will be well lit, with significant natural surveillance and therefore it is not considered that the proposal gives rise to unacceptable crime related concerns. The security measures will be safeguarded through a secure by design statement condition.
- 18.5 In response, to the above comments, it was agreed to re-position the gate at the end of unit 5, so that the entrance to the houses will be unrestricted and open to the public. In addition the Fakruddin passage will be used as a pathway to the community allotments.

18.6 Whilst it is appreciated that the community facilities will be enclosed with gates, this is considered to be broadly acceptable as the gates will not be highly visible from the Vallance Road street scene. Access to the facilities will be FOB operated. Further details of the management of these facilities will be requested if the committee finds the scheme acceptable.

## **19.0 ENERGY AND SUSTAINABILITY**

19.1 The London Plan sets out the Mayor's energy hierarchy for development to be designed to:

- *use less energy (be lean)*
- *supply energy efficiently (be clean) and*
- *use renewable energy (be green).*

19.2 The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (MALP 2016), 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.

19.3 From April 6, 2014 the London Borough of Tower Hamlets has applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations - this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations, as specified in Policy DM29 of the Managing Development Document.

19.4 The scheme has proposed renewable energy technology in the form of Photovoltaic array and solar thermal panels to be located on the roof form of the individual residential units. In addition the dwellings have been design to maximise sunlight and all habitable rooms will face south.

19.5 The u-values proposed for the development are supported and will reduce the space heating requirements of the dwellings. The aspiration to achieve Code for Sustainable Homes level 5 is supported and will result in dwellings with reduced CO2 emissions compared to standard build developments, through a low energy building with minimised energy costs for future occupants.

19.6 In summary the scheme is considered to comply with London and LBTH standards and is acceptable in terms of its mitigation and adaptation to climate change to minimise carbon dioxide emissions.

## **20.0 BIODIVERSITY**

20.1 Policy DM11 requires biodiversity enhancement through new development. Two small areas of bio diverse roof (ecology top layer) are proposed to the Gardeners club community building and commercial unit. Additional habitats, such as piles of stones or logs, could be added to the development to increase biodiversity enhancement. Other potential enhancements could include bat boxes and nest boxes for birds such as sparrows and swifts incorporated into the new buildings, and nectar-rich flowers in the landscaping.

20.2 On balance subject to further details in the landscaping of the site, the proposal is considered to comply with the objectives set out in Policy DM11 of the MDD.

## **21.0 LANDSCAPING**

21.1 Landscaping is proposed to the site, including three new trees, low sale planting to the front of the units and resin bonded paving. One tree will be removed from the site, however the removal is considered acceptable as the tree is currently growing out of the junction between the TFL retaining wall and the car park surface. Lighting is also proposed to Fakruddin Passage. Further details of landscaping will be conditioned.

## **22.0 NOISE AND VIBRATION**

22.1 Given the sites location adjacent to the East London Line, it is appropriate to assess whether the residential units would be susceptible to noise and vibration. A report commissioned by Hann Tucker Associates stipulates measures such as double and secondary glazing to be sufficient to meet the recommended internal noise level requirements. Subject to further details regarding the measures, the scheme is considered to be acceptable and would provide a barrier to the noise.

## **23.0 HUMAN RIGHTS CONSIDERATIONS**

23.1 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:-

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

23.2.1 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;

23.2.2 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

23.2.3 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"

23.3 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.

23.4 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.

23.5 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.

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

23.7 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.

23.8 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.

## **24.0 EQUALITIES**

24.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

24.2 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.

24.3 The proposed development delivers much needed new housing to the borough, with the introduction of a community gardening club for use by all SHA residents. The proposal has been subject to extensive public consultation.

## **25.0 FINANCIAL CONSIDERATIONS**

25.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in determining planning applications, the authority shall have regard to (amongst other things) any local finance considerations, so far as material to the application.

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.

Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and that Borough's Community Infrastructure Levy came into on 1st April 2015. Both of which are payable (subject to certain exceptions) on floorspace created by development. The CIL payment for this application is likely to be

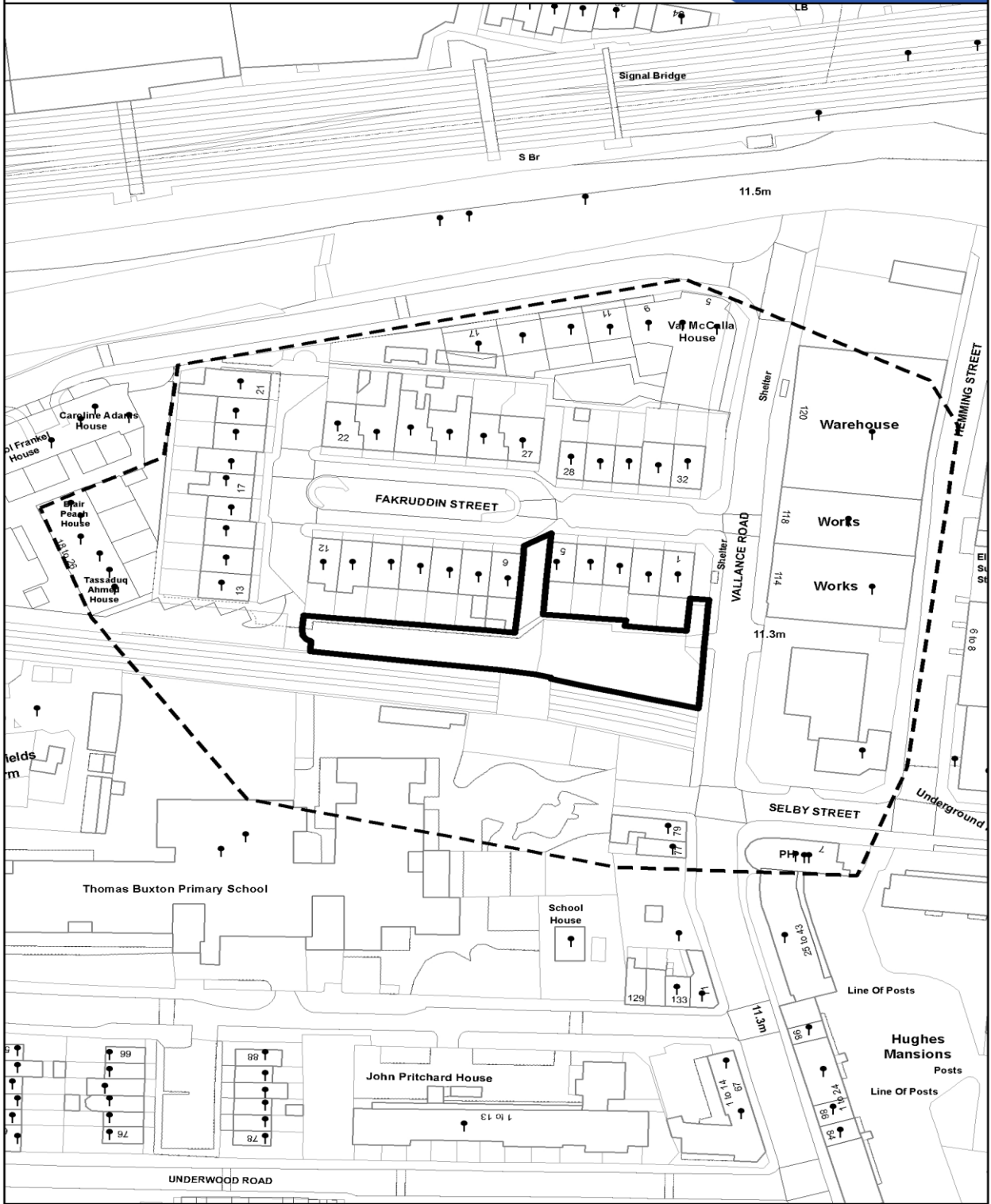
**London Mayoral CIL:** £72,307

**London Borough of Tower Hamlets CIL:** £160,088

**26.0 CONCLUSION**

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

Planning Application Site Map  
PA/16/01012



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

40 m

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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# Agenda Item 5.4

<b>Committee:</b> Development	<b>Date:</b> 28 <sup>th</sup> September 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission and Listed Building Consent
<b>Case Officer:</b> Chris Stacey-Kinchin	<b>Ref No:</b> PA/16/00884 + PA/16/00885
	<b>Ward:</b> Lansbury

## 1.0 APPLICATION DETAILS

**Location:** Bromley Hall School, Bromley Hall Road, London, E14 0LF

**Existing Use:** Class D1 (Non-Residential Institution)

**Proposal:** Expansion of existing school to provide 2 Form Entry Primary school and associated nursery, including partial demolition of existing building.

**Drawings and documents:** BHS-LSI-ALL-GND-GA-A31-001000\_A  
BHS-OUT-EXT-GND-GND-A35-000104-B  
BHS-LSI-REF-SL-ELV-A31-001005-A  
BHS-LSI-REF-SL-ELV-A31-001006-A  
BHS-LSI-REF-SL-ELV-A31-001007-A  
BHS-LSI-REF-SL-ELV-A31-001105-C  
BHS-LSI-REF-SL-ELV-A31-001106-C  
BHS-LSI-REF-SL-ELV-A31-001107-C  
BHS-LSI-NBL-SL-ELV-A31-001108-E  
BHS-LSI-REF-GND-GA-A31-001001-A  
BHS-LSI-REF-GND-GA-A31-001002-A  
BHS-LSI-REF-GND-GA-A31-001101-C  
BHS-LSI-NBL-GND-GA-A31-001102-C  
BHS-LSI-ALL-SL-SEC-A31-001109-C  
BHS-LSI-REF-RF-GA-A31-001003-A  
BHS-LSI-REF-RF-GA-A31-001004-A  
BHS-LSI-REF-RF-GA-A31-001103-C  
BHS-LSI-NBL-RF-GA-A31-001104-C  
BHS-GDM-ALL-RF-GA-A72-250010-B  
BHS-LSI-REF-SL-DET-A31-003105-C  
BHS-LSI-REF-SL-DET-A31-003101-B  
BHS-LSI-REF-SL-SKE-A31-002805-A  
BHS-LSI-REF-SL-SKE-A31-002806-A  
BHS-LSI-REF-SL-SKE-A31-002807-A  
BHS-LSI-REF-SL-SKE-A31-002808-A

BHS-LSI-REF-SL-SKE-A31-002809-A  
BHS-LSI-REF-SL-DET-A31-002801-C  
BHS-LSI-REF-SL-DET-A31-002800-C  
BHS-LSI-REF-GRD-DET-A31-002803-A  
BHS-BYG-SIT-ALL-REP-PLA-000003-A  
BHS-OUT-EXT-GND-GA-A35-000100-I  
BHS-OUT-EXT-GND-GA-A35-000101-I  
BHS-OUT-EXT-GND-SEC-A35-000102-F  
BHS-OUT-EXT-GND-DET-A35-000605-B  
BHS-OUT-EXT-GND-GA-A35-000700-B  
BHS-GDM-ALL-GND-GA-A72-260011-B  
Design and Access Statement, LSI Architects, March 2016  
Addendum to Design and Access Statement, LSI Architects, Dated 05/08/2016  
Air Quality Statement, Phlorum, Dated January 2016  
Addendum to Air Quality Assessment, Phlorum, Dated 14/09/2016  
Ecological Survey Report, RSK, Dated March 2014  
Conservation Statement, Bouygues UK, Dated 19/09/2014  
Sustainability Energy Assessment Report, GDM Partnership, Dated 31.03.2016  
Flood Risk Assessment, Campbell Reith, Dated March 2016  
Utilities Report, Pemxq, Dated March 2014  
Drainage Strategy, Bouygues UK, Dated 11/12/2015  
Land Quality Statement, Campbell Reith, Dated May 2014  
Flue and Ventilation Strategy, Bouygues UK, 30/03/2016  
Acoustic Planning Report, LCP, Dated 13/11/2015  
Planning Statement, Bouygues UK, Dated 30/03/2016  
Site Waste Management Plan, Bouygues UK, Dated 04/04/2016  
Statement of Community Involvement, Bouygues UK Dated 30/03/2016  
Sustainability Report, Bouygues UK, Dated April 2016  
Transport Statement, Grontmij, Dated 04/04/2016  
Transport Assessment Addendum, Bouygues UK, Dated 15/06/2016 – BHS-BUK-ALL-SIT-REP-TA-000001-A  
School Travel Plan, Grontmij, Dated 04/04/2016  
Arboricultural Impact Assessment, RSK, Dated 04/04/2016  
Archaeological Desk Based Assessment, CGMS, Dated February 2014

Scope of Demolition Works – BHS-BUK-ALL-SL-SOW  
-A31-000001  
Conservation Considerations, Bouygues UK, Dated  
15/06/2016 - BHS-BUK-ALL-SIT-REP-CON-000001-B  
Energy Strategy Response, Bouygues UK, Dated  
17/06/2016 - BHS-BUK-ALL-SIT-REP-ES-000001-A

**Applicant:** LBTH Children’s Services  
**Ownership:** London Borough of Tower Hamlets  
**Historic Building:** Existing School Building is Grade II Listed  
**Conservation Area:** None

## 2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Development Committee as the proposal would result in the partial demolition of a listed building on a site owned by the Council.
- 2.2 This application has been considered against the Council’s approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan 2016 and the National Planning Policy Framework and all other material considerations.
- 2.3 The proposal is for the creation of a new 2 Form Entry (FE) primary school (420 places) and associated nursery (60 places) (Use Class D1), including the demolition of the 1970s extensions to the existing building, alterations and the internal refurbishment of the Grade II listed existing school building along with the construction of a new single storey building and associated external landscape works.
- 2.4 The creation of a new primary school in this location is considered acceptable given the need for additional primary school places in the Borough in suitable locations such as this and accords with Policy 3.18 of the London Plan (2016), Policy SP07 of the Core Strategy 2010 and Policy DM18 of the Managing Development Document 2013.
- 2.5 The proposed alterations (including partial demolition works) and refurbishment of the existing Grade II listed school building are considered acceptable in design and conservation terms. The proposed new school building is also considered acceptable in design terms and will complement the existing adjacent Grade II listed school building well. The proposed landscaping treatment for the entire site is also considered acceptable. The proposal therefore accords with Policies 7.4, 7.5, 7.6 and 7.8 of the London Plan (2016), Policies SP10 and SP12 of the Core Strategy 2010 and Policies DM24 and DM27 of the Managing Development Document 2013.
- 2.6 Subject to the management of the impacts through the use of conditions and the implementation of a Travel Plan, the proposed school would not unacceptably impact upon the local highway network nor the local public transport network. This would accord with Policies 6.3, 6.9 and 6.13 of the London Plan (2016), Policy SP09 of the Core Strategy 2010 and Policies DM20 and DM22 of the Managing Development Document 2013.

- 2.7 Subject to conditions, it is considered that the development would not have an unacceptable impact on the amenity of adjoining residents in terms of noise, overlooking, natural light and construction impacts in accordance with Policy SP10 of the Core Strategy 2010 and Policy DM25 of the Managing Development Document 2013.
- 2.8 The proposed design and layout is considered acceptable in access terms in accordance with Policy 7.2 of the London Plan (2016), Policy SP10 of the Core Strategy 2010 and Policy DM23 of the Managing Development Document 2013.
- 2.9 The refuse provision on site is considered to be acceptable in accordance with Policy 5.17 of the London Plan (2016), Policy SP05 of the Core Strategy 2010 and Policy DM14 of the Managing Development Document 2013.
- 2.10 Subject to conditions, it is considered that the proposed development does not raise any adverse issues with respect to environmental considerations. This would accord with Policies 5.2, 5.3, 5.4, 5.7, 5.11, 5.12, 5.21 and 7.14 of the London Plan (2016), Policies SP03, SP04 and SP11 of the Core Strategy 2010 and Policies DM9, DM11, DM29 and DM30 of the Managing Development Document 2013.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission and listed building consent subject to:

- a) That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- b) Any direction made by the Secretary of State in the event that the 20<sup>th</sup> Century Society maintains their objection to the proposal.

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

1. Time limit
2. Development to be built in accordance with the approved plans (*compliance*)
3. Construction management plan (*pre-commencement*)
4. Details of agreed adoption, monitoring and maintenance of the drainage and suds features (*pre-commencement*)
5. Details of foundations and services with respect to tree roots (*pre-commencement*)
6. Contaminated land site investigation report (*pre-commencement*) and remediation details (*pre-occupation*)
7. Method for the protection of trees (*pre-commencement*)
8. Further design details for new building (*prior to superstructure*)
9. Landscaping, boundary treatments and biodiversity enhancements (*prior to superstructure*)
10. Scheme of highways improvements (S.278) (*prior to superstructure*)
11. Air quality monitoring results and activated carbon filters installation strategy (*pre-occupation*)
12. Details of plant and machinery (*pre-occupation*)
13. Travel plan (*pre-occupation*)
14. Delivery and servicing plan (*pre-occupation*)
15. BREEAM certificates (*post-occupation*)
16. Post completion noise testing (*post-occupation*)

- 17. Cycle parking (*compliance*)
- 18. External lighting (*compliance*)
- 19. Site vegetation clearance works (*compliance*)
- 20. Refuse (*compliance*)

### 3.3 Informatives on planning permission

- 1. Thames Water minimum flow rates and pressures

### 3.4 Conditions on listed building consent

- 1. Time limit
- 2. Development to be built in accordance with the approved plans (*compliance*)
- 3. Further details for the existing building (*pre-commencement*)
- 4. Method for works to existing boundary wall (*pre-commencement*)#

## 4.0 LOCATION AND PROPOSAL DETAILS

### Site and Surroundings

- 4.1 The application site relates to a large rectangular plot of land approximately 0.7 hectares in size sited in between Lochnager Street (to the north) and Leven Road (to the south), to the east of Bromley Hall Road and the Blackwall Tunnel Northern Approach road (A12) and to the west of a number of warehouses which sit directly adjacent to Bow Creek.
- 4.2 The site currently comprises of the existing school building (which is Grade II listed) and playground which cover the southern portion of the site (approximately 0.45 hectares) and a timber merchants which covers the northern portion of the site (approximately 0.25 hectares). The site does not sit within any designated conservation areas.
- 4.3 The surrounding area to the north and east of the site is predominantly industrial in nature, however the surrounding area to the south and west of the site is predominantly residential in nature. It should be noted that the site and its immediate surroundings form a part of the Ailsa Street site allocation which seeks to see a comprehensive mixed use scheme on the site comprising of housing, a primary school and other compatible uses, including employment floor space.
- 4.4 The application site originally housed a school for children aged 5 to 16 with physical disabilities and more recently housed a pupil referral unit, however the site has been vacant for a number of years since the pupil referral unit vacated the site, and has since fallen into a poor state of repair with squatters taking up residence for a period of time.
- 4.6 The site sits within both flood zone 3 and an archaeological priority area and also features a number of trees within its curtilage. The site has a PTAL rating of 1b indicating a poor level of public transport accessibility and is located within controlled parking zone B3 which is in operation between 8:30am to 5:30pm Monday to Friday with residents parking bays.

### Proposal

- 4.7 The applicant seeks full planning permission and listed building consent for the partial demolition and refurbishment of the existing Grade II listed school building and the

erection of a new school building to provide a new 2FE primary school (420 places) and associated nursery (60 places).

- 4.8 The portions of the existing Grade II listed school building which are to be demolished are later additions constructed at the eastern end of the building in the 1970s. The remaining portions of the existing building are to be retained and refurbished and will house 10 classrooms for years 2-6 as well as kitchen and dining facilities, the main hall, office and admin facilities and SEN facilities.
- 4.9 A new single storey building to the east of the existing Grade II listed school building is proposed which will house 6 classrooms for nursery, reception and year 1 pupils as well as a studio space. An external covered walkway will connect the new single storey building to the existing Grade II listed school building.
- 4.10 In addition to the above it is also proposed to entirely re-landscape the site and introduce new boundary treatments to the north side of the site.

#### **Relevant Planning History**

- 4.11 PA/02/00808 – Change of use from school to office accommodation (B1) and storage (B8). (Permission granted 07/08/2002)

#### **5.0 POLICY FRAMEWORK**

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

#### **5.3 Government Planning Policy**

National Planning Policy Framework 2012  
National Planning Practice Guidance

#### **5.4 London Plan 2016**

3.16 – Protection and enhancement of social infrastructure  
3.18 – Education facilities  
3.19 – Sports facilities  
5.2 – Minimising carbon dioxide emissions  
5.3 – Sustainable design and construction  
5.4 – Retrofitting  
5.7 – Renewable energy  
5.11 – Green roofs and development site environs  
5.12 – Flood risk management  
5.13 – Sustainable drainage  
5.17 – Waste capacity  
5.21 – Contaminated land  
6.3 – Assessing effects of development on transport capacity  
6.9 – Cycling  
6.13 – Parking

- 7.1 – Lifetime neighbourhoods
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.5 – Public realm
- 7.6 – Architecture
- 7.8 – Heritage assets and archaeology
- 7.9 – Heritage-led regeneration
- 7.14 – Improving air quality
- 7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 – Biodiversity and access to nature
- 7.21 – Trees and woodlands

## 5.5 **Core Strategy 2010**

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

## 5.6 **Managing Development Document 2013**

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

## 5.7 **Supplementary Planning Documents**

None

## 6.0 **CONSULTATION RESPONSE**

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

### **20<sup>th</sup> Century Society**

- 6.3 The 20<sup>th</sup> Century Society is content that a number of significant amendments have been made to the scheme to address initial concerns, and support the conditions requested by the LBTH conservation officer. The 20<sup>th</sup> Century Society does however object to the current proposals for the classroom windows, and were this part of the scheme to be suitably amended the 20<sup>th</sup> Century Society would be content to withdraw their objection.

*Officer comments: Amended details of the classroom windows have been submitted by the applicant, which at the time of writing this report, the 20<sup>th</sup> Century Society had not yet provided any further comments on. Any additional comments will be presented in an update report.*

### **LBTH Biodiversity**

- 6.4 Consideration should be given to retaining/replacing both or one of the ponds, and the introduction of a green roof. Conditions requiring further details of biodiversity enhancements and the clearing of the site should be imposed.

### **Canal and River Trust**

- 6.5 No objection.

### **LBTH Design and Conservation**

- 6.6 The reuse of the existing building for its original purpose is to be welcomed and the amended proposals for both the existing and new building can be supported subject to conditions.

### **LBTH Energy Efficiency Unit**

- 6.7 No comments received.

### **Environment Agency**

- 6.8 No objection subject to adequate evacuation arrangements.

### **LBTH Environmental Health – Air Quality**

- 6.9 The air quality officer is content with the addendum report submitted and the strategy for air quality on this site. A condition requiring a minimum of 1 years' monitoring on site and the submission of the results of this monitoring along with an instalment strategy for the activated carbon filters prior to the occupation of the site should be imposed.

### **LBTH Environmental Health – Contaminated Land**

- 6.10 No objection subject to a condition being imposed.

### **LBTH Environmental Health – Noise and Vibration**

- 6.11 No comments received.



### **LBTH Environmental Health – Smell and Pollution**

6.12 No comments received.

### **LBTH Planning Policy**

6.13 No comments received.

### **Historic England**

6.14 The proposals show that the boundary walls to the school's southern and northern boundary are to be reduced in height / removed altogether, and the proposal should be amended to retain these walls. The proposal seeks to introduce solar panels on the existing building and these should be removed. The material palette of the window cills in the existing building should be retained.

### **Historic England Archaeology**

6.15 No objection.

### **London Borough of Newham**

6.16 No comments received.

### **LBTH School Development Advisor**

6.17 Concerns raised about cars making 'U-turn' manoeuvres at the A12/Lochnager Street junction.

### **LBTH Tree Officer**

6.18 No objection subject to a number of conditions being imposed in the event planning permission is granted.

### **LBTH Sustainable Urban Drainage Officer**

6.19 The submitted flood risk assessment and drainage strategy are considered acceptable. Further details of the agreed adoption, monitoring and maintenance of the drainage and SUDS features should be conditioned in the event planning permission is granted.

### **Thames Water**

6.20 No objection subject to an informative being imposed.

### **TFL**

6.21 No objection subject to conditions being imposed requiring a delivery and servicing plan and a constructions logistics plan. Cycle parking should be provided at London Plan standards.

### **LBTH Transportation and Highways**

6.22 Some concerns raised regarding the potential trip generation of the proposed school, however it was considered that a robust travel plan could mitigate any such adverse

impacts on the public highway network. A delivery and servicing management plan and construction management plan should be conditioned and the applicant should enter into a S.278 agreement to enable improvements to the adjacent highway to be made.

### **LBTH Waste Policy & Development**

6.23 No comments received.

### **7.0 LOCAL REPRESENTATION**

7.1 A total of 155 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in 'East End Life'.

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

No of individual responses:	Objecting: 0
	Supporting: 0

No of petition responses:	Objecting: 0
	Supporting: 0

### **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

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

#### **Land Use**

8.2 The proposed development does not result in any change of use on this site, however through the partial demolition of the existing school building and the erection of a new school building results in a net gain of 273sqm of D1 floor space.

8.3 Policy 3.18 of the London Plan (2016) states that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Furthermore those proposals which address the current and projected shortage of primary school places will be particularly encouraged.

8.4 The Council's Core Strategy policy SP07 (2) seeks to increase the provision of both primary and secondary education facilities to meet an increasing population.

8.5 The Council's Managing Development Document policy DM18 supports the development of schools or children's centres or extensions to existing schools or children's centres in appropriate locations.

- 8.6 The application site has been vacant for a number of years since the previous pupil referral unit vacated the site a number of years ago. The site sits within the Ailsa Street site allocation which seeks to see a comprehensive mixed use scheme on the site comprising of housing, a primary school and other compatible uses, including employment floor space. LBTH children's services have also identified this area as being in need of further primary school places to meet demand and this proposal would contribute towards planning to meet the growth in need for school places.
- 8.7 Considering the above, officers conclude that the proposed development can be supported in land use terms, as it can be seen to be in accordance with the relevant policies as set out above

### **Design, Heritage & Conservation**

- 8.8 The application proposes to demolish the later 1970s additions to the Grade II listed school building which are located at the eastern end of the building and refurbish the remaining portions of the Grade II listed school building. A new single storey building is to be erected to the east of the existing building, and the site completely re-landscaped along with the addition of new boundary treatments along the northern side of the site.
- 8.9 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 8.10 Policies 7.4, 7.5, 7.6 & 7.8 of the London Plan (2016) seek to ensure that proposed buildings and spaces are of a high architectural quality and relate well to their surroundings. Where proposals affect the setting of heritage assets, they should be sympathetic to their form, scale, materials and architectural detailing. Policy 7.9 states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 8.11 The Council's Core Strategy policy SP10 seeks to ensure that proposals promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Policy SP10(2) seeks to protect and enhance heritage assets such as statutory listed buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.12 The Council's Managing Development Document policies DM24 and DM27 seek to ensure that development will be designed to the highest quality standards, incorporating principles of good design. Development is also required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 8.13 As part of the proposed development it is envisaged to demolish the later 1970s additions to the Grade II listed school building which are located at the eastern end of the building to make way for the new building. Whilst the applicant considers that these portions of the existing building have no architectural significance, and the 20<sup>th</sup> Century nor LBTH conservation officers objected to the loss of these portions of the

existing building, Historic England did raise some concern over the loss of these portions of the existing building, however they did on balance consider that the merits of the site's revitalisation as a result of the proposed scheme are such that the demolition of these structures can be justified. As such the demolition of these portions of the existing Grade II listed school building can be considered acceptable.

- 8.14 The existing school building is currently in a poor state of repair and was placed on the 'Heritage at Risk' register in 2013 and will be extensively refurbished as part of this proposal. The proposed refurbishment includes modifications to the existing building in order to bring it up to modern standards, which will include: additional insulation; the incorporation of a warm roof as well as solar reflective glazing on the glazed corridors; the installation of mechanical ventilation and activated carbon filters; the refurbishment of the existing classrooms; and replacement windows and doors. The proposals for the refurbishment of the existing building have been significantly amended since the initial submission of the application to take into account concerns raised by the Council's conservation officer, Historic England and the 20<sup>th</sup> Century Society. The proposed refurbishment of the existing building is broadly welcomed by officers as it will reinstate an educational use for the building and will significantly improve the condition of this building and remove it from the 'Heritage at Risk' register in the process. The applicant is taking a sensitive approach to the restoration of this building which respects its original character, and retains original features where possible, and as a consequence the final scheme addresses in the main the issues initially raised by the Council's conservation officer, Historic England, and the 20<sup>th</sup> Century Society. The latest position of the 20<sup>th</sup> Century Society regarding the amended windows will be captured in the update report.
- 8.15 A number of further details have been requested, to be secured by condition, in order to ensure that the refurbishment is undertaken to the highest of standards.
- 8.16 The existing site is currently in a poor state of repair and is overgrown. The existing boundary wall (which is a significant feature of the site) is also in a poor state of repair and is currently structurally unsound. The entire site is to be completely re-landscaped, featuring a mixture of concrete block paving, tarmac surface and timber decking, and officers consider that the proposed landscaping scheme is acceptable in both its relationship with the existing listed building and the quality of environment that it will offer for future pupils of this school. Further details of the exact materials to be used across the site will be conditioned to ensure that they are an appropriate standard. Whilst the initial proposal sought to make a number of amendments to the existing boundary wall, this element of the proposal has been amended on the advice of the Council's conservation officer, Historic England and the 20<sup>th</sup> Century Society. The majority of the existing boundary wall is now to be retained and refurbished, bar a small portion of the wall being lost on the northern side of the site to allow for classrooms to easily access the new playground, and this approach is considered acceptable by officers. A condition requiring a method statement for the refurbishment of the existing boundary wall will be imposed to ensure that these works are carried out to an acceptable standard.
- 8.17 It is proposed to construct a new single storey building to the east of the existing Grade II listed school building. The proposed building will measure 30m in width, 22.5m in depth and 5.6m in height (inclusive of the 1.8m high roof lanterns) and is of a contemporary appearance. The appearance of the new building takes its inspiration from the existing Grade II listed school building, in particular its chimney structure and roof lanterns, and incorporates similarly angled roof lights on its roof which will provide additional natural light to the classrooms below, uses a dark blue brick (to match that used on the existing chimney structure), and makes further reference to

the existing chimney's fluted design through employing a fluted band around the top of the building, as well as other detailed design elements which reference the existing building. The new building will be linked to the existing building by covered timber 'pergola style' walkways and also features canopies of a similar design on its south and east elevations. Officers consider that the new building is of a high architectural quality and responds well to the adjacent Grade II listed school building and will provide a high quality environment for future pupils and as such can be considered to be acceptable in design terms. As the detailing of the proposed new building is considered critical to the overall final quality of the proposed building, a condition requiring details of the proposed materials and design details will be imposed.

- 8.18 Considering the above, and having given special regard to the desirability of preservation of the building, its setting and any special historic or architectural features, officers conclude that the proposed development is acceptable in design and heritage terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Transportation & Highways**

- 8.19 The application proposes to modify the existing main entrance to Bromley Hall Road and introduce new entrances to both Leven Road and Lochnagar Street (with the latter coming into use at a later date once the adjacent site has been developed). It is also proposed to incorporate cycle parking, scooter parking and disabled car parking within the scheme.
- 8.20 Policy 6.3 of the London Plan (2016) states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed and that development should not adversely affect safety on the transport network. Policy 6.9 states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum cycle parking standards which are set out in a table which forms a part of policy 6.13.
- 8.21 The Council's Core Strategy policy SP09 (3) seeks to ensure that all new development does not have an adverse impact upon the capacity of the road network.
- 8.22 The Council's Managing Development Document policy DM20 (2) states that development must be able to demonstrate that it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network. Policy DM22 (1 & 4) both state that development will be required to comply with the Council's minimum parking standards in order to ensure suitable provision for cyclists, however it should be noted that these standards have now been superseded by the parking standards set out within the recently adopted London Plan (2016), which this application is being assessed against.
- 8.23 Bromley Hall Road and the portion of Leven Road which runs along the southern boundary of the site are both two way streets, however the portion of Leven Road beyond this point is one way only in a northbound direction. As such no through routes are available for vehicles entering Lochnagar Street from the west (A12 or Zetland Street), and therefore all traffic entering from the west has to turn on local roads in order to exit. The nearest bus stops to the site are located on the A12, approximately 200m north of the site, and on Zetland Street, approximately 200m west of the site. Langdon Park DLR station also sits approximately 600m to the west of the site. A pedestrian subway is located under the A12 just north of the

A12/Lochnager Street junction, and pelican crossing facilities are also available at the A12/Lochnager Street junction.

- 8.24 The applicant has submitted a transport assessment with the application which outlines the likely impacts of the proposed school. The nearby Manorfield primary school has been used as a baseline as it is similar in size and nature to the proposed school at Bromley Hall Road. Using the figures obtained from Manorfield primary's travel plan, it is anticipated that the majority of pupils travelling to the school will do so on foot. This assumption is further backed up by the fact that the applicant's (LBTH Children's Services) proposed pupil catchment for the school is very local with the majority of potential pupils residing within 1km of the proposed school (primarily to the south of the site). Given the above, the number of vehicular trips anticipated to be created by the school are relatively low with a maximum of 28 peak hour car trips by full occupation.
- 8.25 To ensure that the anticipated car trips are kept to a minimum and do not adversely impact upon the local highway network a robust travel plan will be implemented which will seek to promote a car share programme, a breakfast club to reduce AM peak traffic, after school activities to stagger PM peak traffic, a walking bus, and sustainable travel information packs for pupils as well as other initiatives. Both LBTH transport and highways officers and TFL have reviewed this document, and whilst they do have some concerns over the potential trip generation of the proposal they are of the opinion that a robust travel plan which adopts measures to reduce car trips as far as possible and encourages the use of walking, cycling and public transport, can mitigate any potential adverse impacts of the proposed school upon the local highway network.
- 8.26 It is envisaged that an average of 2 service/delivery trips will take place each day, all of which can be catered for onsite with the exception of refuse collection (see refuse section of this report). In order to minimise any disruption caused by service/delivery trips, all such movements will be organised to occur outside of the school peak hours. A full service/delivery plan will be required by condition prior to occupation of the site.
- 8.27 London Plan (2016) FALP cycle parking standards require this development to provide a minimum of 8 staff cycle parking spaces and 60 student cycle parking spaces. The applicant is providing a total of 10 covered staff cycle parking spaces which are located in a secure location visible from the main office, and a total of 18 covered student cycle parking spaces with passive provision for a further 42 covered student cycle parking spaces, also within a secure location within the site. In addition to the above the applicant is also providing child scooter parking for pupils. The rationale behind not providing 60 student cycle parking spaces up front is due to the age of the pupils who will attend the school as children do not start cycling proficiency until the age of 11 (the last year in school). As child scooter parking (which is more popular which children of this age) is to be provided, and the travel plan includes a provision to review the number of cycle/scooter parking spaces annually to ensure that there are sufficient spaces for users, officers are content that the proposal offers an acceptable level of cycle/scooter parking.
- 8.28 The proposed development includes the provision of 2 accessible car parking spaces, and no further car parking provision on site is proposed. Officers consider this provision acceptable as it is policy compliant and provides the proposed spaces in a suitable and convenient location on site adjacent to the main entrance for the school.

- 8.29 In order to understand the potential impacts upon the highway network during the construction phase of the proposal and how they will be mitigated against, the submission of a Construction Management Plan will be conditioned.
- 8.30 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in highways terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

### **Amenity**

- 8.31 Officers have assessed the amenity implications of the proposal, including the proposed use of the site, the alterations to the existing building, and the construction of a new single storey building.
- 8.32 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.33 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that all development protects the amenity of surrounding building occupiers.
- 8.34 The Council's Managing Development Document policy DM25 states that development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupiers by not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.
- 8.35 The proposed development is for the creation of a 2FE primary school (420 places) and associated nursery (60 places). The site has previously housed a school for children aged 5 to 16 with physical disabilities and more recently a pupil referral unit. Considering that the site was last in use for educational purposes, officers do not consider as though the principle of the development (i.e. the proposed use of the site as a primary school) raises any additional amenity concerns, especially considering that school uses are generally considered compatible within residential areas.
- 8.36 Whilst the exact hours of the school day for both the primary school and nursery have not yet been decided, it is proposed that the school will open at 7am for the breakfast club and close at 6pm after all after-school activities have finished. It is not proposed to open the school on evenings or weekends except in exceptional circumstances. Given the limited hours of use of the site, which are primarily limited to the daytime, officers do not consider that residents of nearby houses will be subject to noise disturbances during unsociable hours.
- 8.37 Officers do not consider that the alterations proposed to the existing school building, including its partial demolition, internal alterations and minor external alterations raise any amenity concerns and are therefore acceptable in amenity terms.
- 8.38 The new single storey building which is to accommodate the nursery is to be sited in the south east corner of the site and will measure 30m in width, 22.5m in depth and 5.6m in height (inclusive of the 1.8m high roof lanterns). Given the fact that the new single storey building sits behind a boundary wall which is 2.1m in height and is sited approximately 20m from the nearest residential property officers do not consider the erection of this building raises any additional amenity concerns.

- 8.39 Details of external lighting on the site have been submitted and have been reviewed by officers. None of the external lighting proposed will illuminate areas beyond the boundary of the site and the proposed lighting will only be fully on during the hours of 6am to 6pm on weekdays, with lighting on the site during 6pm and 11pm and at weekends dimmed to 50%, and lighting between 11pm and 6am dimmed down to 25% to act as security lighting. Officers consider this approach acceptable and therefore do not consider that this will raise any additional amenity concerns.
- 8.40 The proposal is likely to feature mechanical plant, however the accompanying acoustic report stipulates that the proposed plant noise limits will be set 10dB below the measured background noise levels which is considered an acceptable approach in order to ensure that surrounding residents and building occupiers are not adversely affected by noise pollution. A condition requesting full details of any proposed mechanical plant and post completion testing to ensure that any proposed plant noise does not exceed the above limits will be imposed in the event that permission is granted.
- 8.41 In order to protect the amenity of future users of the proposed school measures to minimise the levels of noise experienced internally will be undertaken. The applicant has submitted an acoustic report which demonstrates that the expected internal noise levels will be below the maximum noise limits as specified within BB93. As such officers consider that the proposal will create an internal environment that is suitable for teaching.
- 8.42 In order to ensure that the proposed development does not cause significant adverse impacts upon the surrounding residents and building occupiers during its construction phase, a condition will be imposed requiring the submission of a construction management plan in the event that permission is granted.
- 8.43 Considering the above, officers conclude that the proposed development is acceptable in amenity terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

### **Access**

- 8.44 The applicant has provided details on how the proposed school has been designed with inclusivity in mind. These details are outlined within section 4 of the design and access statement.
- 8.45 Policy 7.2 of the London Plan (2016) seeks to ensure that development demonstrates how it has incorporated the principles of inclusive design, including the specific needs of older and disabled people.
- 8.46 The Council's Core Strategy policy SP10 (4) seeks to ensure that development promotes good design principles to create buildings that are accessible, flexible and adaptable to change.
- 8.47 The Council's Managing Development Document policy DM23 (1) states that development should be easily accessible for all people by incorporating the principles of inclusive design.
- 8.48 The proposed development has been designed with inclusivity in mind and features level thresholds throughout, external walkways at no more than 1:21 gradients and new accessible WC's throughout. As the entire school is a single storey structure no vertical circulation is required.



- 8.49 2 accessible car parking spaces are to be provided adjacent to the main entrance of the building, with access from these spaces to the main entrance of the school featuring level access which is welcomed by officers.
- 8.50 Considering the above, officers conclude that the proposed development is acceptable in access terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Refuse**

- 8.51 A refuse store has been located adjacent to the servicing entrance to the site on Bromley Hall Road.
- 8.52 Policy 5.17 of the London Plan (2016) states that all developments should plan for waste management, and should minimise waste and achieve a high level of performance with respect to reuse and recycling.
- 8.53 The Council's Core Strategy policy SP05 (1) states that the Council will ensure that development implements the waste management hierarchy of reduce, reuse and recycle by ensuring that building users reduce and manage their waste effectively.
- 8.54 The Council's Managing Development Document policy DM14 (2) states that development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle.
- 8.55 The application proposes for refuse vehicles to collect waste from the site on Bromley Hall School as such vehicles would be too large to be accommodated on site. At collection times bins will be wheeled out from the adjacent bin store to the refuse vehicle and then placed back in the store once emptied.
- 8.56 LBTH waste officers have been consulted with on this application and have not objected to the proposed waste strategy for this site. Officers consider that the refuse store is located in an appropriate location on site and is of a suitable size for such a proposal. Further details of the waste strategy for the site will need to be provided within a service/delivery plan which will be secured by condition.
- 8.57 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in refuse terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

### **Environmental Considerations**

#### Air Quality

- 8.58 Policy 7.14 of the London Plan (2016) seeks to ensure that development minimises increased exposure to existing poor air quality and is at least 'air quality neutral' and does not lead to further deterioration of existing poor air quality.
- 8.59 The Council's Core Strategy SP03 seeks to ensure that development addresses the impact of air pollution in the Borough by minimising and mitigating the impacts of air pollution and managing and improving air quality wherever possible.

- 8.60 The Council's Managing Development Document policy DM9 states that applications for development will be required to submit details outlining practices to prevent or reduce associated air pollution during construction or demolition.
- 8.61 The applicant submitted an initial Air Quality Assessment which concluded that the air quality on site would improve over time and thus at the time of the school coming into use in 2018 no further mitigation measures in order to bring the NO<sub>2</sub> (nitrogen dioxide) concentrations under acceptable levels would be required. During the application process however further information came to light which contradicted the data included within the applicant's initial Air Quality Assessment. As such a re-assessment was undertaken by the applicant which assumed a worst case scenario approach and concluded that mitigation measures (including the instalment of activated carbon filters throughout the scheme) in order to bring the NO<sub>2</sub> (nitrogen dioxide) concentrations under acceptable levels would be required. In light of the above officers have requested that the applicant assumes the worst case scenario and the scheme in its current form contains activated carbon filters throughout. A condition requiring the applicant to undertake monitoring on site for a minimum period of 1 year and submit the results of this monitoring, as well as an instalment strategy indicating how many of the approved activated carbon filters will be required, prior to the occupation of the site will be imposed to ensure that the resulting air quality for future building users is acceptable. LBTH Air Quality officers are fully supportive of this approach.
- 8.62 Considering the above, and subject to the necessary condition, officers conclude that the proposed development is acceptable in terms of air quality, and therefore can be seen to be in accordance with the relevant policies as set out above.

#### Biodiversity

- 8.63 Policy 5.11 of the London Plan (2016) seeks to ensure that development proposals are designed to include roof, wall and site planting, especially green roofs and walls where feasible.
- 8.64 The Council's Core Strategy SP04 seeks to ensure that development protects and enhances biodiversity value through the design of open spaces and buildings.
- 8.65 The Council's Managing Development Document policy DM11 states that development will be required to provide elements of a 'living building' and that existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 8.66 The existing site will be cleared which involves the removal of the two existing ponds on site which is considered regrettable by the Council's biodiversity officer. The proposal does however include a large list of biodiversity enhancements that could be included within the proposed landscaping, including: nectar-rich flowers for pollinators; bat boxes; nest boxes for sparrows and swifts; loggeries; and insect hotels, all of which would contribute to LBAP (Local Biodiversity Action Plan) targets. The Council's biodiversity officer has also recommended the inclusion of a green roof on the new building, however the applicant has stated that this would not be possible in this instance as it would increase the overall height of the new building, something which would not be supported in heritage terms due to its impact upon the adjacent listed building.
- 8.67 Subject to a condition which will require the submission of full details of biodiversity mitigation and enhancements on site, including exploring options for either retaining

or replacing at least one of the existing ponds, or providing suitable alternative biodiversity mitigation and enhancements if this is not possible, and a condition requiring that the removal of existing trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive, the Council's biodiversity officer is content to support the scheme.

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

#### Contaminated Land

- 8.69 Policy 5.21 of the London Plan (2016) seeks to ensure that appropriate measures are taken to ensure that development on previously contaminated land does not activate or spread contamination.
- 8.70 The Council's Managing Development Document policy DM30 states that where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to deal with the contamination.
- 8.71 The site lies in an area which is considered to be potentially contaminated. The applicant has submitted a land quality statement which identifies the extent to which the site is contaminated, although this does conclude that further tests on the land are still required. In order to ensure that the necessary works are undertaken and the site made safe a condition will be imposed requesting further details on the remediation of the site based on the advice of a LBTH Contaminated Land officer.
- 8.72 Considering the above, and subject to the necessary conditions officers conclude that the proposed development is acceptable in terms of contaminated land, and therefore can be seen to be in accordance with the relevant policies as set out above.

#### Energy and Sustainability

- 8.73 Policies 5.2, 5.3, 5.4 and 5.7 of the London Plan (2016) seek to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions, demonstrate that sustainable design standards are integral to the proposal, bring existing buildings up to current standards and integrate on-site renewable energy generation, where feasible.
- 8.74 The Council's Core Strategy SP11 seeks to ensure that carbon emissions are reduced in non-domestic buildings by supporting non-domestic developments that promote the use of renewable energy technologies and reducing the carbon emissions of all public buildings in the Borough.
- 8.75 The Council's Managing Development Document policy DM29 states that all development will be required to be accompanied by an Energy Assessment to demonstrate its compliance with the Borough's carbon reduction targets and will also need to demonstrate that climate change mitigation measures are maximised within development.
- 8.76 The applicant has submitted a sustainability statement which details the measures taken by the applicant to ensure that the proposal has been designed with sustainability in mind. The applicant is targeting a BREEAM 'very good' rating for the

proposed works to the existing building, which given the fact that this building is Grade II listed (which constrains the works possible to it) is considered acceptable. The applicant is also targeting a BREEAM 'excellent' rating for the new building which is compliant with the requirements of policy DM29 and is thus considered acceptable. A condition requiring the submission of the relevant final certificates within a set period of occupation will be imposed.

- 8.77 The submitted sustainability energy assessment outlines the measures that are being taken in order for the proposal to contribute towards the Council's sustainability goals. This includes: improved fabric insulation; improved air tightness; high efficiency fans; high efficiency heat recovery heating plant; heat recovery on ventilation systems; daylight control of the lighting in the teaching areas; and 48m<sup>2</sup> of roof mounted PV's. This will ensure that the new build carbon saving goes beyond Part L 2013 building regulations through the combination of energy efficient design and renewable technologies, achieving a 47.5% reduction on this baseline, which exceeds the policy requirement of 45%.
- 8.78 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in energy and sustainability terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

#### Flood Risk

- 8.79 Policy 5.12 of the London Plan (2016) seeks to ensure that development proposals comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical guidance on flood risk over the lifetime of the development.
- 8.80 The Council's Core Strategy SP04 (5) seeks to ensure that all new development is safe and passes the exception test and does not increase the risk and impact of flooding.
- 8.81 As part of the applicant's submission, a flood risk assessment was submitted. This document assesses the risk of flooding on site and measures that will be taken to ensure the safe evacuation of building users in the event of a flood. This document has been reviewed by the Environment Agency who did not have any objections to the proposed development. Officers have also assessed the submitted flood risk assessment and are content that a safe means of access/egress to higher ground has been incorporated into the proposal (in the form of an access gate in the north east corner of the site at the junction of Lochnager Street/Ailsa Street).
- 8.82 Considering the above, officers conclude that the proposed development is acceptable in flood risk terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

### **9.0 HUMAN RIGHTS CONSIDERATIONS**

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European

Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

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

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

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

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

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

## **10.0 EQUALITIES ACT CONSIDERATIONS**

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

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

## **11.0 FINANCIAL CONSIDERATIONS**

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

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

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

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

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

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

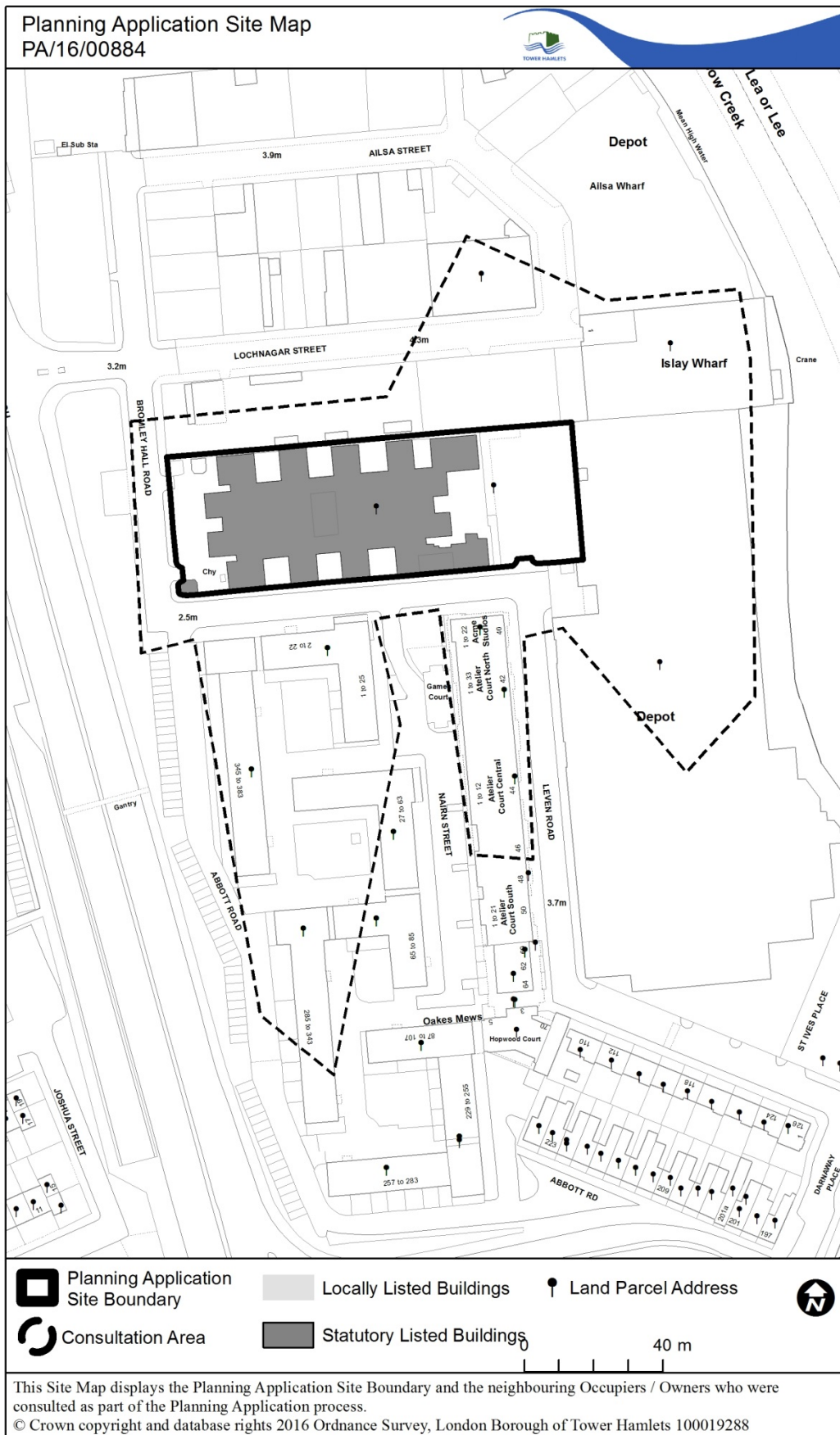
11.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however proposals for D1 uses (non-residential institutions) are not liable for Mayoral CIL.

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

## **12.0 CONCLUSION**

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

13.0 SITE MAP



**APPENDIX 1 – PROPOSED PLANS**



CGI of proposed new building



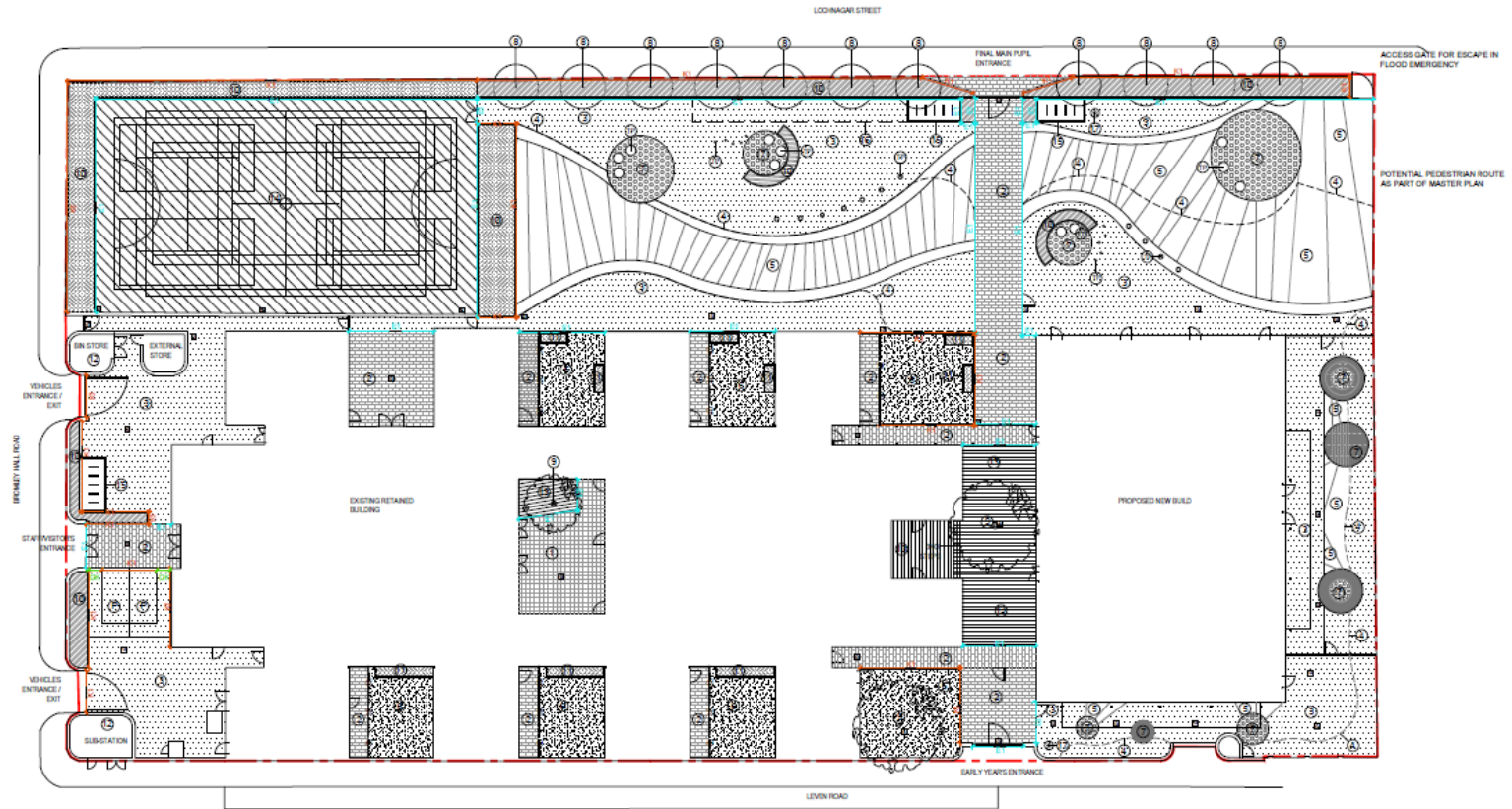




# Proposed landscaping plan



## 12.0 EXTERNAL LANDSCAPE DETAILS



PROPOSED LANDSCAPE PLAN BY LANDSCAPE ARCHITECT OUTERSPACE

13042 BROMLEY HALL SCHOOL

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26