

DEVELOPMENT COMMITTEE

Wednesday, 26 October 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, 24 October 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, 25 October
2016**

Contact for further enquiries:

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

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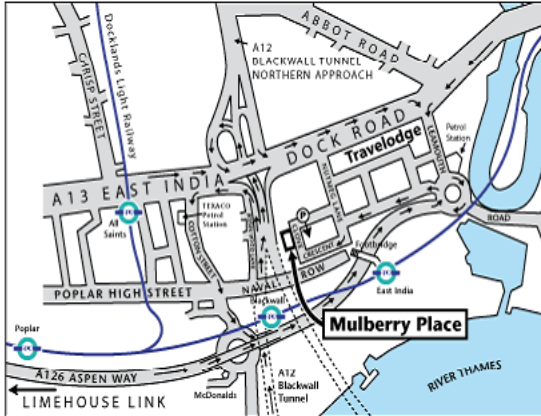
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APOLOGIES FOR ABSENCE

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

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

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 14)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 28th September 2016.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 15 - 16)

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.

	PAGE NUMBER	WARD(S) AFFECTED
4. DEFERRED ITEMS	17 - 18	
4 .1 Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street (PA/15/03561)	19 - 94	St Katharine's & Wapping
<p>Proposal:</p> <p>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.</p> <p>Recommendation:</p> <p>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 as set out in the Committee report.</p>		
5. PLANNING APPLICATIONS FOR DECISION	95 - 96	
5 .1 Bromley Hall School, Bromley Hall Road (PA/16/00884 & PA/16/00885)	97 - 126	Lansbury
<p>Proposal:</p> <p>Expansion of existing school to provide 2 Form Entry Primary school and associated nursery, including partial demolition of existing building.</p> <p>Recommendation:</p> <p>That the Committee resolve to GRANT planning permission and listed building consent subject to the conditions and informatives set out in the Committee report and any direction made by the Secretary of State in the event that the 20th Century Society maintains their objection to the proposal.</p>		

5 .2	Holland Estate, Commercial Street, London (PA/16/01628)	127 - 146	Spitalfields & Banglatown
	<p>Proposal:</p> <p>Application for variation of Condition 29 (approved plans) of planning permission reference PA/08/02347, dated 1st April 2010, for a proposed minor material amendment to the approved development comprising the introduction of a new security gate between No.16 and No.36 Goulston Street, the removal of the existing security gates to the courtyards of Herbert House and Jacobson House, and the omission of the approved pedestrian access route between Herbert House and Jacobson House.</p> <p>Recommendation:</p> <p>That the Committee resolve to REFUSE planning permission for the reasons set out in the Committee report</p>		
5 .3	Flat 17, Treyvelyan House, Morpeth Street, E2 0PY (PA/16/01199)	147 - 152	Bethnal Green
	<p>Proposal:</p> <p>Internal alterations on 3rd and 4th floor to reconfigure kitchen, bathroom and storage</p> <p>Recommendation:</p> <p>That the Committee resolve to GRANT Listed Building Consent subject to conditions set out in the Committee report.</p>		
6.	OTHER PLANNING MATTERS	153 - 154	
6 .1	Planning Appeals Report	155 - 190	
	<p>Recommendation:</p> <p>The Committee is recommended to note the contents of this report.</p> <p>Next Meeting of the Development Committee Wednesday, 23 November 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</p>		

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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 Probitry 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, 28 SEPTEMBER 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Andrew Cregan
Councillor Sabina Akhtar
Councillor Suluk Ahmed
Councillor Chris Chapman
Councillor Candida Ronald (Substitute for Councillor John Pierce)

Other Councillors Present:

Councillor Denise Jones
Councillor Julia Dockerill

Apologies:

Councillor John Pierce
Councillor Gulam Kibria Choudhury

Officers Present:

Jerry Bell	(East Area Manager, Planning Services, Development and Renewal)
Abiodun Kolawole	(Legal Services, Directorate Law, Probity and Governance)
Kamlesh Harris	(Planning Officer, Development and Renewal)
Christopher Stacey – Kinchin	(Planning Officer, Development and Renewal)
Hannah Connell	(Planning Officer, Development and Renewal)
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 31 August 2016 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND MEETING GUIDANCE

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

4. DEFERRED ITEMS

None

5. PLANNING APPLICATIONS FOR DECISION

5.1 Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street, London E1W (PA/15/03561)

Update report tabled.

Jerry Bell (East Area Manager, Planning Services, Development and Renewal) introduced the application for the 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 works.

The Chair invited registered speakers to address the Committee

Max De Vries, Angela Orphanou (residents of Cinnamon Street and Tasman House) and ward Councillors Denise Jones and Julia Dockerill spoke in objection the proposal. Whilst not opposed to the development of the site,

they expressed concern about the plans on the grounds that they would harm neighbouring amenity in terms of loss of privacy, loss of sunlight and daylight. The sunlight assessment in the report was inaccurate.

They also questioned the suitability of sites A, B and C for family and disabled housing given the narrowness of the pavement. This could put at risk the safety of the occupants. They also objected to the lack of play space for the affordable housing.

Concern was also expressed about noise disturbance and disruption from the maintenance of the nearby ventilation shafts. This would adversely affect the amenity of the new occupants. They also expressed concerns about flood risk and also land contamination from the former gas works. The speakers pointed to a letter from the owners of Baltic Court questioning the suitability of the site for the development given these issues. The proposal should be deferred for an assessment of the issues.

They also expressed concerns about the height and the density of the proposal and that it would result in the overdevelopment of a constrained site given the above issues. It was also harm the character of the area. Concern was about expressed about the adequacy of the developer's consultation. It was stated that a petition in objection had been collected containing over 200 signatures.

In response to Members questions, they discussed in further detail their concerns over the developers consultation and the lack of amendments to address the concerns. They also answered questions about the enforceability of the car free agreement, traffic congestion from the proposal given the nature of the streets. They stressed the need for measures to mitigate the highway safety issues.

The speakers also answered questions about the height of the development compared to the previous application, the amenity impact, noise nuisance, the strength of the local opposition and the proximity of parking spaces to the play space.

Julian Shirley and Gareth Watkins, Applicant's agents, spoke in support of the application. The plans would regenerate a vacant site and the land use had been established. The complexities of developing the site had impacted on the viability of the proposals. The application had been carefully designed to respond positively to the area. The benefits of the plans included a policy compliant level of affordable housing with family housing. The light assessment had been independently tested and was considered to be acceptable and the proposals would safeguard privacy. A number of rounds of consultation had been undertaken. As a result, substantial changes had been made to the application to address the concerns (which had involved such measures as reducing the height of the development, setting back buildings and increasing the width of the Clegg Street foot path).

In response to Members questions about the changes made to the application to address the concerns, particularly the concerns about the height, it was

confirmed that the height of the development had been reduced. Any further changes to the height of the proposal may necessitate changes to the housing mix given that many of the residential units were located on the upper floors. It was confirmed that the amendments would result in improved levels of sunlight and daylight to neighbouring properties. The vast majorities of the windows tested would continue to receive a good level of light and it was considered that the losses were acceptable.

In response to further questions, it was reported that there would be mitigation to minimise any noise disruption from the maintenance works. This had been informed by the findings of the noise assessment. The applicant would be required to comply with TfL/Rail for London conditions with regard to the ventilation shaft and the emergency exits. The permission would include measures to prevent contamination and flood mitigation measures.

Kamlesh Harris (Planning Officer, Development and Renewal) presented the detailed report describing the application site covering three sites, the site constraints and the nature of the surrounding area. The plans sought to provide new residential buildings on sites A-C ranging in height. Site A and C were located in the Wapping Wall Conservation Area.

It was proposed that site A would include private housing. The façade facing Wapping High Street would be maintained. Part of the development on this site would be constructed over the ventilation shafts and the emergency exits which would be overhauled to appear part of the development. The building on site B would comprise intermediate and affordable housing and site C would comprise affordable housing. There would be sets backs in the design of the development to preserve the character of the area.

Public consultation had been carried out and the results of this were noted including a petition in opposition with 56 signatures.

Turning to the assessment, it was considered that the proposed land use complied with the policy and the proposed retail use would not detrimentally affect the viability of the Wapping town centre. It was considered that the scale and massing of the proposal was acceptable. The density of the proposal conformed with policy and the application would deliver a policy compliant level of affordable housing and child play space for the under 5s. A small number of the neighbouring properties would experience a minor to adverse reduction in daylighting/sunlighting just outside the policy target. However, overall, the scheme complied with the policy. The scheme had been amended to increase the width of the pavement at Clegg Street and Highway Services were satisfied with the proposal and planning contributions had been secured.

Officers were recommending that the planning permission be granted consent.

Councillor Marc Francis moved and Councillor Chris Chapman seconded that the consideration of the application be deferred for a Committee site visit.

On a vote of 6 in favour and 0 against, the Committee **RESOLVED**:

That the consideration of the planning application at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street, London E1W (PA/15/03561) be **DEFERRED** for consideration at the next meeting of the Committee to enable a site visit to be held.

5.2 Harley House and Campion House, Frances Wharf, London (PA/15/03433)

Update report tabled.

Jerry Bell (East Area Manager, Planning Services, Development and Renewal) introduced the application for roof extensions at 7th floor and 9th floor levels to provide 6 new residential units along with the reconfiguration of 1 existing unit

The Chair invited registered speakers to address the Committee.

Angus O'Callaghan and Laurence Coman spoke in opposition to the application. They were occupants of the existing building. They expressed concern that the proposal failed to respect the design of the existing building. Constructing apartments on top of an existing development was a very unusual concept. The proposal would also adversely affect the existing occupants amenity. They would see reductions in sunlight and daylight levels from the proposed balconies. The property most affected by the proposal had been excluded from the light assessment so it was inaccurate. There would also be loss of access to properties due to the planned works to the lift and the lack of an appropriate alternative. Occupants would also experience privacy issues and overlooking particularly from the new communal terrace. The plans would also put a strain on the existing buildings infrastructure and the density of the plans exceeded the London Plan density guidance so the plans would result in the overdevelopment of the site. The plans also conflicted with the LBTH policy in respect of roof extensions. The consultation carried out by the developer was inadequate.

In response the Members questions, they further discussed the perceived omissions from the sunlight and daylight report, the lack of consultation by the developer, the planning history of the site involving a number of different applications that had resulted in substantial changes to the building and a considerable amount of disruption.

Joel Ginn and Mr Hinsely spoke in support of the application. Whilst there was no requirement to provide affordable housing as part of the application, the applicant had offered to provide three one bed intermediate units. They explained the proposed changes to the lift, the steps that would be taken to

minimise the disruption impact, the proposed construction methods and the length of time that the lift would be out of action for.

In response to questions, the speakers further explained the methods that would be used to minimise the disruption to residents, the anticipated time it would take to complete the works, that only small number of windows failed the sunlighting and daylighting test and that they were happy to look into the concerns about the 'missing windows' from the assessment.

Chris Stacey – Kinchin (Planning Officer, Development and Renewal) gave a presentation on the application brought to the Committee due to the number of objections received in response to the consultation. He explained the site location, planning history resulting in the addition of units to the existing development. Due to the size of the application, it did not trigger the affordable housing policy, but the applicant had volunteered to provide intermediate housing. The plans involved the extension of the lift of both Harley and Campion House and the reorganisation of communal amenity space. Whilst there would be a loss of communal space, the new re - provided space would be of a lot higher quality, would exceed the policy requirements and would for the first time include play space. It was considered that the impact on amenity was broadly acceptable. Steps would be taken to mitigate the impact from the construction phase and there would be conditions regarding the lift to minimise disruption and provide mitigation measures when the lift was out of action. The design would be in keeping with the existing building. The scheme would be car free and there would be additional cycle and refuse storage bins for the occupants, in excess of the minimum policy requirements.

Officers were recommending that the planning permission be granted.

In response to the presentation, the Committee questioned the reasons for the changes at this present time and whether it could be viewed as incremental development given the planning history. They also asked about the housing mix of the previous application. Officers reported that given the time lapse since the original consented scheme, it would be unreasonable to conclude that this was a later stage of that application, therefore would be incremental development as defined in the policy. It should also be noted that a s106 could not be secured on minor developments for affordable housing.

In response to questions about the sunlight/daylight assessment and the concerns about missing windows, it was noted that it was common for north facing windows to be excluded from assessments and given that they were dual aspect properties, they would still receive good levels of light.

In relation to the fears about loss of privacy from the proposal, it was noted that there would be soft landscaping and obscure glazing to protect neighbouring amenity. Furthermore, the separation distances between the communal areas and existing units were acceptable.

In response to questions about the use of the lift, it was confirmed that steps would be taken to ensure it was out of operation for the shortest possible time and to provide a suitable alternative when it was out of operation.

In response to further questions about the density of the application, it was noted that the existing and the proposed developments did exceed the density range in the London Plan density matrix. However the proposal showed no symptoms of overdevelopment.

It was also noted that, in the interests of increasing the affordability of the units, the intermediate units had been secured as one bed units and that the proposal was not an uncommon form of development.

On a vote of 2 in favour of the Officer recommendation to grant planning permission, 3 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed and Councillor Andrew Cregan seconded a motion that the planning permission be not accepted (for the reasons set out below) and on vote of 3 in favour, 0 against and 3 abstentions, the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at Harley House and Champion House, Frances Wharf, London for roof extensions at 7th floor and 9th floor levels to provide 6 new residential units along with the reconfiguration of 1 existing unit (PA/15/03433)

The Committee were minded to refuse the application due to concerns over:

- The density of the proposal given the failure to meet the special circumstances criteria in the London Plan density matrix, enabling applications to exceed the recommended density range.
- Impact on the amenity of the existing residents in terms of loss of sunlight and daylight, noise, access to the building and disturbance during the construction phase.
- Incremental development in view of the planning history of the site.
- That the design of the proposal would undermine that of the main development.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

5.3 Land Rear to 1-12 Fakruddin Street, London, E1 5BU (PA/16/01012)

Update report tabled.

Jerry Bell (East Area Manager, Planning Services, Development and Renewal) introduced the application for 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 garden centre and allotments. The development would result in a new crossover to Vallance Road and increase of garden space to the properties at 1-5 Fakruddin Street.

Hannah Connell (Planning Officer, Development and Renewal) presented the application describing the application site and the surrounds and the outcome of the consultation. Officers considered that the proposed land use was welcomed and that the design of the development would respond well to the local area. It would provide five family sized units benefiting from private amenity space and good levels of sunlighting and daylighting. All of the residents would have access to the proposed allotments and community gardens that would be subject to a management plan. Other features of the application included the provision of renewable energy measures. The site would also have significant natural surveillance. In relation to neighbouring amenity, a small number of properties would experience a reduction in sun lighting and daylighting, but these were dual aspect so would continue to receive acceptable levels of light. Such results were not uncommon for an urban setting.

Officers were recommending that the planning permission be granted consent.

Responding to questions from the Committee, officers clarified the distance between the development and the nearest neighbouring property, the height of the proposal and the nature of the child play within the area. It was noted that given the small child yield from the development, there was no requirement to provide additional child play space. However the children from the development would be able to access the nearby play space.

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

1. That planning permission be **GRANTED** at Land Rear to 1-12 Fakruddin Street, London, E1 5BU for 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 garden 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 (PA/16/01012), subject to
2. The prior completion of a legal agreement in the form of a unilateral undertaking to secure the planning obligation detailed in the Committee report
3. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives set out in the Committee report

4. That the Corporate Director Development & Renewal is delegated power to negotiate the unilateral undertaking indicated above within normal delegated authority
5. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal
6. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning consent.

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

Application deferred for consideration at the next meeting of the Development Committee due to lack of time.

6. OTHER PLANNING MATTERS

None.

The meeting ended at 9.45 p.m.

Chair, Councillor Marc Francis
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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

Agenda Item 4

Committee: Development	Date: 26 th October 2016	Classification: Unrestricted	Agenda Item No: 5
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following item is in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
28 th September 2016	PA/15/03561	Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street, London E1W	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.	Formal Committee site visit

3. CONSIDERATION OF DEFERRED ITEMS

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

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

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

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 4.1

Committee: Development Committee	Date: 26 October 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development & Renewal		Title: Planning Application for Decision	
Case Officer: Kamlesh Harris		Ref No: PA/15/03561	
		Ward: 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.

2. BACKGROUND

2.1 This application for planning permission was considered by the Development Committee on 28th September 2016. A copy of the original report is appended.

2.2 Members resolved to **DEFER** the application to the next committee to enable Members to carry out a detailed site visit.

3. CONSULTATION UPDATE

3.1 Mayor John Biggs has received a number of objections directly from local residents which he has considered and has been noted by Officers. It is acknowledged that the Mayor is not part of the decision making process for planning applications.

3.2 Since the publication of the previous committee agenda, three addendums to objections have been received. These are from the Turk's Head Charity and neighbouring residents but do raise any material considerations which have not already been considered in the original Officer report.

3.3 The Council's Noise Pollution Team Manager confirmed that he is not aware of any complaints of cold tar sucking activities in Wapping.

4. RECOMMENDATION

4.1 Officers' original recommendation to **GRANT** planning permission remains unchanged.

APPENDIX 1 - Original Officer Report

Committee: Development Committee	Date: 28 September 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development & Renewal		Title: Planning Application for Decision	
Case Officer: Kamlesh Harris		Ref No: PA/15/03561	
		Ward: 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 PL01, (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 if 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 of 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 extended noise surveys to account for any additional noise sources, and details of mitigation for buildings on Site A

Pre- 3rd 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.

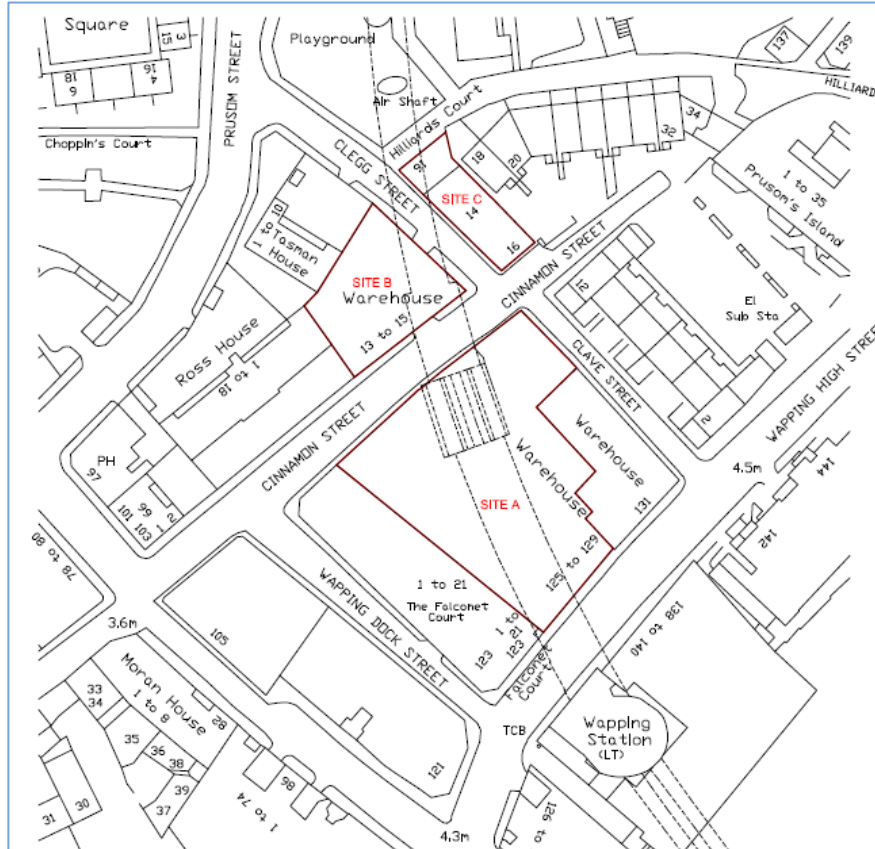


Figure 1: Site Location – boundaries of Sites A, B and C

- 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 19th 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.

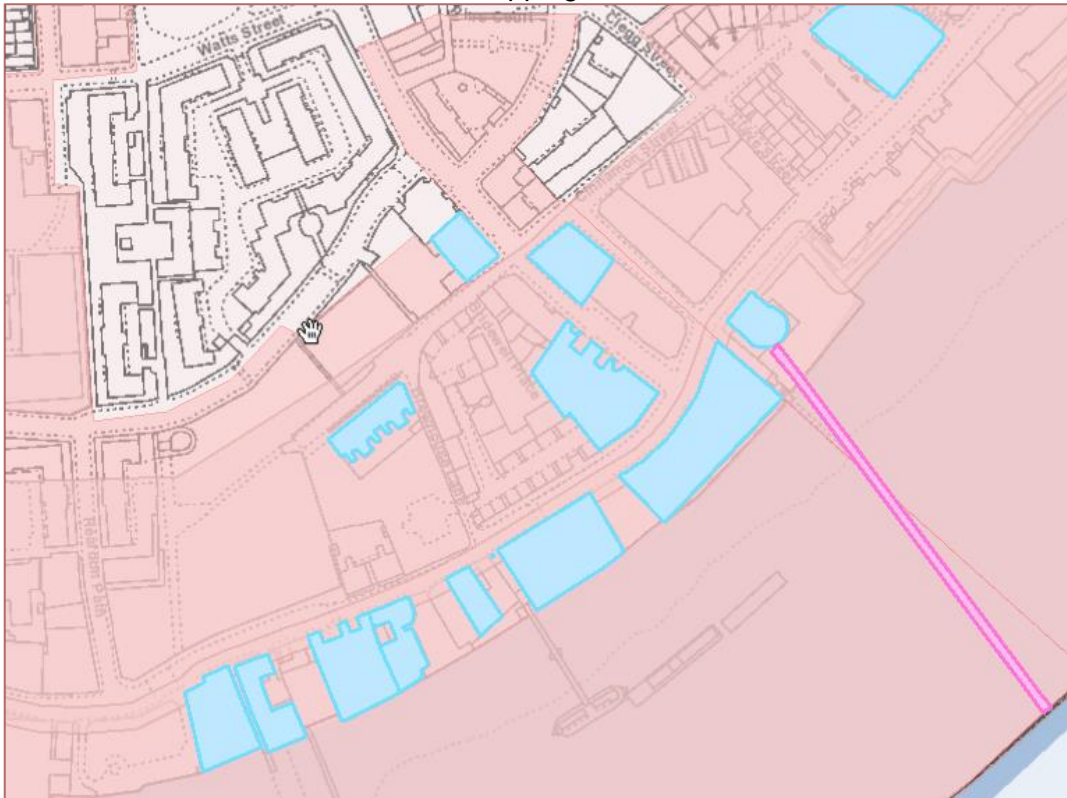


Figure 4: The historic environment

- 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.

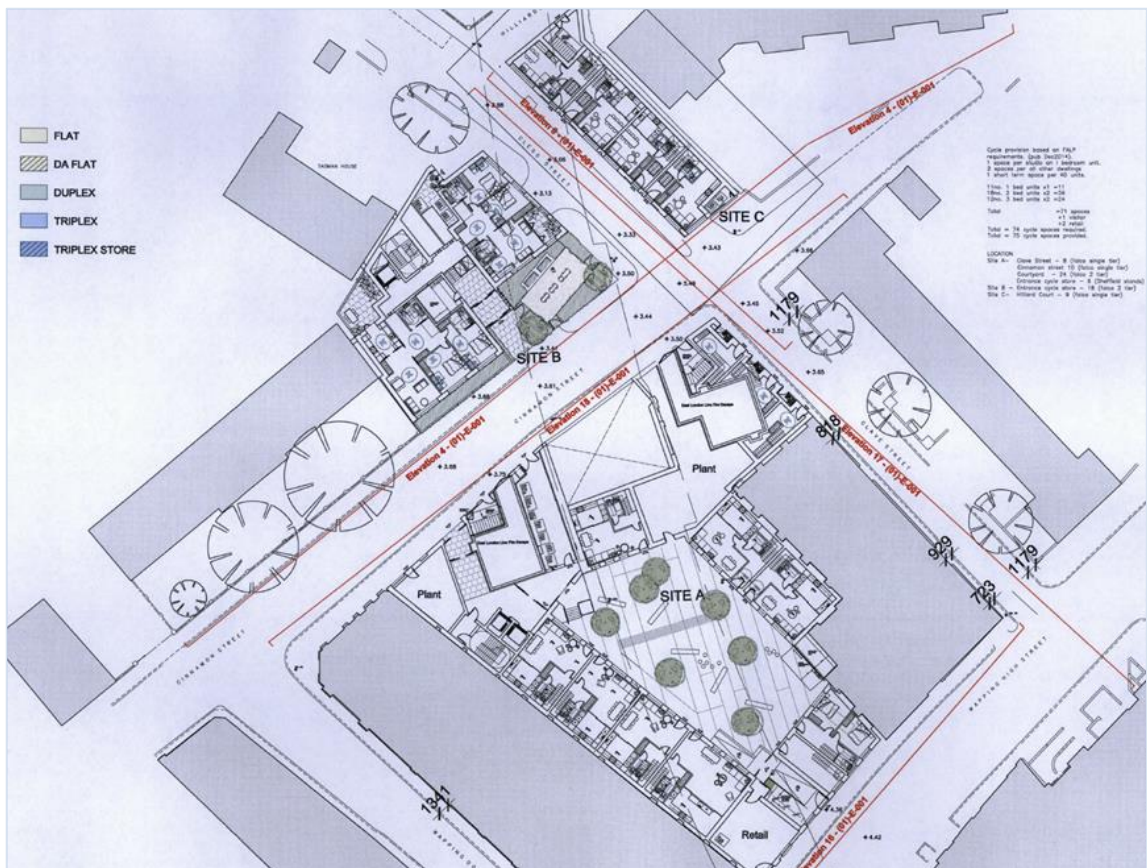


Figure 6: Proposed ground floor plan of all three blocks

- 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 11th 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 3-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 47smq 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-20th 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 20th 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.

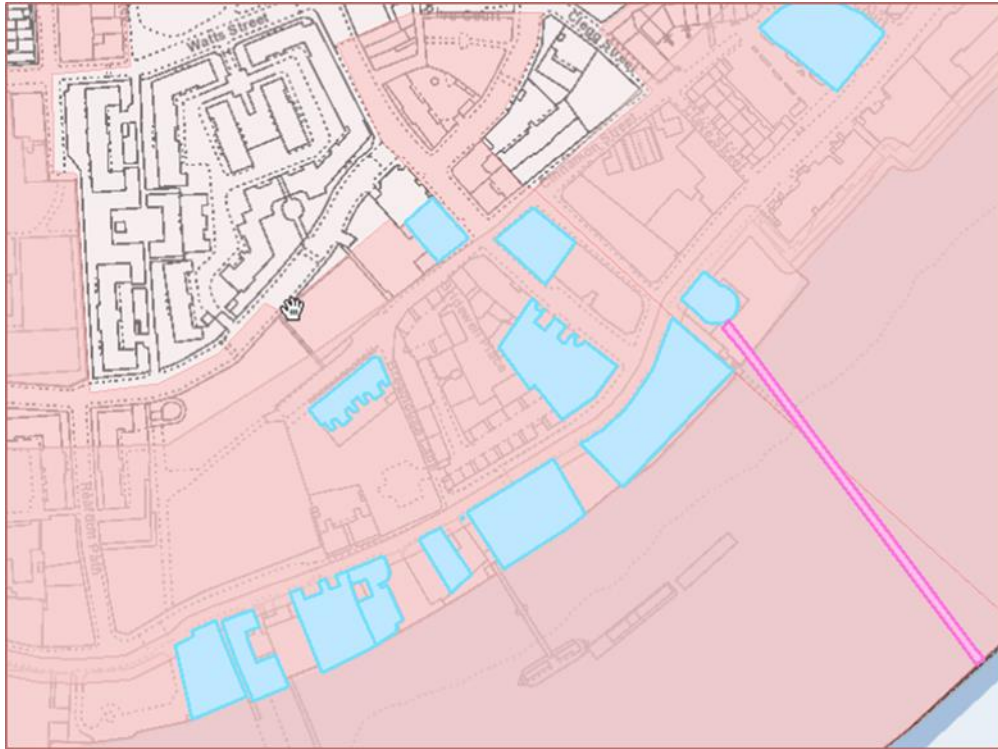


Figure 7: Surrounding conservation area and listed buildings

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-20th 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 20th 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 4th 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.
- 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	SUBURBAN	150 - 200 HR/HA	150 - 250 HR/HA	200 - 350 HR/HA
	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
	URBAN	150 - 250 HR/HA	200 - 450 HR/HA	200 - 700 HR/HA
	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
	CENTRAL	150 - 300 HR/HA	300 - 650 HR/HA	650 - 1100 HR/HA
	3.8 - 4.6 hr/unit	35 - 80 u/ha	65 - 170 u/ha	140 - 290 u/ha
	3.1 - 3.77 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).

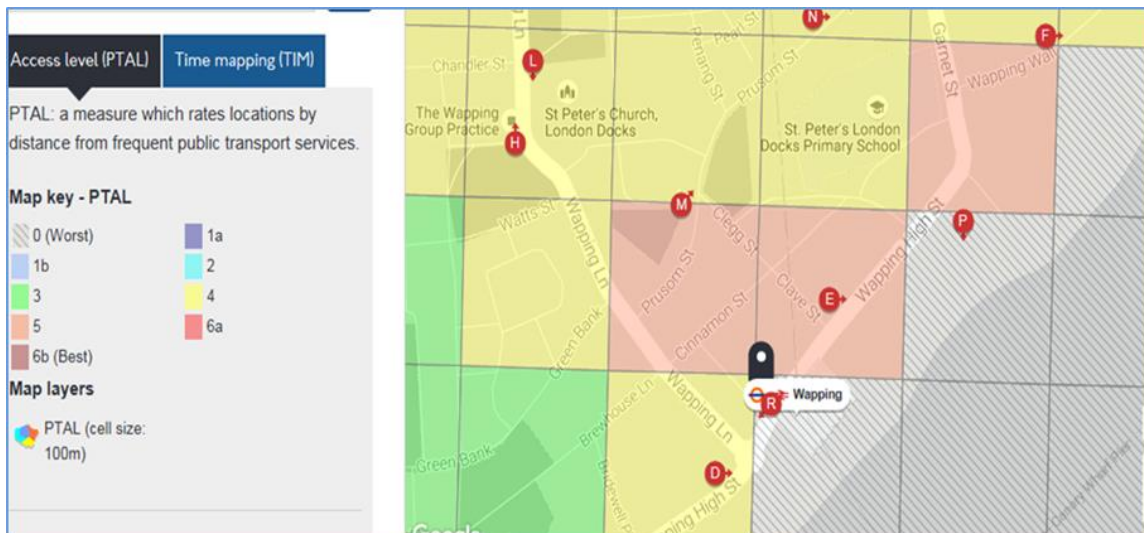


Figure 14: Public Transport Accessibility Level Map

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.

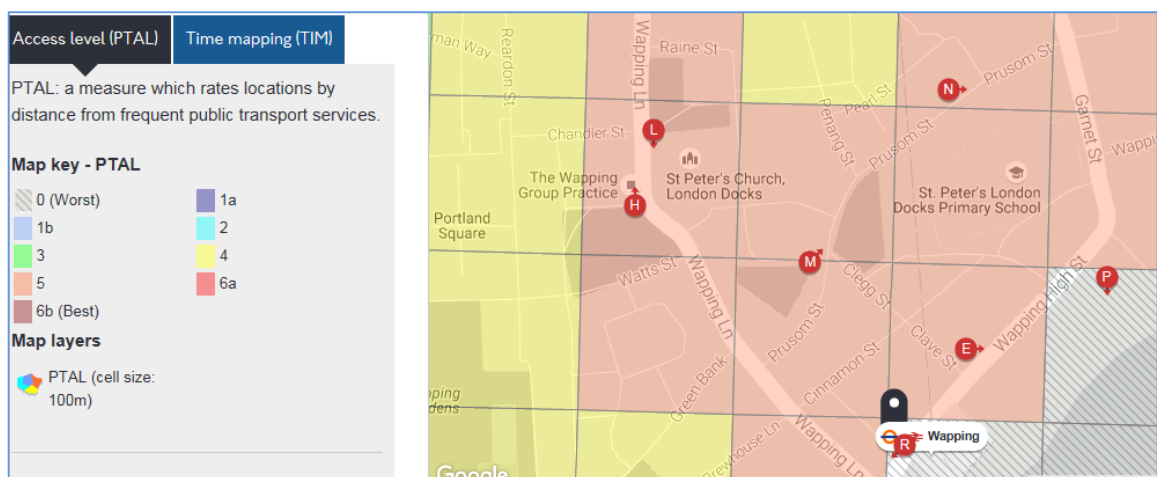


Figure 15: Projected Public Transport Accessibility Level Map

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 mechanically 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.

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

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
Child Yield	7.67	5.53	3.24	16.437
Required Play space (sq. m)	76.7	55.3	32.4	164.4

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
Private	19.6sqm	8.0sqm	2.0sqm	29.6sqm
Intermediate	7.5sqm	6.6sqm	5.0sqm	19.1sqm
Affordable rent	49.6sqm	40.7sqm	25.4sqm	115.73sqm
Required Play space (sq.m)	76.7sqm	55.3sqm	32.4sqm	164.4sqm

TOTAL				
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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							
Size of your development:							
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
Total							37
Number of HOUSES							
		1 bed	2 bed	3 bed	4 bed	5 bed	Total
Social rented/affordabl					4		4
Intermediate							0
Market							0
Total							4
Proportion of children							
	Number of children	%					
Under 5	8	45%					
5 to 11	6	34%					
12+	4	20%					
Total	18	100%					
Play space requirements							
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.

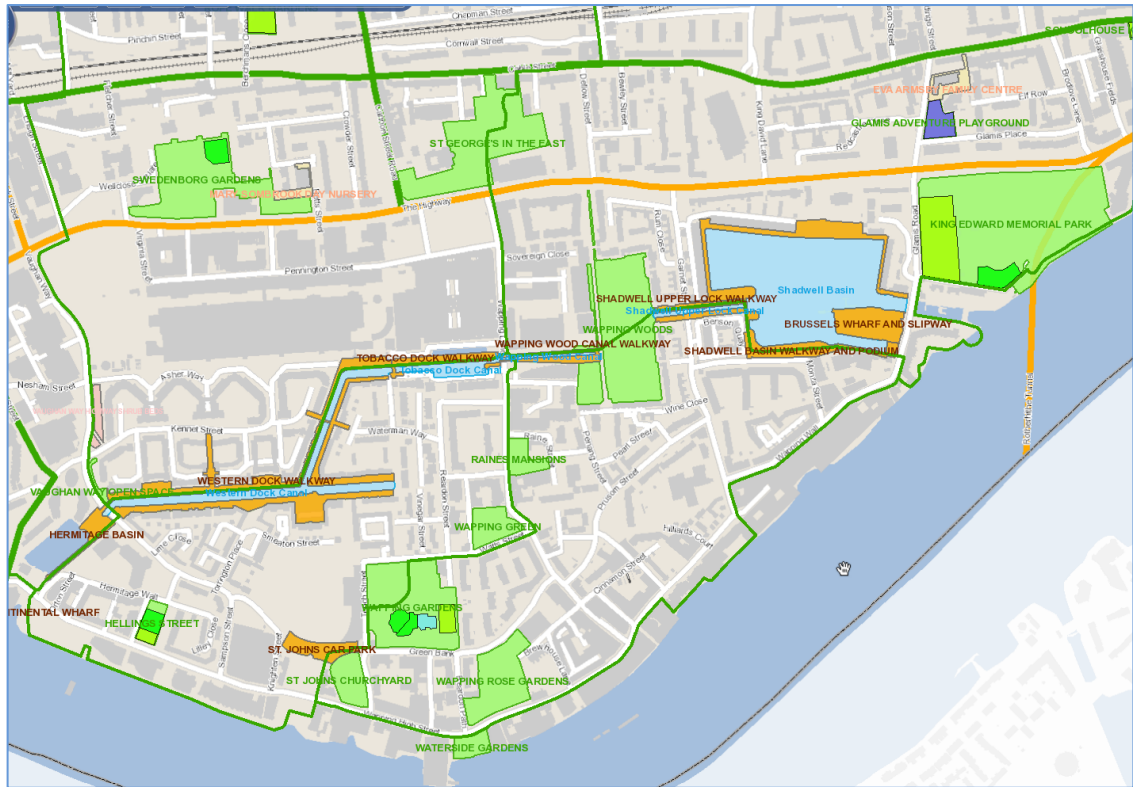


Figure 18: Map showing proximity to local parks

- 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 1st 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% against 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 approximately 10.3m; 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.

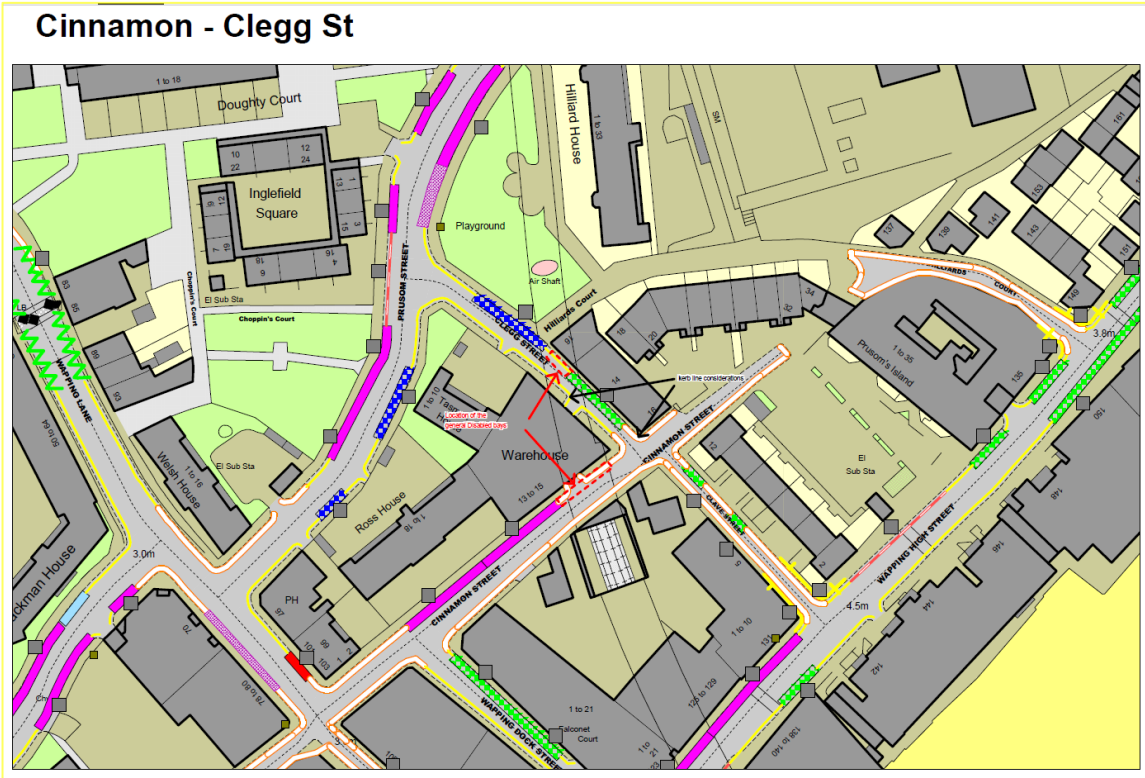


Figure 19: Map showing local parking provision

- 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 CO₂ 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 1st 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 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

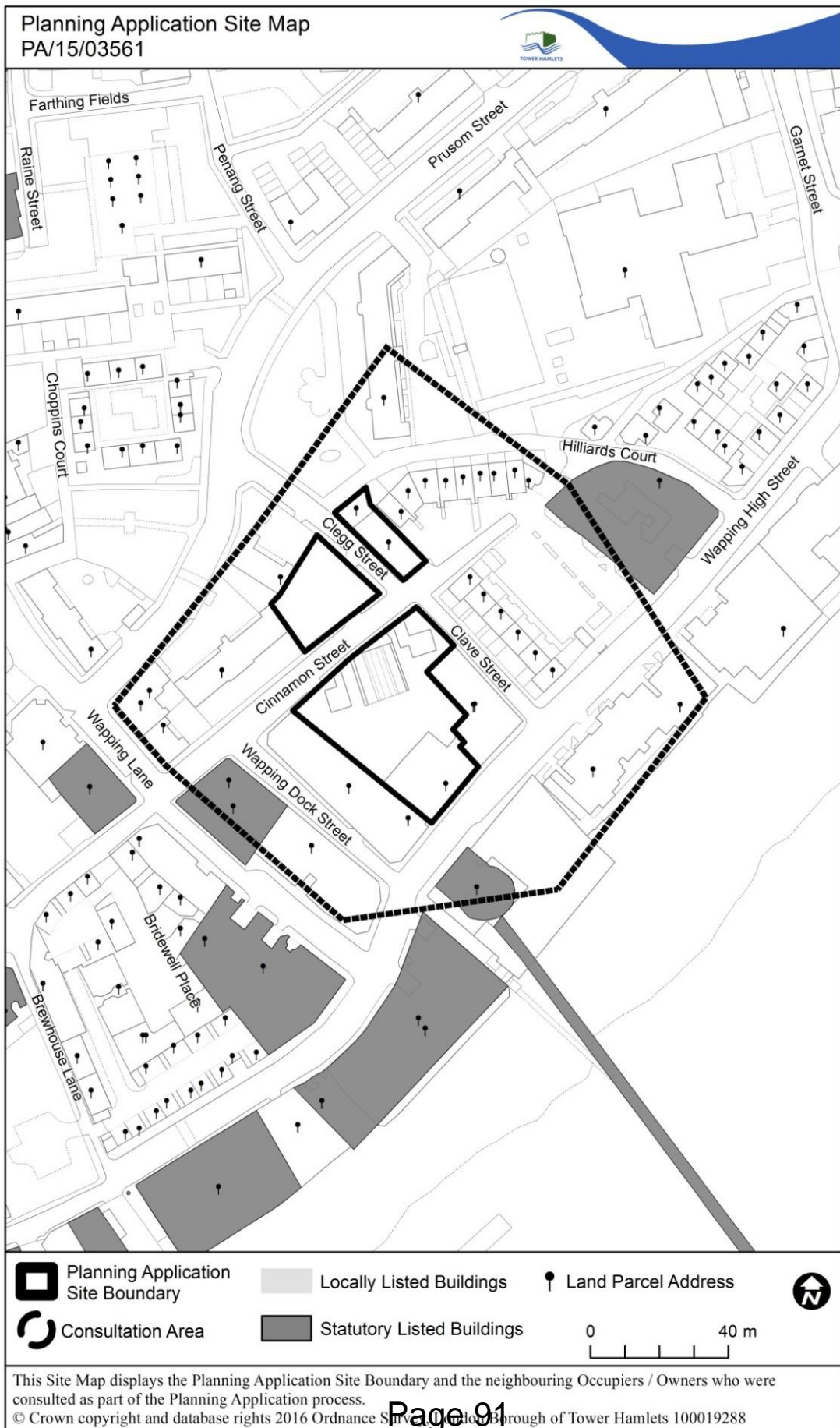
- 9.237 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due 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.



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LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

28 September 2016

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Agenda item no	Reference no	Location	Proposal / Title
5.1	PA/15/03561	Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street, London E1W	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.

1.0 Clarifications

- 1.1 Paragraph 3.2 – condition 29 to also include a requirement for extended noise surveys to account for any additional noise sources, and details of mitigation.
- 1.2 Paragraph 9.57 makes reference to Commercial Street and this is incorrect. The sentence “*The building would be faced.... existing building.*” should be omitted.
- 1.3 Paragraph 9.160 the sentence 12 Clave Street to Site C should read 10.3m rather than 103m.
- 1.4 Paragraph 228 - delete the sentence ‘~~The gym and swimming pool available to the private and intermediate tenures would serve to promote active and healthy lifestyles.~~’ This is a drafting error and an incorrect statement and is deleted.
- 1.5 Drawing number (03)-E-002 PL00 has been revised and should read as (03)-E-002 PL01.
- 1.6 Figure 16 – should refer to intermediate units rather than intermediate (shared ownership) units”.

2.0 Consultation Updates

- 2.1 Mayor John Biggs has received a number of objections directly from local residents which he has considered and has been noted by Officers. It is acknowledged that the Mayor is not part of the decision making process for planning applications.
- 2.2 Since the publication of the committee agenda, two addendums to objections have been received. These are from neighbouring residents but do raise any

material considerations which have not already been addressed in the Officer report.

- 2.3 The Council's Noise Pollution Team Manager confirmed that his long serving officers were not aware of complaints of cold tar sucking activities in Wapping

3.0 RECOMMENDATION

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

Agenda Item 5

Committee: Development	Date: 26 th October 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF HEAD OF LEGAL SERVICES

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

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

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

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

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 5.1

Committee: Development	Date: 26 th October 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission and Listed Building Consent
Case Officer: Chris Stacey-Kinchin	Ref No: PA/16/00884 + PA/16/00885
	Ward: 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 20th 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:

20th Century Society

- 6.3 The 20th 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 20th 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 20th 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 20th 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 20th 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 20th 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 20th Century Society. The latest position of the 20th 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 20th 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 NO₂ (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 NO₂ (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 48m² 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.

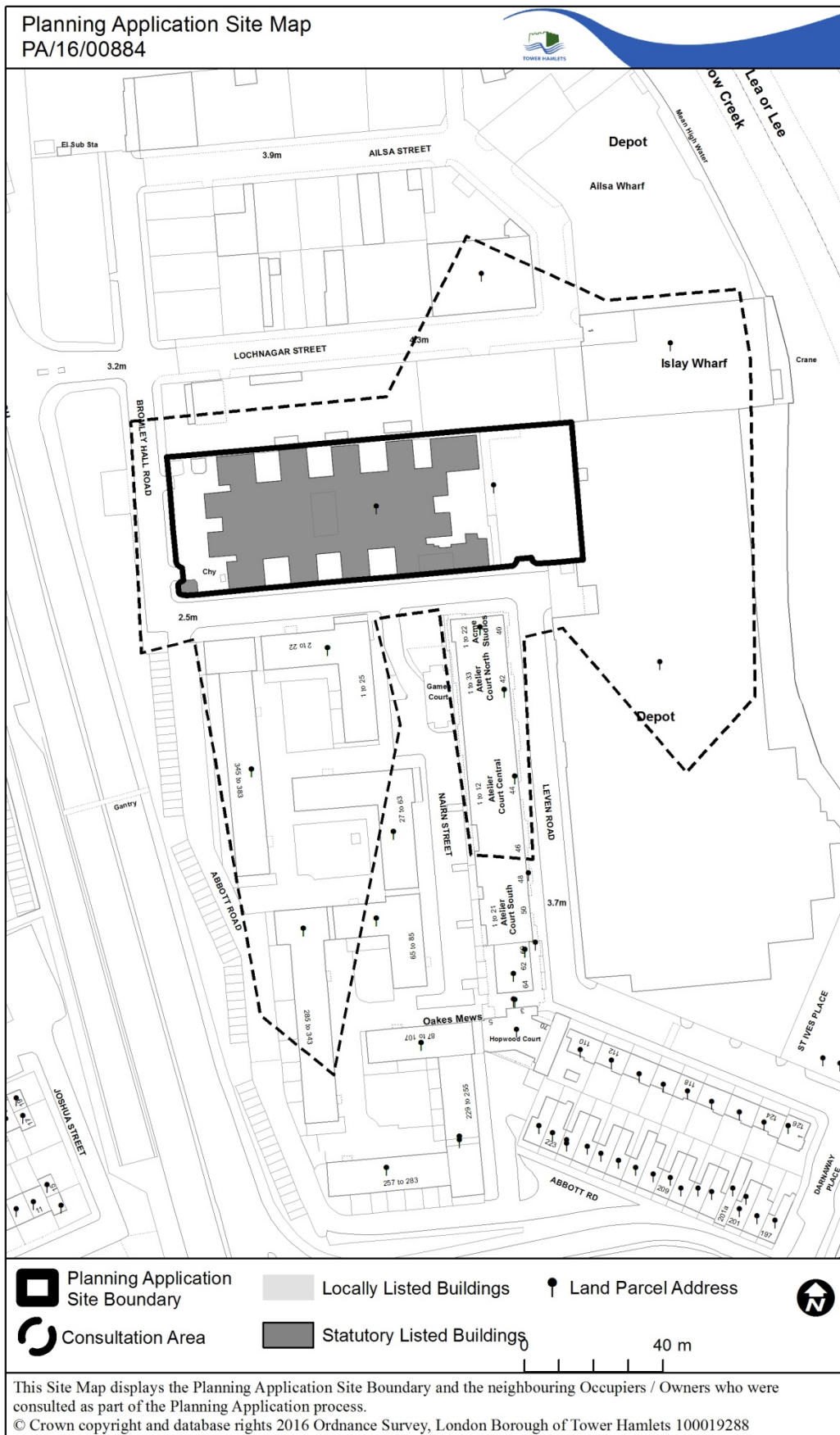
11.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however proposals for D1 uses (non-residential institutions) are not liable for Mayoral CIL.






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



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

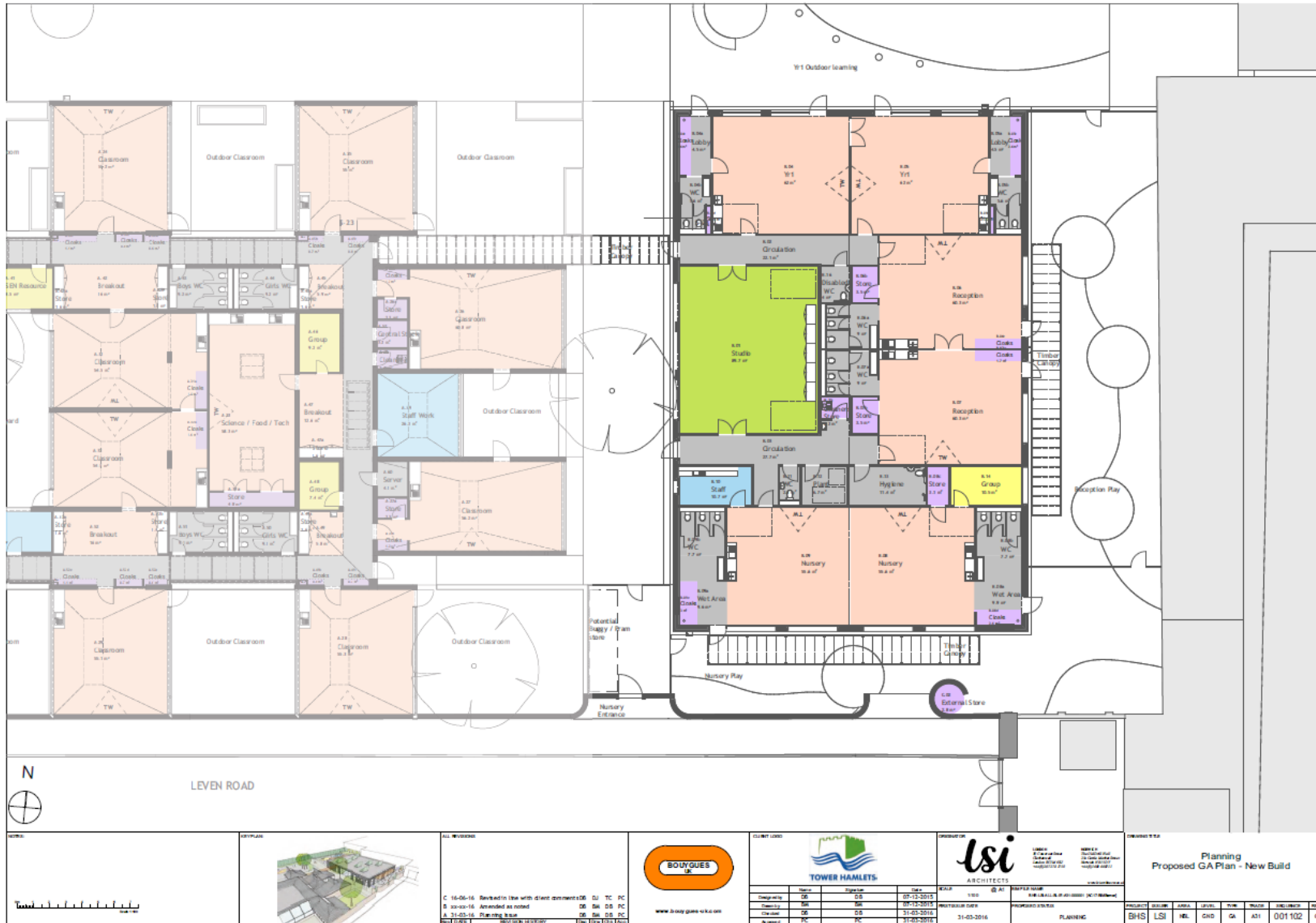
This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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APPENDIX 1 – PROPOSED PLANS

CGI of proposed new building



Proposed ground floor plan of new building



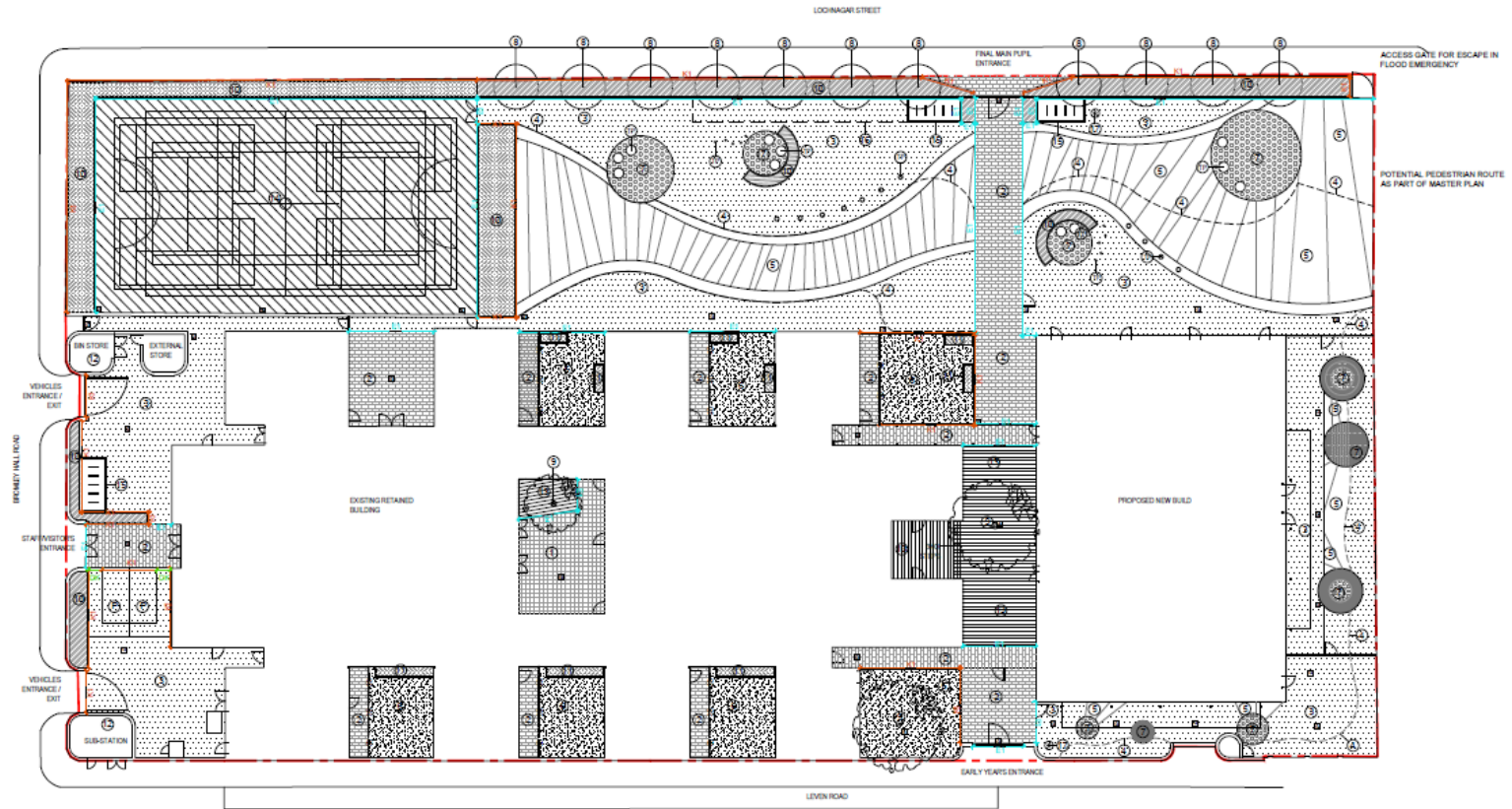
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<p>DATE: 31-05-2016</p> <p>SCALE: 1:500</p> 	<p>ALL WORKS:</p> <p>C 16-06-16 Revised in line with client comments DS TJ TC PC</p> <p>D 20-06-16 Attended as noted DS SK DS PC</p> <p>A 31-05-16 Planning team DS SK DS PC</p> <p>REVISED PLAN</p>	 <p>www.bouques.co.uk</p>	<p>CLIENT: TOWER HAMLETS</p> <p>PROJECT: LSI ARCHITECTS</p> <table border="1"> <tr> <th>ROLE</th> <th>DATE</th> <th>BY</th> <th>APP</th> <th>AT</th> </tr> <tr> <td>Design</td> <td>05-12-2015</td> <td>DS</td> <td>TJ</td> <td>AT</td> </tr> <tr> <td>Check</td> <td>19-12-2015</td> <td>SK</td> <td>TJ</td> <td>AT</td> </tr> <tr> <td>Draw</td> <td>31-05-2016</td> <td>DS</td> <td>TJ</td> <td>AT</td> </tr> <tr> <td>Approved</td> <td>31-05-2016</td> <td>PC</td> <td>TJ</td> <td>AT</td> </tr> </table>	ROLE	DATE	BY	APP	AT	Design	05-12-2015	DS	TJ	AT	Check	19-12-2015	SK	TJ	AT	Draw	31-05-2016	DS	TJ	AT	Approved	31-05-2016	PC	TJ	AT	<p>PROJECT: PLANNING</p> <p>DATE: 31-05-2016</p> <p>PROJECT NO: 16/010001</p> <p>PROJECT NAME: PLANNING</p>	<p>PROJ: BHS</p> <p>DESIGN: LSI</p> <p>ARCH: NLS</p> <p>LAND: GND</p> <p>TYPE: CA</p> <p>SCALE: A1</p> <p>NO: 001102</p> <p>REV: C</p>
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Approved	31-05-2016	PC	TJ	AT																										

Proposed landscaping plan



12.0 EXTERNAL LANDSCAPE DETAILS



PROPOSED LANDSCAPE PLAN BY LANDSCAPE ARCHITECT OUTERSPACE

13042 BROMLEY HALL SCHOOL

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LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

28 September 2016

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Agenda item no	Reference no	Location	Proposal / Title
5.4	PA/16/00884 + PA/16/00885	Bromley Hall School, Bromley Hall Road, London, E14 OLF	Expansion of existing school to provide 2 FE Primary school and associated nursery, including partial demolition of existing building.

1.0 Clarifications

1.1 Section 1 of the report sets out the list of submitted drawings and documents. It should be noted that the following drawings and documents now supersedes those contained within the report. This is due to the applicant updating the drawings to include the amended window details and amended ventilation strategy which were not ready at the time of writing the report.

BHS-LSI-REF-GND-GA-A31-001101-D
BHS-LSI-ALL-SL-SEC-A31-001109-D
BHS-LSI-REF-RF-GA-A31-001103-D
BHS-LSI-REF-SL-DET-A31-003101-E
BHS-LSI-REF-SL-DET-A31-002806-E
BHS-LSI-REF-SL-DET-A31-002807-E
BHS-LSI-REF-GND-DET-A31-00SK040-B
BHS-LSI-REF-GND-DET-A31-00SK041-A
BHS-LSI-REF-GND-DET-A31-00SK042-E
BHS-LSI-REF-GND-DET-A31-00SK032-A
BHS-GDM-REF-GND-GA-A73-100099-A
BHS-BYG-SIT-ALL-REP-PLA-000003-B
BHS-OUT-EXT-GND-GA-A35-000100-K
BHS-OUT-EXT-GND-GA-A35-000101-K
BHS-OUT-EXT-GND-DET-A35-000605-D
Addendum to Design and Access Statement, LSI Architects, Dated 19/09/2016
Conservation Considerations, Bouygues UK, Dated 15/06/2016 - BHS-BUK-ALL-SIT-REP-CON-000001-C

1.2 Paragraph 3.0 sets out the recommendation. It should be noted that as the affordable housing has been offered by the applicant and is not a policy requirement in this instance that part b) of the recommendation is omitted.

1.3 Paragraph 3.2 sets out the list of conditions. Condition 10 (scheme of highways improvements) has been removed as this was originally included in error.

2.0 Additional Consultation response

2.1 Upon receiving amended details of the classroom windows the 20th Century Society have now formally withdrawn their objection to the scheme.

3.0 RECOMMENDATION

3.1 Officers' original recommendation to **GRANT** planning permission remains unchanged, however it should be noted that this recommendation is no longer subject to any direction made by the Secretary of State due to the fact that the 20th Century Society have now formally removed their objection.

Agenda Item 5.2

Committee: Development	Date: 26 th October 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Jennifer Chivers	Ref No: PA/16/01628
	Ward: Spitalfields and Banglatown

1.0 APPLICATION DETAILS

Location: Holland Estate, Commercial Street, London

Existing Use: Residential

Proposal: PA/16/01628

Application for variation of Condition 29 (approved plans) of planning permission reference PA/08/02347, dated 1st April 2010, for a proposed minor material amendment to the approved development comprising the introduction of a new security gate between No.16 and No.36 Goulston Street, the removal of the existing security gates to the courtyards of Herbert House and Jacobson House, and the omission of the approved pedestrian access route between Herbert House and Jacobson House.

Drawings and documents: Drawing Numbers

2195-0500 P01, 2195-0501 P01, 2195-0502 P01,
2195-0503 P01, 2195-0504 P01, 2195-0505 P01,
2195-0506 P01, 2195-0507 P01, 2195-0508 P01,
2195-0509 P01, 2195-0510 P01, 2195-0511 P01,
2195-0512 P01, 2195-0513 P01, 2195-0514 P01,
2195-0515 P01, 2195-0516 P01, 2195-0517 P01,
2195-0600 P01, 2195-0601 P01, 2195-0602 P01,
2195-0603 P01, 2195-0604 P01, 2195-0605 P01,
2195-0606 P01, 2195-0607 P01, 2195-0700 P01,
2195-0702 P01, 2195-0703 P01, 2195-0800 P02,
2195-0801 P02, 2195-0803 P01, 2195-0804 P01,
2195-0806 P01, 2195-0807 P01, 2195-0809 P01,
2195-0815 P01, PL_L02 Rev A,
13-161 A (90) 04 Rev P1; P463 PL-L01 Rev B

Supporting documents

Design and Access Statement (including June 2016 annex)

Planning, Impact, Design & Access Statement dated 17 June 2016

Planning and Regeneration Statement – October 2008

Phase I Desk Top Study Report – May 2008
Arboricultural Impact Assessment – 3 October 2008
Stage D Proposals, Landscape Strategy – October 2008
Statement of Community Involvement – October 2008
Project Management Plan – 16 October 2008
Flood Risk Assessment ref. 5788001704 – August 2008
Flood Risk Assessment ref. 5788001704 – October 2008
Site Waste Management Plan – 22 June 2008
Wind Microclimate Study – 3 October 2008
Report on the Availability of Natural Daylighting and Sunlighting – October 2008
Noise Assessment – October 2008
Air Quality Assessment – October 2008
Archaeological Assessment – June 2008
Site Utilities Desk Study – December 2008
Energy Strategy – September 2008
Transport Assessment – October 2008

Applicant: Leaside Planning Limited
Ownership: East End Homes
Historic Building: None
Conservation Area: Adjacent to Wentworth Town Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2011) in addition to the London Plan (2011) and its subsequent Minor Alterations (MALP 2016) as well as the National Planning Policy Framework and all other material considerations.
- 2.2 The applicant seeks to vary the original planning permission (PA/08/02347) which involved the refurbishment of the wider Holland Estate, construction of 209 residential units, community centre, East End Homes local office and retail units. As part of this application a new pedestrian link between Jacobson House and Herbert House was proposed. This link would connect Goulston Street in the west through the new public open space towards Commercial Street in the east. The applicant seeks to remove this pedestrian link as part of the proposed development retaining the existing fence and to erect a vehicular and pedestrian entrance gate at the main vehicular entrance along Goulston Street.
- 2.3 The main material planning considerations for Members to consider are; whether the proposed entrance gate would restrict the movement of people into and around the site and reducing permeability to the wider area leading to the creation of a gated community; and whether the proposal would be an unsightly addition to the public realm and detract from the character and setting of the development.

- 2.4 Officers accept that a large number of residents have expressed concerns about the anti-social behaviour levels within the surrounding area near Jacobson House and Herbert House; however, it is considered that it would be more appropriate for problems to be addressed by the managing agent and local police service, as opposed to erecting a gate which is contrary to the Council's objectives of building inclusive and welcoming communities.
- 2.5 In conclusion, officers consider that the erection of a security gate and loss of pedestrian through route is not acceptable for the reasons set out below, primarily because it would create a gated community; and restrict pedestrian and cycle access in the area which is contrary to national, regional and local planning policies.

3.0 RECOMMENDATION

That the Committee resolve to **REFUSE** planning permission for the reasons below:

- a) The proposal would restrict full public access and inclusive access resulting in an unacceptable form of development that would fail to create a permeable environment, by reason of creating a physical barrier and result in the loss of a publically accessible route. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 7.2 and 7.27 of the London Plan (2011), policy and SP10 of the Core Strategy (2010), and policy DM23 of the Managing Development Document (2013).
- b) The proposed gates and fixed means of enclosure would appear visually intrusive within the streetscene and would result in an inappropriate form of development that would create a 'gated' community and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2011), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The applicant seeks to vary the original planning permission (PA/08/02347) under S73 of the Town and Country Planning Act for a minor material amendment to Planning Permission PA/08/02347 dated 1 April 2010 by way of varying condition 29 (as added by NMA PA/11/00899). The original planning permission involved the refurbishment of the wider Holland Estate, construction of 209 residential units, community centre, East End Homes local office and retail units. As part of this application a new pedestrian link between Jacobson House and Herbert House was proposed. This link would connect Goulston Street in the west through the new public open space towards Commercial Street in the east. The applicant seeks to remove this pedestrian link as part of the proposed development retaining the existing fence and to erect a vehicular and pedestrian entrance gate at the main vehicular entrance along Goulston Street (see Figure 1 and 2 below).

- 4.2 The proposed gates are to be installed within the western edge of the subject site, between 16 (London Metropolitan University) and 36 (Café East) Goulston Street. The site boundary along Old Castle Street is encompassed by a high black rail fence which runs the entire length of the site along this boundary. This fence would remain as part of the proposal.
- 4.3 The proposed entrance gate measures 6.2m in width and 2.3m in height. The gate will be set back 6 metres from the highway.
- 4.4 Vehicular access will be through a double gate opening inwards and pedestrian access will be through the single gate on the left side of the vehicular gate.



Figure 1 (above): New pedestrian link between Jacobson House and Herbert House as originally proposed



Figure 2: (above): Reduced pedestrian link now proposed.

Site and Surroundings

- 4.5 Holland Estate is located within the Spitalfields/Banglatown Ward of the London Borough of Tower Hamlets, near the Tower Hamlets boundary with the city of London. The site lies within a mixed commercial and residential area. The Holland Estate comprises a collection of sites within distinct areas containing a total of 2.4 hectares.
- 4.6 The area of the proposed changes is located between Goulston Street and Old Castle Street and contains Herbert House and Jacobson House Estate buildings. Each block was constructed in the late 1960's and are approximately 5 storeys in height.
- 4.7 The site is located within the Central Activity Zone and the Tech City Boundary. The application site is not located in close proximity to any Listed Buildings; however, the site does lie to the south of the Wentworth Street Conservation Area.

Planning History

- 4.9 PA/08/02347 - Refurbishment of the retained existing dwellings on Holland Estate, the replacement of 43 dwellings, (13 x one bed flats, 9 x two bed flats, 18 x three bed flats and 3 x four bed flats) totalling 143 habitable rooms within Ladbrooke House, Bradbury House, Evershed House and Denning point; the erection of 209 new residential units containing studio, 1, 2, 3, 4 and 5 bedrooms, provision of a new community centre (use class D1) of 644sq.m. and a new Eastend Homes local housing office and head office of 1,078sq.m. (use class B1) and 6 new retail units providing some 1,490sq.m. comprising use classes A1, A2 and A3 and the introduction of an Estate wide landscaping scheme.

- 4.10 PA/11/00899 - Application for non material amendment to Planning Permission dated 1st April 2010 Ref: PA/08/02347. Amendment is for addition of a Condition to the Planning Permission to include the approved plans and drawings.
- 4.11 PA/16/00254 - Erection of a 2.3 metre high metal security gate on a private estate road between nos. 16 and 36 Goulston Street at the entrance to Herbert House and Jacobson House. Refused 24/3/16. Appeal Lodged

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 development plan unless material considerations indicate otherwise.

5.3 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:

5.4 Government Planning Policy

National Planning Policy Framework 2012

5.5 London Plan MALP 2016

- 2.18 - Green infrastructure: the network of open and green spaces
- 2.9 - Inner London
- 3.9 - Mixed and balanced communities
- 6.3 - Assessing effects of development on transport capacity
- 6.10 - Walking
- 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
- 7.14 - Improving air quality

5.6 Tower Hamlets Core Strategy 2010

- SP04 - Creating a green and blue grid
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating Distinct and Durable Places
- SP12 - Delivering placemaking

5.7 Managing Development Document 2013

- DM20 – Supporting a sustainable transport network
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity

7.3 The following comments were raised in support of the proposal:

- There has been an increase in anti-social behaviour since the removal of the temporary gate on old castle street and we would recommend that this application be approved to remedy this.
- The causes of the ASB include a food court and street market within the immediate vicinity operating 5/6 days a week that does not provide appropriate facilities, which leads the public to utilise the common areas of Herbert and Jacobson House.
- Traders often dump commercial refuse.
- There is often drug dealers and users utilising the area.
- If the application is approved this will go a long way toward improving the quality of life and well-being of residents.

7.4 The following comments were raised against the proposal:

- I support a public access route between these two buildings, and I object to a fenced off private route that the public cannot use. This planned route would greatly improve public access and enjoyment of the area as a pedestrian and cyclist and residents like me.
- There is currently no link between Old Castle and Goulston Streets between Whitechapel High Street and Wentworth Street and this makes for a very long and inaccessible block. As a cyclist the routes along Whitechapel High Street and Wentworth Street are very difficult to use, there is no right turn onto Whitechapel High Street from old Castle and at the other end is Petticoat Lane market which has a high pedestrian count and stalls.
- As a pedestrian it would be beneficial to be able to directly access Goulston Street by walking West from the new Resolution Plaza and between Jacobsen house and Herbert house with the lines of site of the city in the background.
- As a local resident who arrives home and to the area late at night I have never noted any antisocial behaviour in my time living here. I also don't believe the new public pedestrian route would attract antisocial behaviour as there are clear lines of sight from Resolution Plaza and there are a great many residents new and old in the area.

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 In accordance with the National Planning Practice Guidance, minor material amendments to extant planning permissions can be secured via a Section 73 application provided there is a suitably worded condition on the original permission which refers to the development being carried out in accordance with the approved plans. Condition 29 of the extant permission PA/08/02347 (as amended by by NMA PA/11/00899) is such a condition, stating:

“The development hereby permitted shall be carried out in accordance with the following approved plans and documents

Drawing numbers: 2195-0500 P01, 2195-0501 P01, 2195-0502 P01, 2195-0503 P01, 2195-0504 P01, 2195-0505 P01, 2195-0506 P01, 2195-0507 P01, 2195-0508 P01, 2195-0509 P01, 2195-0510 P01, 2195-0511 P01, 2195-0512 P01, 2195-0513 P01, 2195-0514 P01, 2195-0515 P01, 2195-0516 P01, 2195-0517 P01, 2195-0600 P01, 2195-0601 P01, 2195-0602 P01, 2195-0603 P01, 2195-0604 P01, 2195-0605 P01, 2195-0606 P01, 2195-0607 P01, 2195-0700 P01, 2195-0702 P01, 2195-0703 P01, 2195-0800 P01, 2195-0801 P01, 2195-0803 P01, 2195-0804 P01, 2195-0806 P01, 2195-0807 P01, 2195-0809 P01, 2195-0815 P01, PL_L02 Rev A,

Design and Access Statement

Planning and Regeneration Statement – October 2008

Phase I Desk Top Study Report – May 2008

Arboricultural Impact Assessment – 3 October 2008

Stage D Proposals, Landscape Strategy – October 2008

Statement of Community Involvement – October 2008

Project Management Plan – 16 October 2008

Flood Risk Assessment ref. 5788001704 – August 2008

Flood Risk Assessment ref. 5788001704 – October 2008

Site Waste Management Plan – 22 June 2008

Wind Microclimate Study – 3 October 2008

Report on the Availability of Natural Daylighting and Sunlighting – October 2008

Noise Assessment – October 2008

Air Quality Assessment – October 2008

Archaeological Assessment – June 2008

Site Utilities Desk Study – December 2008

Energy Strategy – September 2008

Transport Assessment – October 2008

Reason: for the avoidance of doubt and in the interests of proper planning.”

- 8.2 The application proposes no change of use at the site and therefore raises no land use implications. The substitution of plans 2195-0800 P01; and 2195-0801 P01 to be replaced with 2195-0800 P02; 2195-0801 P02; 13-161 A (90) 04 Rev P1; and P463 PL-L01 Rev B (as per the schedule listed on the first page of this report) to vary the original permission raises the following material considerations and has been assessed against all relevant policies under the following report headings:

1. Crime
2. Accessibility/Permeability
3. Design
4. Amenity
5. Transportation
6. Conclusion

- 8.3 The application proposes no change of use at the site and therefore raises no land use implications.

Crime

- 8.4 The application proposes to retain the existing fence along old Castle Street and an entrance gate at the main vehicular access on Goulston Street. The application has

been submitted to seek to address concerns raised by residents that unrestricted access will cause further anti-social behaviour and incidents of crime at the application site. Full details of the levels of crime are detailed below.

- 8.5 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 high quality public space, which encourage the active and continual use of public areas.
- 8.6 Policy 7.3 of the London Plan (MALP 2016) seeks to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime does not undermine the quality of life or cohesion. This policy also highlights that developments should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
- 8.7 The Council's Core Strategy policy SP09 (2C) states that gated communities will not be supported. The supporting text for policy SP09 highlights evidence from the Urban Design Compendium 2 dated 2007 which states that a high quality urban environment and layout can help deliver social benefits, including civic pride, increased connectivity, social cohesion, reduced fears of crime and improved health and well-being. The supporting text goes on to state that a poor quality public realm can have severe negative effects on communities.
- 8.8 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.9 The principle of erecting entry gates to create a gated community is not supported by the National Planning Policy Framework (2012), the London Plan (MALP 2016) or Tower Hamlets planning policies. It is considered that only in exceptional circumstances should the Council make an exception to the policy position.
- 8.10 Whilst the comments received from the Metropolitan Police's Crime prevention Officer are in support of the proposal, it should be considered that the Crime Prevention Officer's role is purely that of crime prevention, and officers recommendation to refuse the application takes into account a much broader set of considerations including national, London-wide and local planning policies.
- 8.11 A crime log was submitted by the applicant as part of the evidence in support of the application (see appendix.2). This log details 34 call outs to Jacobson and Herbert house over a period of 3 years. Given the inner city location, and the high numbers of visitors to the area and the high number of residents in and around the area this number is not considered to be particularly high.
- 8.12 Crime statistics obtained from the police website (www.police.uk) over a period which overlaps with the applicants time frames have been collated (January 2013-December 2013) for the area between Wentworth Street, Goulston Street, Whitechapel High Street and Commercial Street (See figure 2 below). The total crimes reported during this period was 126 incidents, with the majority being anti-social behaviour. The total number of residents within this area is unknown, however this block contains a large mix of uses including a large hotel, a university, a market, small scale retail stores and large highly dense housing estates.

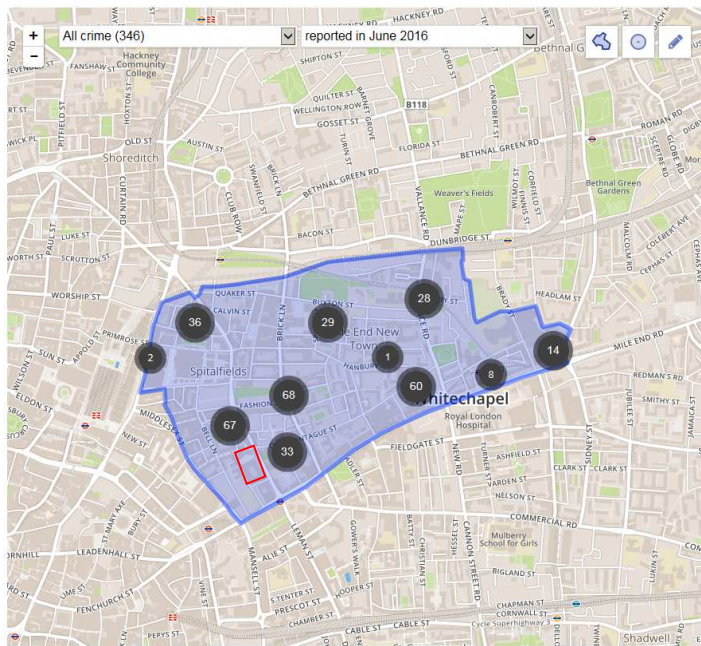


Figure 1: The most recent reported incidents in the wider spitalfields/Banglatown area (June 2016) (taken from www.police.uk)

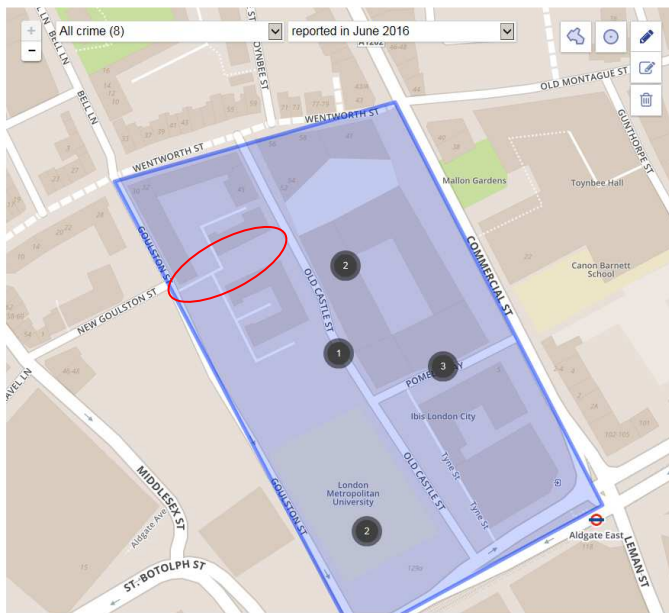


Figure.2 – Crime map including Denning Point and Jacobson and Herbert House (taken from www.police.uk)

- 8.13 Whilst officers do observe that there is evidence of a level of criminal activity recorded in and around the host properties, in light of the above evidence it cannot be considered that the crime rate experienced specifically within Herbert House and Jacobson House is exceptional given its context, and therefore officers consider it would not be appropriate for the Council to make an exception to the policy position in this instance.
- 8.14 Whilst the effects of anti-social behaviour on site can have a negative impact on the amenity of residents, there is insufficient evidence to suggest that crime and anti-social behaviour levels are such that greater weight should be given to this argument

in planning terms. In addition it should also be considered that the applicant has not demonstrated or outlined any steps that have been taken by management or in association with the police to address the current issues with anti-social behaviour in the first instance without resorting to the gating of the estate. In light of the above, it is considered on balance that the negative implications of the proposal by virtue of its potential to contribute to the segregation of communities far outweigh the perceived benefits of providing a gated entrance.

Accessibility/Permeability

- 8.15 According to paragraph 69 of the NPPF the planning system can play an important role in facilitating social interaction and inclusive communities. Paragraph 73 states that access to high quality open spaces and the opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. In paragraph 75 it is stated that all opportunities for the protection and enhancement of public rights of way and access should be taken in both the formation of planning policy and in planning decisions.
- 8.16 Policy 3.9 of the London Plan states that development should foster social diversity, repress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbours. Policies 7.1 – 7.5 set out that development should interface appropriately with its surroundings, improve access to the blue ribbon network and open space, be inclusive and welcoming with no disabling barriers and be designed so that everyone can use them without undue separation.
- 8.17 The Council's Core Strategy policy SP09 (2C) states that the Council will not support developments that create gated communities which restrict pedestrian movement. Policy SP10 (4) states that the Council will 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 surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.18 The Council's Managing Development Document policy DM23 (1A, 1E & 1F) seeks to ensure that development should be well connected with the surrounding area and should be easily accessible for all people by; improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities; incorporating the principles of inclusive design; and ensuring development and the public realm are comfortable and useable. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.19 The retention of the existing fence on Old Castle Street and erection of an entrance gate on Goulston Street will restrict access, interaction and movement with the wider surrounding sites including the Denning Point development to the east and the central city area to the West which would be contrary to planning policies at a number of levels (see NPPF paragraph 75, London Plan 7.2, Core Strategy SP12 and Managing Development Document DM23). This proposal would result in a dead end to the public open space adjacent to the Denning point development with no clear demarcation of where to proceed from this point. The retention of the gates would be intended to be a barrier to movement, and will subsequently restrict the movement of non-residents. The erection of a gate will not contribute towards the Council's objectives of creating a more well-connected Borough.

- 8.20 The approved walkway between Jacobson House and Herbert House functions as an important pedestrian linkage within a wider network of public space given its location adjoining the area of public open space at Denning Point. The maintenance and enhancement of the pedestrian network within the Aldgate Central Activity Zone is an important planning consideration as it positively contributes towards the permeability and legibility of the wider area.
- 8.21 As part of the initial design concepts for the redevelopment and enhancement of the wider Holland estate it was argued that the new public open space between the new development (Denning Point) and the community centre would allow permeability between Goulston Street (and the city to the west and Commercial Street (and Brick Lane) to the East.

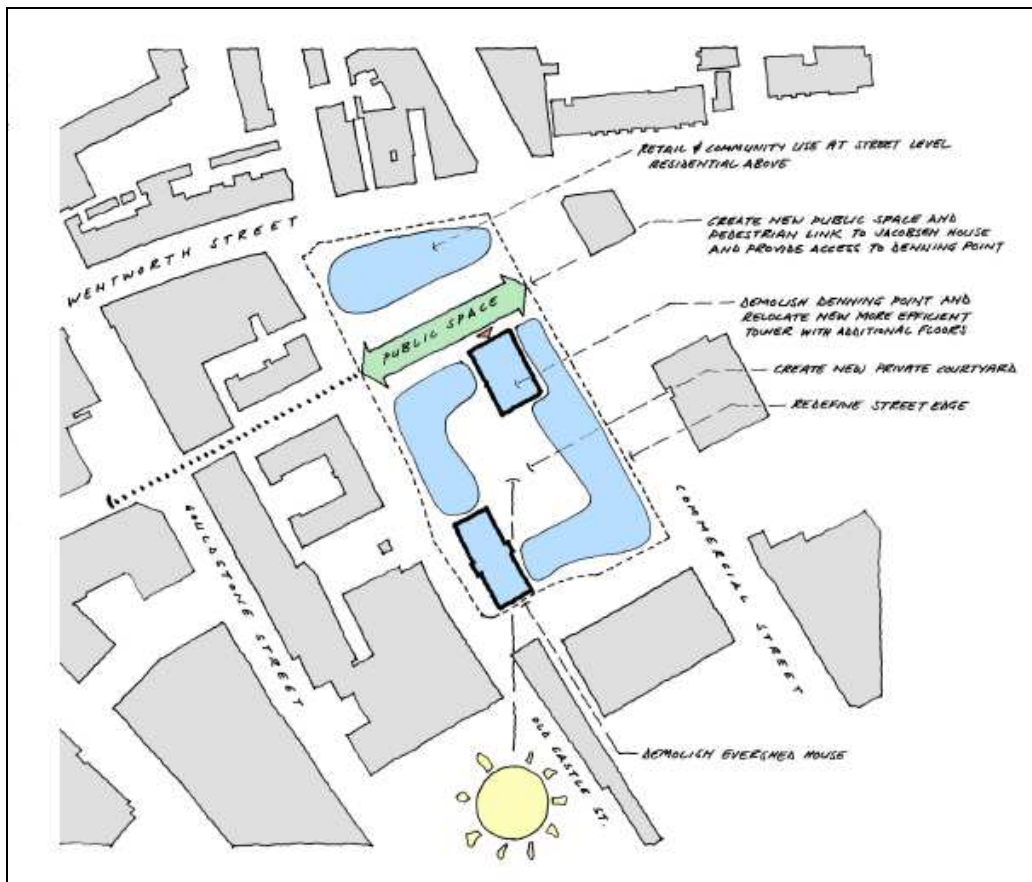


Figure 3. Diagram taken from page 14 of Design and access statement prepared by Jestico and Whiles.

- 8.22 This increased permeability and greater accessibility to the development site (Denning point) allowed for a considerable increase in density for the existing site. The proposed changes would hinder the permeability of both sites and movement of people, both residents and the wider public.
- 8.23 Both national and local planning policies place a strong emphasis on creating mixed and inclusive communities where social interaction between all members of society is encouraged (see NPPF paragraph 69, London Plan 3.9, Core Strategy SP09 and Managing Development Document DM23). This Council has made a clear stance in its planning policies that it is against the creation of gated communities, and any proposals to segregate communities will be strongly resisted.
- 8.24 The proposed gates would create a gated community and segregate both Jacobson House and Herbert House. This is contrary to the council's policies, in particular

policies DM23 of the Managing Development Document (2013) and SP09 of the Core Strategy (2010).

- 8.25 Considering the above, the proposal would also create a 'gated' community which would be impermeable for non-residents which is against the general planning principle of inclusive communities.

Design

- 8.26 According to paragraph 56 of the NPPF the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.27 Policy 7.1 and 7.4 of the London Plan states that development should promote a good quality environment, provide a character that is easy to understand and relate to and have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Development should also improve an areas visual or physical connection with natural features.
- 8.28 The Council's Core Strategy policy SP10 (4) states that the Council will 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 surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.29 The Council's Managing Development Document policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.
- 8.30 The proposed entrance gate measures 6.3m in width and 2.3m in height. Due to the set back from the Goulston street frontage it will not represent an overly dominant addition within the streetscape and the scale, design, and materiality of the proposed gate is consistent with the amenity of the nearby conservation area.
- 8.31 The Council's planning policies seek to ensure that development is sensitive to and enhances the local character of an area (see Core Strategy SP10 and Managing Development Document DM24). The retention of the existing fence along Old Castle Street maintains the status quo. However it would not enhance the character and setting of the adjacent Wentworth Conservation Area.
- 8.32 In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention shall also be paid to the desirability of preserving or enhancing the character and appearance of the designated conservation area. As a statutory requirement the desirability of preserving or enhancing the character and appearance of a conservation area is a consideration to which a decision maker should give considerable weight.

Amenity

- 8.33 According to paragraph 17 of the NPPF local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 8.34 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution.
- 8.35 The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development.
- 8.36 The Council's policies (see Core Strategy SP10 and Managing Development Document DM25) seek to protect, and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.37 Given the set back of the proposed gates, it is unlikely that they will have any impact on neighbouring amenity.

Highways and Transportation

- 8.38 According to paragraphs 32 and 35 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 8.39 Policy 6.3 of the London Plan 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. Development should not adversely affect safety on the transport network.
- 8.40 The Council's Core Strategy policy SP09 (3) states that the Council will not support development which has an adverse impact on the safety and capacity of the road network.
- 8.41 The Council's Managing Development Document policy DM20 (2) states that development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network.
- 8.42 The proposed gate is sited on private land within the host property which is set back from the boundary with the public highway. LBTH Highways and Transportation department have not objected to the proposal as there is sufficient set back from the boundary with the public highway so that vehicles can wait within the boundary of the private road before entering the estate. It is considered that the proposal accords with policy on both safety and capacity grounds and does not form a reason for refusal of the application.

Conclusion

- 8.43 Whilst officers acknowledge the existing anti-social behaviour issues on site that cause harm to some residents of Herbert and Jacobson House and have led to the applicant submitting this application (and other related applications) it cannot be overlooked that such a proposal discords with planning policy at all levels. In principle, Officers cannot consider the proposal to be acceptable in the context and

the proposal goes against the core principles of creating inclusive communities which is integral to the success of the Borough.

- 8.44 In light of the above, it is considered that the proposal would be contrary to national, regional and local planning policy as it restricts movement, creates a gated community, restricts access, does not incorporate the principles of inclusive design and is not sensitive to nor enhances the local character of the area.

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.

- 9.7 Officers have considered the rights of residents to live free of crime and disorder and the fear of crime and weighed this against the desirability of maintaining permeability

for pedestrians and cyclists and the policy which discourages the creation of gated communities.

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.

10.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

10.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation it is considered that the perception of crime might be felt more readily by some people who feel more vulnerable than others, however this is not considered to justify a decision which would be against the principles of the development plan in this instance.

11.0 CONCLUSION

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

12.0 SITE MAP

Planning Application Site Map
PA/16/01628



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 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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Appendix 2 – Calls to New Goulston Street

Calls to New Goulston Street until June 2014			
Date	CAD	Location	Classification of call
12/04/2014	4570	Herbert House	ASB
14/06/2013	10006	Herbert House	Street Drinking / ASB
02/05/2013	4225	Herbert House	Drugs / ASB
14/06/2013	10117	Herbert House	Street Drinking / ASB
14/06/2013	10589	Herbert House	ASB
06/03/2014	10329	Jacobson House	Street Drinking / ASB
13/02/2014	8210	Jacobson House	ASB
10/01/2014	8139	Jacobson House	Drugs / ASB
12/12/2013	6490	Jacobson House	ASB
11/10/2013	800	Jacobson House	Prostitution / ASB
05/10/2013	378	Jacobson House	ASB
15/07/2013	1187	Jacobson House	Drugs / ASB
28/06/2013	210	Jacobson House	Prostitution / ASB
11/06/2013	372	Jacobson House	Prostitution / ASB
21/02/2013	3606	Jacobson House	Drugs / ASB
23/11/2012	1833	Jacobson House	Vagrancy / ASB
12/10/2012	121	Jacobson House	ASB
17/06/2012	586	Jacobson House	ASB
22/05/2012	72	Jacobson House	Prostitution / ASB
14/04/2012	7435	Jacobson House	ASB
30/03/2012	185	Jacobson House	Prostitution / ASB
08/02/2012	9465	Jacobson House	ASB
21/02/2012	559	Jacobson House	Drugs / ASB
21/02/2012	417	Jacobson House	Trespass / Drugs / ASB
04/01/2012	9290	Jacobson House	Drugs / ASB
28/11/2011	442	Jacobson House	Alcohol / ASB
21/08/2011	1437	Jacobson House	Prostitution / ASB
04/01/2011	511	Jacobson House	Prostitution / ASB
21/03/2013	404	Jacobson House	Drugs / ASB
27/02/2013	10132	Jacobson House	Drugs / ASB
22/12/2012	1472	Jacobson House	ASB
08/08/2012	698	Jacobson House	Prostitution / ASB
16/06/2012	2278	Jacobson House	ASB
20/02/2012	110	Jacobson House	Prostitution / ASB
11/02/2011	811	Jacobson House	Prostitution / ASB

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Agenda Item 5.3

Committee: Development	Date: 26 October 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Jennifer Chivers	Ref No: PA/16/01199 Ward: Bethnal Green

1.0 APPLICATION DETAILS

Location:	Flat 17, Treyvelyan House, Morpeth Street, E2 0PY
Existing Use:	Residential (C3)
Proposal:	Internal alterations on 3rd and 4th floor to reconfigure kitchen, bathroom and storage
Drawings and documents:	001,002,003,004,005,006; Block Plan; Location Plan;
Applicant:	Zoe Chick
Ownership:	Tower Hamlets
Historic Building:	Grade II Listed
Conservation Area:	N/A

2.0 EXECUTIVE SUMMARY

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010), Tower Hamlets Managing Development Document (2013) the London Plan (MALP 2016) and National Planning Policy Framework (2012) and has found that:
- 2.2 The proposed refurbishment works have been sensitively designed to preserve the special character of the Grade II listed building.
- 2.3 In accordance with the Arrangements for Handling Heritage Applications Direction (2015), Historic England has directed the Council to determine the listed building consent application. The direction requires that if the Council is minded to grant listed building consent it should do so. The direction has been endorsed by the Secretary of State (via the National Planning Casework Unit) who have confirmed the application does not need to be referred to them (Secretary of State).

3.0 RECOMMENDATION

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

1. Time Limit.
2. Completion in accordance with approved drawings
3. Materials to match existing.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The proposed development involves internal alterations to the existing maisonette flat.

These works include:

- An opening between the kitchen and living dining room
- Alterations to storage space
- Enlargement of toilet room with new layout in bathroom.

Site and Surroundings

4.2 The maisonette flat is located on the third and fourth floors within Trevelyan House which is a modernist, brutalist post war housing block that is Grade II Listed. It is situated on Morpeth Street in Globe Town, Bethnal Green. It is part of the Greenways Estate and has a neighbouring identical twin block the Sulkin House (Grade II Listed) located on Knottisford Street.

The Listing description states:

Block of 24 maisonettes. Designed 1952-3, built 1956-8 by Denys Lasdun (Fry, Drew, Drake and Lasdun) Margaret Rodd assistant architect. Ove Arup and Partners engineers. Reinforced concrete cross-wall construction with ends formed of pre-cast permanent shuttering and some brick cladding. Eight floors (four maisonettes) high over basement; six units per floor set in butterfly plan of two ranges, the rear unit in each group of three set at right angles to the other pair. The ranges set around central lift tower and staircase treated as a distinct element in the composition and linked to the housing only by access landings. This plan form, refined became known as the "cluster" block. Original-style doors abutting original metal windows to hallways. All other windows renewed in uPVC, save those to No.2 which has full set of original windows with opening casements and glazed panels under each. Projecting copings and balconies. All maisonettes have an L-shaped lounge with balcony and kitchen on ground floor, and two bedrooms and bathroom over; their fittings not of special interest.

4.3 The building is not subject to any other designations.

Planning History

4.4 There is a large amount of site history associated with Trevelyan House but the only most relevant permission is below:

4.5 PA/14/01396 - Internal works consisting of two openings to achieve open plan living on the lower floor of the flat - (1) An opening from the kitchen to the lounge and an enlargement of the door opening from the hallway to the lounge. Permit 18/7/2014

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance 2014

5.3 London Plan MALP 2016

7.4 - Local character
7.6 - Architecture
7.8 - Heritage assets

5.4 Tower Hamlets Core Strategy 2010

SP02 – Urban living for everyone
SP10 – Creating distinct and durable places
SP12 - Delivering placemaking

5.5 Managing Development Document 2013

DM23 - Streets and the public realm
DM24 - Place-sensitive design
DM25 - Amenity
DM27 - Heritage and the historic environment

5.6 Supplementary Planning Documents

NA

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:

External Consultees

Historic England

6.3 Historic England has considered the information received and do not wish to offer any comments on this occasion

20th Century Society

- 6.4 No comments received.

Internal Consultees

LBTH Conservation and Design Officer

- 6.5 No objection

7.0 LOCAL REPRESENTATION

- 7.1 A total of 27 consultation letters were sent to nearby properties as detailed on the attached site plan. A site notice was erected on 8 June 2016 and a press notice was advertised on 2 June 2016. No letters of representation have been received in support/objection.

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special architectural or historic interest.

- 8.2 The main issue for Members' to consider is whether the proposed works are appropriate in this respect.

Impact on Special Architectural and Historic Character of the Listed Building.

- 8.3 Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 Act requires decision makers 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"* when determining applications which affect a listed building or its setting
- 8.4 The relevant London Plan policies are policies 7.4, 7.6 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail.
- 8.5 The Council's Core Strategy strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance borough's Conservation Areas and Statutory Listed Buildings and to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual distinctive character and context. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.6 Policy SP10 is realised through the detailed development management policy DM24 of the Managing Development Document which aims to ensure that development is

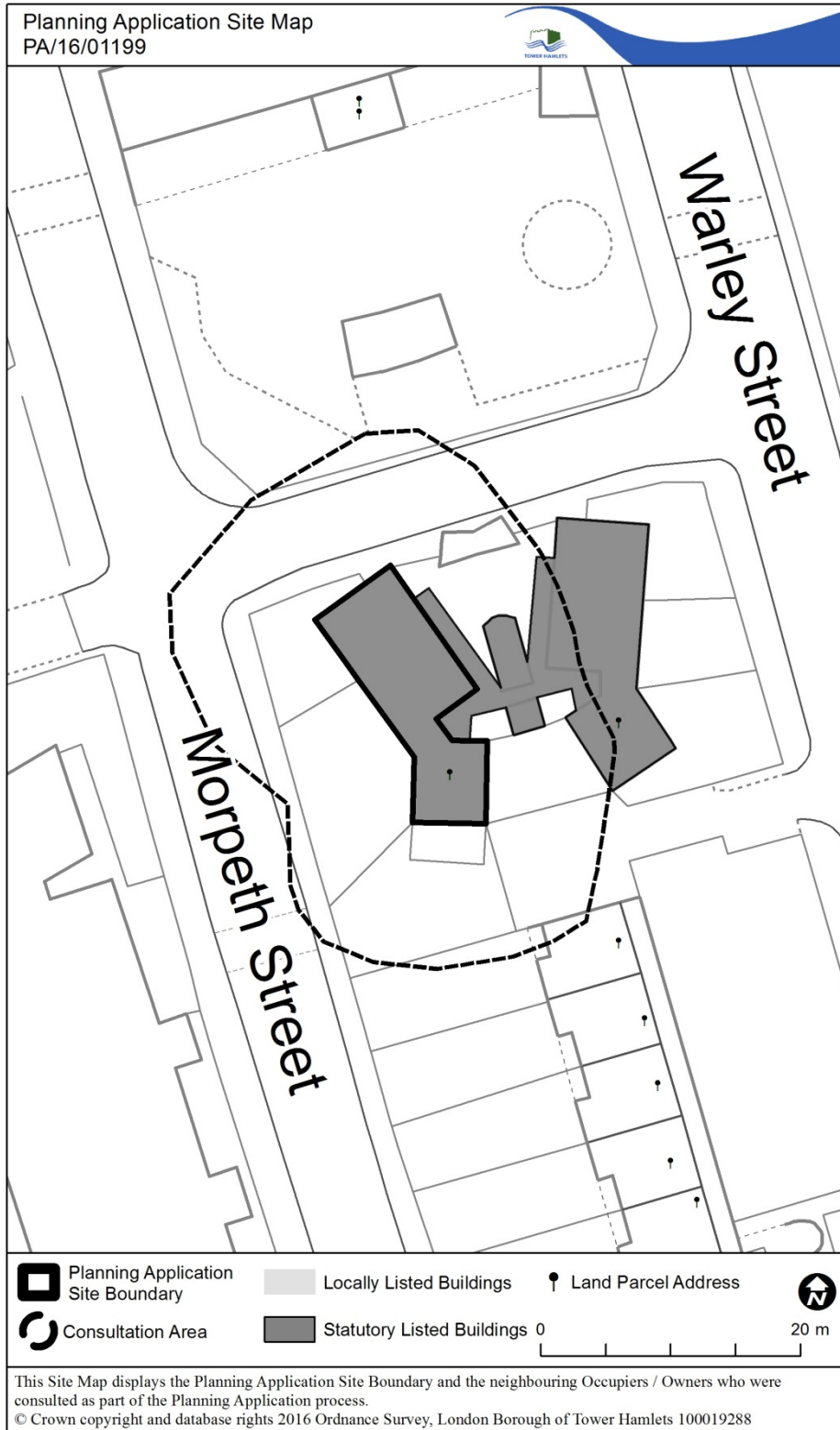
designed to the highest quality standards and is sensitive to and enhances the local character and setting of the development by respecting the design details and elements, scale, height, mass, bulk and form of adjoining development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements in the vicinity. Development is also required to utilise high quality building materials and finishes.

- 8.7 Detailed criteria for assessing impact on heritage assets are set out by policy DM27. Development is 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' as defined by the placemaking policy SP12 of the Core Strategy. With regards to alterations to heritage assets, policy DM27 specifies that alterations should not result in an adverse impact on the character, fabric, identity or setting, be appropriate in terms of design, scale form, detailing and materials, and enhance or better reveal the significance of the asset.
- 8.8 The exterior of the building being the unique orientations of the units and the pre-cast concrete design provide the special architectural interest of the listed building and there are no external design changes as part of this application.
- 8.9 The listing description specifically identifies that 'all maisonettes have an L-shaped lounge with balcony and kitchen on ground floor, and two bedrooms and bathroom , their fittings are not of special interest'.
- 8.10 The interior of this unit has had some upgrade works historically and would not be considered original, however the internal plan form is retained and the L Shaped lounge being retained. The proposal involves the creation of an opening between the kitchen and living room on ground floor and this maintains the internal plan form. At fourth floor level the extension to storage space and enlargements to the bathroom, maintains the upper floor layout of the bedrooms and the proportions. The proposed works involve minimal loss of original material and this is not of special historical interest. The plan form remains obvious and is retained by the proposed works. Additionally, the interventions are viewed as minimal and reversible.
- 8.11 Overall, it is considered that the proposal would have an acceptable impact on the character of the Grade II Listed Building. In line with s66 of the Planning (Listed Building and Conservation Areas) Act the development would preserve the special architectural interest of the listed building, according with the aforementioned planning policies.

9.0 CONCLUSION

- 9.1 The works are considered to preserve the special historical and architectural character and appearance of the Grade II Listed Building. As such, the proposal accords with the aims of Sections 7 and 12 of the NPPF, 7.8 of the London Plan, policy SP10 of the Core Strategy, policy DM27 of the Managing Development Document, which seek to ensure the works to listed buildings preserve features of special historic and architectural interest

10.0 SITE MAP



Agenda Item 6

Committee: Development	Date: 26 th October 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. 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. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

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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Committee: Development Committee	Date: 20 th October 2016	Classification: Unrestricted
Report of: Director of Development and Renewal		Title: Planning Appeals Report
Author: Paul Buckenham		Ref No: n/a
		Wards: All

1. INTRODUCTION

- 1.1 This report summarises appeal decisions in Tower Hamlets made by the Planning Inspectorate (on behalf of the Secretary of State) over an 18 month period from 1 April 2015 to 30 September 2016.
- 1.2 Appeals to the Secretary of State can be made following a refusal of planning permission, listed building consent, advertisement consent and other related planning decisions. Relevant legislation is set out in the footnote below.¹
- 1.3 Appeals can also be made if the Council fails to make a decision within the specified time period (e.g. 13 weeks for major planning applications and 8 weeks for all other planning applications). In non-determination cases the Council will put forward reasons for refusal, either using delegated powers or with the agreement of the relevant Committee. The formal process for dealing with appeals is the same for refusal and non-determination cases and the Inspector will continue to deal with the proposals on their planning merits.
- 1.4 Appeals are decided by independent Planning Inspectors appointed by the Secretary of State. Inspectors are often experienced planning practitioners or may have a background in other built environment disciplines. On rare occasions, the Secretary of State may intervene to recover an appeal and determine it themselves. In these cases the Inspector's report acts as a recommendation rather than a decision.
- 1.5 Planning Inspectors have the same power to impose planning conditions, as Local Planning Authorities if an appeal is allowed and permission granted and can also take into account proposed planning obligations (usually a Section 106 unilateral undertaking, rather than an agreement) in coming to a decision.

2. WHY APPEAL DECISIONS ARE IMPORTANT

- 2.1 Appeal decisions are important for a number of reasons. There is a general presumption in the NPPF that planning permission should be granted for sustainable development, unless there is a clear conflict with the Development Plan or material considerations suggest otherwise. Hence Tower Hamlets (in common with most other planning authorities) tends to refuse fewer applications than are approved, aiming to work with applicants by providing pre-application advice and negotiating to improve the quality of proposals,

¹ Town and Country Planning Act 1990 (as amended) - Sections 78, 106BB and 195
 Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 20
 Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

ensure they are compliant with the development plan and overcome potential reasons for refusal.

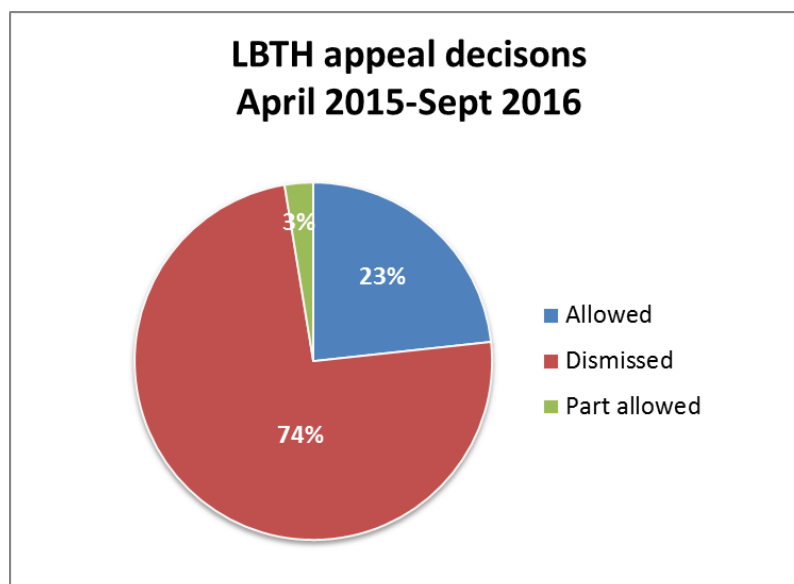
- 2.2 When planning permission (or other consent) is refused, the reasons need to be clear, evidence based and robust, otherwise there is a risk that the decision could be overturned on appeal. If the Council is deemed to have acted unreasonably, there is also a risk of an award of costs.
- 2.3 Whilst all planning decisions are made on the merits of the proposal, appeal decisions can be helpful in understanding how to frame robust reasons for refusal taking into account the weight that Inspectors place on different planning policies and considerations.
- 2.4 When an appeal is dismissed and permission refused, it may be for all of the reasons in the Council's original decision, it may be for a selection of these or in rare cases for a different reason to that which the Council put forward. An appeal at 113-115 Roman Road, listed below, is an example where the Inspector agreed with only one of the Council's three reasons for refusal, but gave this sufficient weight to dismiss the appeal and refuse permission.
- 2.5 Appeal decisions are part of the planning history of a site and hence are a material planning consideration when determining any subsequent applications on the same site. An appeal decision can also indicate how a development could be amended to make it acceptable. For example, the decisions on Corbridge Crescent highlighted the harm caused by a tall building in part of the scheme, but acknowledged that the other parts of the proposals had many merits.
- 2.6 Understanding where Inspectors place weight on policies or other material considerations can help to improve decision making.
- 2.7 Appeal decisions can be helpful in testing the wording of current policies and indicate where future changes could be made to improve policies or prevent unintended consequences.
- 2.8 Finally the Secretary of State takes into account the percentage of all major decisions that are subsequently overturned on appeal as an indicator of the quality of decisions made by planning authorities. This indicator is used alongside the speed of decisions making indicators in deciding whether to designate a poorly performing local planning authority.
- 2.9 The current criteria are 20% or more major decisions overturned at appeal over a two year period. The data published by Department for Communities and Local Government (DCLG) shows that Tower Hamlets had 3.5% of all major decisions overturned at appeal over the latest monitoring period, ranking 103 out of 336 local planning authorities in England.

3. APPEAL DECISIONS OVERVIEW

- 3.1 During the 18 month period, the 116 decisions were made on appeals in Tower Hamlets. 102 were following a refusal of planning permission (or related consent) and 14 were non-determination cases.

- 3.2 Over the same period a further 7 appeals were withdrawn and 1 was declared invalid by the Planning Inspectorate.
- 3.3 Of the 116 decisions, 27 were allowed, 86 dismissed and 3 were part allowed. This means that the Council's original decision was upheld in 74% of cases and partially upheld in 3% of cases. This has been a fairly consistent where the Council's success rate on appeals tends to be between 70 – 80% per annum.
- 3.4 This headline figure indicates that the where the Council did refuse an application (or would have been minded to); the decision was upheld on appeal in more than three quarters of cases demonstrating robust decision making.
- 3.5 Partial, or split appeal decisions are rare and tend to involve appeals against refusal to vary conditions (see 108 Mile End Road); householder development where there is more than one extension or alteration being proposed at the property and advert consent where there is more than one advertisement proposed.
- 3.6 Appendix 1 provides a full breakdown of all of the appeal decisions during this period. There are also 38 current live appeals where decisions have not yet been made. These are listed in appendix 2.

Figure 1 – appeal decisions in Tower Hamlets



4. BENCHMARKING

- 4.1 All appeal decisions are published on-line on the Planning Inspectorate website (<https://www.gov.uk/government/organisations/planning-inspectorate>) and the Council's on-line planning register (www.towerhamlets.gov.uk). DCLG publishes some comparative data showing the success rate by individual local authorities, mainly to be used for the designation process, outlined above. There is a time lag in producing this data and the latest period available is for planning decisions made in the two years up to end of December 2014, taking into account appeal decisions made in the subsequent nine month period.

- 4.2 During that period 10 of Tower Hamlets major decisions were subject to an appeal with 5 being allowed and 5 dismissed, giving a success rate of 50%. The Council ranked 9th out of thirteen comparable inner London boroughs. The table below shows that the percentage figure is skewed slightly by the number of appeals in Tower Hamlets compared with other London boroughs.
- 4.3 For minor and other appeal decisions, Tower Hamlets ranked top out of all London boroughs, including the 13 inner London authorities, with 17.9% of minor and other appeal decisions allowed. The two tables below provide further detail. Overall Tower Hamlets compares favourably in terms of the quality of decision making compared with other London boroughs.

Table 1 - Inner London authorities, major appeals

Borough	24 months to December 2014			
	Total major decisions & non determined cases	Total major appeal decisions	Major decisions overturned at appeal	% Major decisions overturned at appeal
Greenwich	118	2	0	0.0
Lambeth	144	3	0	0.0
Westminster	188	0	0	0.0
Islington	71	8	1	12.5
Southwark	149	5	1	20.0
Hackney	83	4	1	25.0
Lewisham	55	7	2	28.6
Kensington and Chelsea	95	3	1	33.3
Tower Hamlets	141	10	5	50.0
Wandsworth	133	2	1	50.0
Camden	122	14	8	57.1
Hammersmith and Fulham	66	5	3	60.0
City of London	87	1	1	100.0

Table 2 – inner London authorities, minor and other appeals

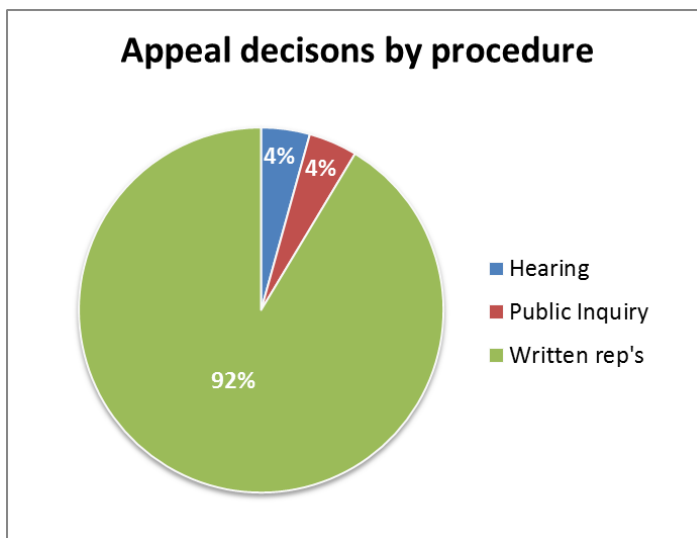
Borough	24 months to December 2014			
	Total minor and other decisions and non-decided cases	Total minor and other appeal decisions	Minor and other decisions overturned at appeal	% decisions overturned at appeal
Tower Hamlets	1,944	78	14	17.9
Wandsworth	6,303	110	23	20.9
Southwark	3,084	103	26	25.2
Westminster	8,084	273	75	27.5
Lewisham	2,966	142	42	29.6
Greenwich	2,470	151	51	33.8

Hammersmith and Fulham	4,417	193	66	34.2
Kensington and Chelsea	5,601	328	116	35.4
Camden	3,925	237	86	36.3
Hackney	2,824	172	65	37.8
Islington	3,013	227	88	38.8
Lambeth	3,937	229	91	39.7
City of London	535	0	0	0

5. APPEAL PROCEDURES

- 5.1 There are three types of appeal procedure: written representations, informal hearings and public inquiries. Written representations are the most common procedure and suitable for most types of minor scale development. They are also usually the quickest route with the average time from start to decision currently 18 weeks (11 weeks for householder appeals).
- 5.2 Informal hearings are suitable for smaller scale major development where there is one or more planning issue. Inquiries are more formal, with the parties having legal representation and with cross examination of the planning and other expert witnesses. Inquiries tend to be reserved for the most complex cases or where there is substantial public interest. Public Inquiries take longer with the current average time period being 51 weeks from start to decision. In all cases the Inspector will carry out a site visit before making a decision.
- 5.3 In the 116 decisions in Tower Hamlets over the last 18 months, 106 were dealt with by written representations, 5 by hearings and 5 by public inquiries.

Figure 2 – appeals by procedure



Impact on resources

- 5.4 Officers will always work hard to defend the Council's planning decisions. Appeals can be resource intensive and whilst the Directorate has not carried out any detailed analysis the main impacts are on officer time and the

associated costs in terms of preparing statements or proofs of evidence, coordinating any arrangements for hearings and inquiries.

- 5.5 Once an appeal has been accepted, it will run to a strict timetable in terms of the requirements for the Council and the appellant. Failure to adhere to the timetable can present a risk of a successful costs award in favour of the appellant. Hence where resources are finite, dealing with an appeal can impact on the capacity of officers to deal with live applications or other case work.
- 5.6 Other impacts on Council resources can arise from the need to appoint specialist expert witnesses, if the resource is not available in-house and the costs of appointing legal representation.
- 5.7 Public Inquiries are the most time consuming and resource intensive. For example the inquiry into two linked applications at Corbridge Crescent lasted a total of eight days, with the planning officer, a design witness and heritage witness giving evidence and the local authority represented by Counsel.
- 5.8 Costs can be awarded if a local authority has behaved unreasonably in terms of reaching a decision or in terms of not complying with the procedural requirements of the appeal process. Costs decisions are made separately to the appeal decision and only if the appellant submits a costs application - one does not have a bearing on the other. Over the 18 month period covered by this report, whilst there were a small number of costs applications, costs were awarded against the Council in only one case at 32 Brushfield Street, where the Inspector found that the Council had caused unnecessary costs by not taking into account technical information relating to a ventilation and extract system that had been submitted and may have altered the original decision and hence prevent an appeal.

6. SUMMARY OF KEY APPEAL DECISIONS

- 6.1 This section provides a summary of key decisions which may be of interest to the Committee. These include a mix of appeals following delegated decisions and Committee decisions.

The Odyssey, Crews Street, London, E14 3ED

Proposal

- 6.2 Proposed installation of freestanding electronically controlled vehicular and pedestrian entrances gates. (reference PA/14/01582),
- 6.3 Application refused by Development Committee for reasons relating to the effects of the proposal on public access, the effect of the proposal on the character and appearance of the area, and the effect of the proposal on road safety.

Summary of appeal decision

- 6.4 The Odyssey is a mainly residential development on the west side of Westferry Road, facing the River Thames. It is accessed by Crews Street and includes a building known as Orion Point that contains a restaurant at ground floor. There is an area of open space and walkways adjacent to the Thames. The proposal was to install a set of electronically controlled gates at the entrance to the

development at the ownership boundary and adjacent to the management office.

- 6.5 The Inspector noted that Crews Street provides a link from Westferry Road to the Thames and open space along part of its bank. In this area the Thames Path is diverted along Westferry Road because of a number of barriers to movement that exist between the Millwall Slipway and the southern end of Mercury Court. Crews Street and the area of embankment within the Odyssey Development provide an area where pedestrians can reconnect with the Thames.
- 6.6 The Inspector found that proposed gates would undermine this connection, would provide a barrier to movement and a visual barrier that would disrupt important sightlines within the area and prevent access. They would also present a visual, physical and perceptual barrier that would undermine the connectivity between places in the vicinity and would, in effect, create a gated, segregated community.
- 6.7 The Inspector also considered the impact of crime on quality of life and community cohesion – the appellant’s main justification for the gates. He concluded that despite the residents’ personal experience of crime, there was insufficient evidence of it to warrant the installation of the proposed gates or to outweigh the harm that would be caused.
- 6.8 The Inspector also found that because the gates would reduce the length of Crews Street from the junction with Westferry Road, there would be highway safety issues arising from congestion, queuing traffic and conflict between vehicles and pedestrian movement.
- 6.9 The appeal was dismissed with the Inspector supporting all three reasons for refusal.

2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate), 30-32 Redchurch Street and land at Fleet Street Hill

Proposal

- 6.10 Huntingdon Industrial Estate (HIE) – Residential development up to 14 storeys and 78 residential units (69 market housing units and 9 affordable [intermediate] units). with ground floor retail/office uses (includes associated Conservation Area Consent)
- 6.11 Fleet Street Hill (FSH) – Residential development up to 8 storeys to provide 34 residential dwellings (7 market units and 27 affordable [3 intermediate and 24 social rented]) and ground floor, retail/office uses. Proposal represented 43.8% affordable housing by combined habitable rooms across the two sites.
- 6.12 Applications considered by Strategic Development Committee on 21st November 2013 and 9th January 2014, where members, contrary to officer recommendation, refused planning permission for the following reasons:

Huntingdon Industrial Estate	Fleet Street Hill
Excessive height and bulk, adverse impact on neighbouring	Proposal results in over-provision of affordable housing

conservation areas	
Detailed design out of sync with area	Site unsuitable for large amount of family accommodation
Loss of 30/32 Redchurch Street not outweighed by benefits of the scheme	Unsuitable location for a large amount of commercial floorspace
Loss of traditional street pattern (Whitby Street)	
Lack of on-site affordable housing	
Unable to agree s106 contributions	

Summary of appeal decision

- 6.13 The appeal was considered at a Public Inquiry. In relation to the first four reasons on HIE the Inspector noted that the development would clearly be recognisable as a substantial modern building within and adjacent to the Redchurch Conservation Area, and a considerable degree of prominence was a deliberate aspect of the design.
- 6.14 However, with the contextual approach by way of the varied massing of the building, the proposal would essentially avoid an encroachment of development of an inappropriate scale on the special character of the conservation area that the Appraisal guards against.
- 6.15 The Inspector took a similar approach to Council officers in considering the height to be challenging within the location. However, when considering the development plan that require residential and non-residential output and densities to be optimised, the Inspector considered the scale was justified in heritage and design terms and with the proposal in other respects complying with the development plan the linked proposals represented sustainable development.
- 6.16 The Inspector considered the proposal would be substantially harmful to the non-designated asset by way of the full loss of 30-32 Redchurch Street, and minor loss of significance with the loss part of Whitby Street. However, the Inspector concluded the public benefits of this overall impact, together with the gain in residential accommodation and specifically affordable housing through the link with the FSH development, on balance outweighed the loss of significance of the two specific non-designated heritage assets within the Area.
- 6.17 The issue of mix and balanced communities was considered in relation to both sites, given they were in the same 2011 Census ward. The Inspector noted the appellants' analysis which showed when considering different scenarios both of the GLA's benchmarks (an area not exceeding 75% market or over 50% social rented housing) would not be exceeded. The effect of the two developments with the tenure breakdowns as proposed would be a small but positive change in these indicators in terms of the subsequent mix.
- 6.18 The Inspector also concluded, with the design approach and the proximity of the site to open space at Allen Gardens and which could be reached without crossing a road, Fleet Street Hill was suitable for family accommodation.
- 6.19 With respect to the FSH scheme, in itself this would result in a significant enhancement of the Brick Lane and Fournier Street Conservation Area.

- 6.20 The appeal was allowed and planning permission was granted for the redevelopment of both sites. Conservation Area Consent (which was required at the time for the demolition of 30-32 Redchurch Street) was also granted.

113-115 Roman Road, London, E2 0QN

Proposed development

- 6.21 Application for demolition of an existing three storey 13 bedroom hotel and construction of a new four storey building (including roof extension) and basement) building dropping down to three and one storey at the rear to create a 31 bedroom hotel. (Reference PA/14/00662).
- 6.22 Permission refused by Development Committee for reasons relating to the effect of the proposal upon living conditions at 111 Roman Road; the impact upon working conditions at the adjoining properties to the north-east and the visual effect of the proposal and whether this would preserve or enhance the character or appearance of the Globe Road Conservation Area.

Summary of appeal decision

- 6.23 The appeal property is a hotel with coffee shop on the ground floor within a busy mixed use urban area. The Inspector noted that the buildings are densely packed and high rear extensions are commonplace. The adjoining property to the south-west at 111 includes a hot food restaurant at ground floor and residential premises above and to the rear.
- 6.24 The decision refers to disparities in the daylight and sunlight reports submitted but notes that the kitchen of No 111 has a single window facing approximately north and that the room was gloomy at the time of the appeal visit. As well as being a kitchen, there is also space to sit and eat meals in this habitable room.
- 6.25 The Inspector's report goes into some detail on the relationship and impact on the adjoining property concluding that there would be an unacceptable degree of enclosure, loss of light and potential for overlooking from a proposed glazed stair well and upper floor roof terrace.
- 6.26 However, the Inspector did not agree that there would be similar harmful effects on the working conditions at Four Corners (an educational charity) occupying development at the rear of 115a-117 Roman Road (who had objected) or that there would be a threat to the sedum roof of the building.
- 6.27 The Inspector noted that Roman Road forms the southern boundary of the Conservation Area and that the building at the appeal site form part of a terrace that includes two other buildings of similar original simple form. The Inspector comments on the variation of height along this part of Roman Road and the variation in ground floor appearance.
- 6.28 He noted that the simple form of the first and second floors does give the building some charm and that the proposal would involve the creation of a grander building with arched windows at first floor level similar to the adjoining traditional terrace, the front of the building would be more unified and symmetrical and would include a mansard roof. Overall he concluded that the front elevation would not harm the street scene and the proposals from the rear would not be out of character with the eclectic mix of rear extensions that already exist along the terrace. Hence the proposal would preserve the character and appearance of the Conservation Area.

- 6.29 Whilst the Inspector disagreed with the Council on two of the three reasons for refusal, his findings on the first reason relating to the impact at no 111 outweighed these and the appeal was dismissed for this reason alone.

120 Bethnal Green Road, London, E2 6DG

Proposal

- 6.30 Variation of Condition 5 (opening hours) of Planning Permission ref. BG/94/237 dated 9th February 1995 to allow premises to operate between 13.00 - 01.00 the following day on Sunday, Monday, Tuesday, Wednesday and Thursday and 13.00 - 03.00 the following day on Fridays and Saturdays.
- 6.31 Permission refused under delegated powers, for reasons relating to the effect of the proposed opening hours on the living conditions of nearby residents from increased noise and disturbance
- 6.32 The appeal premises comprise the ground floor and basement of a four-storey building on the corner of Brick Lane and Bethnal Green Road, in use as a restaurant.
- 6.33 The Inspector noted that ground floors in Brick Lane and Bethnal Green Road are occupied by a wide range of businesses including office, retail and uses within Use Classes A3 to A5 (food and drink). The upper floors of nearby buildings were mainly in residential use. Whilst the visit took place at about mid-day the Inspector judged that there would be a significant level of activity late into the night. However the evidence indicates that there is a cut-off in activity within most local businesses premises at about midnight to 01:00.
- 6.34 The Inspector noted that the hours proposed were essentially the same as those considered by an Inspector in 2009. He took into account the appellant's case that the proposed hours had already been considered acceptable by the Council's licensing committee in granting a temporary events license although no evidence of this was provided.
- 6.35 The Inspector comments on the overlap between the planning and licensing regime, and ultimately turns to the tests set out in the NPPF for the use of planning conditions and says that "*planning conditions are necessary to set a base line for opening hours within which the licensing system may operate. In the case of the appeal property the absence of such a condition would be likely to result in unacceptable harm being caused to living conditions and a condition is therefore necessary.*"
- 6.36 In conclusion the Inspector found that the proposal would fail to safeguard the reasonable living conditions of nearby residents as regards noise and disturbance and that the proposal would conflict with the policies of the London Plan, the Local Plan and one of the objectives of the NPPF that seek to safeguard living conditions. The appeal was dismissed for this reason.

Silwex House, Quaker Street, London, E1 6NS

Proposal

- 6.37 Demolition of the roof and part side elevations, the retention and restoration of the southern and northern elevations and the construction of a 3 storey roof extension to provide a new hotel (Class C1) development comprising approx. 250 bedrooms over basement, ground and 5 upper floors with ancillary café space and servicing on the ground floor, associated plant in the basement and roof, improvements to the front pavement and associated works.
- 6.38 Appeal was against non-determination and the Development Committee resolved that had they been able to determine the application it would have been refused for reasons relating to failure to preserve or enhance the character or appearance of the Brick Lane and Fournier Street Conservation Area including the existing non-designated heritage asset at Silwex House and the effect on the setting of adjoining listed buildings at Braithwaite Viaduct and Bedford House.

Summary of appeal decision

- 6.39 Silwex House was built in 1888 as a stable for the Great Eastern Railway. It is a non-designated heritage asset and has been empty since early 2014. Prior to that it was used for a variety of low-key commercial and other uses. The Inspector noted that the building is attractive with a number of important and distinctive architectural details. Its significance lies in its aesthetic value and also as a reminder of the historical transportation improvements undertaken in the vicinity. The Inspector agreed that the building makes a positive contribution to the significance of this part of the designated heritage asset and to the Conservation Area as a whole and forms part of the setting of both of the Grade II listed buildings- Bedford House and Braithwaite Viaduct.
- 6.40 The main part of the proposed development was a 3-storey extension above the existing building, designed in a contemporary style but with architectural references to the host building. The Inspector's report goes into some detail on the merits of the design and that planning decisions should not stifle innovation. However he concludes that:
- 6.41 *“Overall a combination of the siting, size and design of the proposal would detract from the visual significance of Silwex House. Its value would be obscured rather than reinforced or revealed..... In turn, the proposal would detract from the aesthetic and historic value of both this part of the designated heritage asset and of the Conservation Area as a whole.”*
- 6.42 The Inspector agreed there would be a harmful impact on the Conservation Area but did not agree that the proposals would harm the appreciation of the listed buildings to the extent that their settings would be harmed.
- 6.43 The appeal decision goes into some detail about the balancing of the (less than substantial) harm caused to the conservation area with potential public benefits arising from the development. The Inspector took into account public benefits arising from greater street level activity, natural surveillance of the public realm, biodiversity (new brown roof), the contribution towards the provision of hotel bedrooms in London and increasing the choice in the area, the positive impact on the local economy and planning obligations relating to employment and training.
- 6.44 The Inspector attached significant weight to the fact that it is not possible to say that the proposed development would secure the optimum viable use of the building (i.e. there could be other viable uses that would cause less harm) and

concluded that the harm to the significance of the conservation area would not be outweighed by the public benefits of the proposal.

6.45 The appeal was dismissed for these reasons.

Central Foundation Girls School, College Terrace, London, E3 5AN

6.46 Application for revised affordable housing provision following a section 106 agreement dated 26/11/2013, relating to application PA/12/2577 dated 26/11/2013. (Ref PA/15/01320)

6.47 The appeal was made under Section 106BB of the Town and Country Planning Act 1990 against a failure to determine an application to modify a planning obligation (S106BA). The development to which the planning obligation relates is the change of use of the existing sixth form girls' school to provide 36 residential dwellings, granted in November 2013. The application sought to have the planning obligation modified by a reduction in the affordable housing element from 12 units to 4 units.

6.48 The only issue in this type of appeal is defined with reference to Section 106BA of the Act - whether the affordable housing requirement means that the development is not economically viable and, if so, how the appeal should be dealt with so that the development becomes economically viable.

6.49 The approach to applications under S106B is set out in the DCLG document 'Section 106 affordable housing requirements. Review and appeal.' The approach in the Guidance is to review agreements which relate to 'stalled' schemes, where economically unviable affordable housing requirements result in no development, no regeneration and no community benefit.

6.50 The Council's case was that the planning obligation would not render the scheme unviable.

6.51 In this case the development was well underway and at the hearing into the appeal, the appellant advised that completion of the development was due in 12 weeks.

6.52 Viability discussions at the application stage had progressed on the basis that the development had not started. However once this became apparent, the Council questioned a number of the appellants viability assumptions. The Inspector agreed that given that work had started on site and actual figures were therefore potentially available, it was reasonable of the Council to take this approach.

6.53 In conclusion the Inspector noted that the development had not "stalled" and that the affordable housing requirement did not mean that the development is not economically viable. Accordingly the Planning Obligation did not need to be modified and the appeal was dismissed.

6.54 The Government announced that the provisions to apply to modify a Section 106 agreement in this way, that were introduced through the Growth and Infrastructure Act 2013 will not be extended beyond their original time scale of 30 April 2016 and have now been repealed.

The Forge, 397 & 411 Westferry Road, London, E14 3AE

Proposal

- 6.55 Linked planning and listed building consent applications for change of use of part of The Forge from office (Class B1) to convenience retail food store (Use Class A1) and change of use of the remainder of The Forge to flexible uses for either or financial and professional services, restaurants and cafes, drinking establishments, business, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure use (gym). New floor space created at 1st floor level for business, internal and external changes to The Forge to facilitate the development, including new customer access to the north elevation, internal partitions, works to the roof, making good to walls (internal and external), maintenance to internal cranes and general building maintenance, demolition of external walls to facilitate access to The Forge and rebuilding of one wall, repositioning of lighting column, and provision of cycle parking.
- 6.56 Linked planning and listed building consent applications (Ref PA/14/02754 and PA/14/02753)

Summary of appeal decision

- 6.57 Planning permission and listed building consent refused by Development Committee due to the effect the proposal would have on the character and special interest of the listed building and that the identified harm is not outweighed by benefits
- 6.58 The appeals relate to a Grade II listed building. This was constructed in 1860 as an iron shipbuilders' forge, and was originally part of a wider complex of buildings. It is a brick structure with a double pitched roof running perpendicular to Westferry Road and double gable features at the front and rear. Internally it comprises one large open space that is divided into two by the pitched roof and a central colonnade of metal columns, with further supporting metal work within the roof areas and timber in side walls. There are remnants of former furnace chimney breasts, crane gantries running the length of both halves of the building, and some remaining crane equipment.
- 6.59 The Inspector did not object to any of the proposed external works, noting that the proposed entrances and alterations, and the removal of existing side boundary structures, would not intrude on the main front elevation of the building or detract from its original industrial aesthetic qualities. The proposed roof top plant would be relatively well concealed in views of the building. These works would preserve the character of the building and any external signage would be subject to separate control.
- 6.60 However the Inspector commented in detail on the effect and detailed execution of the internal subdivision of the listed building:

“The proposed internal works, developed in conjunction with Council officers, seek to provide a sensitive way of subdividing the space while maintaining its features and allowing an appreciation of these.”“the sense of volume, and the ability to appreciate the building’s qualities as a whole as an industrial space and structure, are part of its significance”.

- 6.61 The Inspector said that the success of the scheme would to a large extent depend on the detailed execution of the proposals and had concerns relating to

the limited degree of information available as shown in the plans and how the proposed works would relate to the to the building's important historic features.

- 6.62 At the hearing, the parties discussed the use of planning conditions to deal with these matters; however the Inspector felt that this approach would still leave too much uncertainty and wouldn't be an appropriate use of conditions.
- 6.63 The Inspector took into account the public benefits of the proposals, including economic benefits, bringing the heritage asset back into beneficial use, the public access and appreciation of the historic fabric that would occur, but overall considered that the harm to the listed building outweighed any potential public benefits.
- 6.64 Although not a reason for refusal, the Inspector took into account the retail justification and impact assessment, concluding that there was a planning justification for the proposed retail use outside of the nearest town centre.
- 6.65 The appeal was dismissed, planning permission and listed building consent refused due to the impact on the listed building.

12 Cable Street, London, E1 8JG

Proposals

- 6.66 Retrospective planning application for the museum shop front and installation of roller-shutters and retrospective advertisement application for the retention of museum signage. Linked planning and advertisement applications and appeals (PA/15/02127 PA/15/02200)

Summary of appeal decision

- 6.67 The appeal relates to a traditional 4-storey terrace property located on the edge of, but within the Wilton's Music Hall Conservation Area. The Inspector noted that the traditional appearance of the appeal property is therefore part of the conservation area's significance as a designated heritage asset.
- 6.68 The shop front, roller shutter and proposed signage were already in place. The Inspector noted that the choice of materials and glazing panels used give the host property a Victorian appearance and are representative of the mid-nineteenth century character of the area. However, the shop front extends a considerable distance above the main entrance up to a point broadly level with the first floor window cill. This results in a fascia measuring almost 2m high and taking up a significant proportion of the frontage. This creates a "top-heavy" appearance which is at odds with the traditional style, form and proportions of the host property.
- 6.69 The size and siting the black roller shutter box above the shop front is clearly visible and partially obstructs views of the first floor window. The Inspector concluded that the unsympathetic appearance exacerbates the incongruous design of the front elevation, which dominates the building at street level and fails to preserve the traditional mid-nineteenth century character of the area.
- 6.70 Given the size of the shop front the Inspector agreed with the Council that when not in use the shutter would also create a large, blank, dead frontage on Cable Street. The appearance of the shop front and roller shutter would

undermine the significance of the conservation area and this harm is would not be outweighed by any public benefits arising.

- 6.71 In terms of the advertisement consent appeal for the signage, the Inspector concluded that by reason of its size and proportions the fascia sign detracts from the visual amenity of the area. Accordingly, it conflicts with the Regulations which require decisions for advertisement consent to be made in the interests of visual amenity and/or public safety.
- 6.72 However, he concluded that the small hanging sign only has a very limited visual impact and preserves the character and appearance of the Wilton's Music Hall Conservation Area.
- 6.73 The planning appeal for the shop front and roller shutter was dismissed. The advert appeal for the signage was part allowed for the hanging sign only. The Council is pursuing the removal and replacement of the shop front, roller shutter and signage through the enforcement process.

1-3 Corbridge Crescent and 1-4 The Oval, London

Proposed development

- 6.74 Linked appeals dealing with two applications for different development schemes on the same site.
- 6.75 Scheme 1 was for the demolition of existing buildings and erection of three linked blocks of 3 to 18 storeys comprising 91 dwellings, communal and private amenity space and 332 sqm of commercial floorspace (class B1/D1); and formation of basement plant room, refuse store, secure cycle parking area and car park (9 disabled spaces only) accessed via ramp off Hare Row.
- 6.76 Scheme 2 was for the demolition of existing single storey commercial buildings; retention, repair and/or reinstatement and alterations of external facades of existing Regency and Victorian cottages and conversion to residential use involving internal alterations; erection of three linked blocks of 4, 5 and 16 storeys comprising 78 dwellings, provision of communal and private amenity space and 185m² of commercial floorspace (B1/D1); and formation of three basement plant rooms, provision of refuse storage area, secure cycle parking area and surface car park (7 disabled spaces only) accessed off Hare Row.

Summary of appeal decisions

- 6.77 Both appeals were dealt with at the same Inquiry. The key differences between the two proposals were the retention of the cottages as part of scheme 2, the lower height of the proposed tall building and the lower number of residential properties overall.
- 6.78 The main issues common to both appeals were:
- The appropriateness of a tall building in this location, in policy terms.
 - The effect the schemes would have on the character and appearance of the Regent's Canal Conservation Areas and on the setting of the Hackney Road Conservation Area
 - Whether the schemes would prejudice the planning and design principles of the Marian Place Gas Works and The Oval Site Allocation in the Council's adopted Managing Development Document (MDD).

- Should harm arise from the proposed schemes, whether they would be outweighed by the benefits?
 - Whether the proposals amount to sustainable development and comply with the Development Plan.
- 6.79 Notwithstanding the location of the site adjacent to a neighbourhood centre and the thrust of policy DM26 to link building heights to the town centre hierarchy, the Inspector concluded that the site was appropriate in principle for a tall building attaching weight to the site's location within the growth area identified in the London Plan City Fringe OAPF in coming to this conclusion.
- 6.80 The Inspector's report goes into detail about the impact of both schemes on the character and appearance of the Conservation Area. She concludes that aside from the tall building in block A, the layout, scale, massing, composition, and architecture of both proposals are well considered and overall could make a positive contribution to the Regent's Canal Conservation Area. The retained and refurbished cottages in scheme 2 would be successfully integrated into the proposals.
- 6.81 The Inspector carefully considered the impact of the tall buildings proposed in block A on the character and appearance of the conservation areas, considering key views, the relationship to the tall gas holders and the varied height of local townscape. The report discusses the height and the architectural appearance of the proposed tall buildings. The Inspector concluded that the 18 and 16 storey building in each scheme, would be disproportionately tall in their local context and that the appearance of the Regent's Canal Conservation Area would be harmed by the visual intrusion of Block A. Its character would be undermined by the presence of a structure markedly out of keeping with the prevailing pattern of development. The Inspector also considered that there would be some limited harm to the nearby Hackney Road Conservation Area and the setting of the Oval as a historic London Square.
- 6.82 The Inspector agreed that the loss of the Victorian cottage as proposed in scheme 1 would also cause harm to the significance of the Conservation Area, albeit localised and less than substantial.
- 6.83 The Inspector noted the desire for a comprehensive form of development to deliver the wider site allocation objectives in the Local Plan, but concluded that the proposals would not prejudice this.
- 6.84 The Inspector took into account a number of factors including the contribution that both schemes could make towards meeting LBTH housing targets, the social, economic and environmental gains, the improvements to the conservation area, the improvements to public realm, new open space and connectivity and the potential to kick start regeneration. However she concluded that none of these would outweigh the harm caused to the character and appearance of the conservation area and local townscape, noting that the appellant had tested whether the site could be developed without a tall building on block A. Both appeals were dismissed.

Extensions in conservation areas

- 6.85 There have been a number of recent appeal decisions involving roof and other extensions to properties in conservation areas and properties outside but close to conservation areas.
- 6.86 A single storey mansard roof extension to a house at **30 Old Ford Road in Globe Road Conservation Area** was allowed on appeal with the Inspector concluding that the high quality design, scale, form and use of appropriate materials would not harm the character or appearance of the Conservation Area.
- 6.87 However in the case of **399a Roman Road**, the Inspector dismissed an appeal for a mansard roof extension to a two storey mid terraced property in **Driffield Conservation Area**, noting that it would be an incongruous feature which would fail to preserve or enhance the character and appearance of the conservation area. Whilst there may be some benefits from the proposal in terms of improving the living conditions of the residents of the property, the public benefits would be minimal, and insufficient to outweigh the harm identified.
- 6.88 A large roof extension at **108C Teesdale Street** was dismissed at appeal due to the impact on the character and appearance of **Old Bethnal Green Conservation Area**. The extension would have enlarged a second floor, 2 bedroom flat, to create a family sized unit, split over two levels with four bedrooms. The extension would have been set back behind a front parapet wall. Whilst the harm to the significance of the conservation area was deemed to be would be less than substantial, the Inspector did not find that the provision of a family sized property would outweigh this harm.
- 6.89 An appeal following refusal of a rear roof extension at **16a Turners Road**, not in a conservation area was dismissed. The Inspector noted that whilst the property was not in a conservation area the group of six, 3-storey Victorian terraced properties shared common characteristics including a clearly delineated front parapet. Although not a heritage asset, the Inspector said that the terrace within which the appeal property is located makes a positive contribution to the character and appearance of the surrounding area. Although set back, the extension would be visible from a number of surrounding public views. The scale, height, mass and materials would result in the creation of an incongruous feature.
- 6.90 Officers will be taking these decisions into account when formulating amendments to Conservation Area Character Appraisals.

7. CONCLUSIONS

- 7.1 This report has highlighted that whilst Tower Hamlets has comparatively fewer appeals than similar inner London Boroughs, the Council has a good track record winning 74% of appeals over the last 18 months.
- 7.2 As each case is determined on its own merits and some are complex involving multiple reasons for refusal, it is not possible to identify any key trends. However the weight given by Inspectors to heritage considerations is notable

and where harm is identified Inspectors have applied considerable rigour to the public benefits test.

- 7.3 There is a mixed picture with regards to decisions on extensions to houses in conservation areas.
- 7.4 Development Viability has not been a significant factor in the appeal decisions reported here, other than one at the former Central Foundation where the Inspector agreed that the Council was right to question the majority of the appellant's viability assumptions.

8. RECOMMENDATION

- 8.1 The Committee is recommended to note the contents of this report.

APPENDIX 1**Appeal Decisions in Tower Hamlets – April 2015 – September 2016**

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/14/00601/R	91 Antill Road, London, E3 5BW	Application for lawful development certificate in respect of existing replacement windows.	REF	30/04/2014	DEL	DIS	01/04/2015
PA/14/02161/R	142 Narrow Street, London, E14 8BP	Demolish centrally located portion of existing roof and build flat roof to full width of building to create third floor level extension. Proposal includes roof terrace above the third floor extension.	REF	26/09/2014	DEL	DIS	02/04/2015
PA/14/01582/R	The Odyssey, Crews Street, London, E14 3ED	Proposed installation of freestanding electronically controlled vehicular and pedestrian entrances gates.	REF	23/09/2014	DC	DIS	15/04/2015
PA/14/02162/R	142 Narrow Street, London, E14 8BP	Demolish centrally located portion of existing roof and build flat roof to full width of building to create third floor level extension. Proposal includes roof terrace above the third floor extension.	REF	26/09/2014	DEL	DIS	07/05/2015
PA/14/03022/R	161 Commercial Street, London	Upgrade of existing internally illuminated advertising panel to LED display.	REF	18/12/2014	DEL	ALW	19/05/2015
PA/14/02282/R	Rear of 633 Commercial Road, London, E14 7NT	Demolition of existing single-storey building and erection of two-storey, plus basement dwelling.	REF	08/10/2014	DEL	DIS	29/05/2015
PA/14/02763/R	1 Friars Mead, London, E14 3JY	Demolition of existing conservatory and construction of single storey side extension.	REF	28/11/2014	DEL	ALW	05/06/2015
PA/14/00536/R	298 Bethnal Green Road, London, E2 0AG	Demolition of existing properties and rebuilding to accommodate 2 shop units over ground and basement levels, 1 no. two-bedroom flat on the first floor, 1 no. one-bedroom flat on the second floor and 1 no. studio flat in the loft.	REF	17/04/2014		DIS	09/06/2015
PA/14/03340/R1	3 Driffield Road, London, E3 5NE	Demolition of existing extension, construction of replacement ground floor and first floor rear extension, and replacement windows.	REF	27/02/2015	DEL	PAL	09/07/2015
PA/14/03521/R	643 Commercial Road, London	Installation of extract flue and use of premises as a café .	REF	10/02/2015	DEL	ALW	15/07/2015
PA/15/00047/NC	5 Isambard Mews, London E14 3XB	Two storey side and rear extension, internal alterations, replacement doors and windows	REF	11/03/2015	DEL	ALW	23/07/2015

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/14/02481/R	1 - 5 Prescott Street, London	The installation of 12 no. antennas, 3 no. transmission dishes and 5 no. radio equipment cabinets on the roof of the building, a Glass Reinforced Plastic (GRP) shroud around the equipment and development works ancillary thereto.	REF	05/11/2014	DEL	DIS	24/07/2015
PA/14/02482/R	1 - 5 Prescott Street, London	The installation of 12 no. antennas, 3 no. transmission dishes and 5 no. radio equipment cabinets on the roof of the building, a Glass Reinforced Plastic (GRP) shroud around the equipment and development works ancillary thereto.	REF	05/11/2014	DEL	DIS	24/07/2015
PA/14/01392/R	448-450 Roman Road, London, E3 5LU	Demolition of existing mansard roof, construction of an addition floor, mansard roof and three storey rear extension to form additional 2 x studio flats and 1x 2 bed flat. Retention of existing public house, retail unit and first and second floor 1 x 2 be	REF	22/07/2014	DEL	DIS	29/07/2015
PA/13/01637/R	Land at Fleet Street Hill, London, E2	PA/13/01637 (Planning Inspectorate Reference APP/E5900/A/2225590) - Redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x one bed, 12 x 2 bed, 8 x 3 bed and 6 x 4 bed and 1 x 5 bed) in buildings of part one, two, three, four a	REF	19/03/2014	SDC	ALW	05/08/2015
PA/13/01638/B1	Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street	PA/13/01638 (Planning Inspectorate Reference APP/E5900/A/14/2225592) - Demolition and redevelopment to provide a mixed use development comprising two basement floors and between 2 - 14 storeys. The proposal provides 78 residential units (Use Class C3), 4	REF	19/03/2014	SDC	ALW	05/08/2015
PA/13/01644/NC	Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street	PA/13/01644 (Planning Inspectorate Reference APP/E5900/E/14/2225594) Demolition of 1-5 Chance Street and 28 and 30-32 Redchurch Street in conjunction with the comprehensive redevelopment of the Huntingdon Estate site to provide a mixed use development.	REF	19/03/2014	SDC	ALW	05/08/2015

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/14/02567/R	125 Poplar High Street (including 3, 7 and 11 Finches Court Mews), London, E14 0AE	Erection of a roof extension to create 4 x 1-bed flats, refurbishing the whole of the front elevation (including solar panels at roof level) and internal alterations.	REF	15/01/2015	DEL	DIS	06/08/2015
PA/14/02731/R	Footway to the south of the junction of Redmans Road and Stepney Green, London E13	Demolition of the existing 12m replica telegraph pole and erection of a 12.2m 'Streetworks Tower' mast, installation of an equipment cabinet and associated works.	REF	27/11/2014 14:33	DEL	ZZZ	06/08/2015
PA/15/00372/NC	1 Chambord Street, London, E2 7NJ	Construction of a part single-storey/part two-storey side extension.	REF	02/04/2015	DEL	ALW	08/09/2015
PA/15/00429/NC	Vacant Site at 97-99 Whitechapel High Street, London E1 7RA	Temporary Screening Shroud Incorporating Building Replica and Commercial Advertising Space.	REF	21/04/2015	DEL	ALW	16/09/2015
PA/14/01730/R	425A Bethnal Green Road, London, E2 0AN	Extension to the existing rear 2 bedroom maisonette to create a four bedroom maisonette with a first and second floor rear extension and mansard roof extension	REF	21/10/2014 14:18	DEL	ALW	22/09/2015
PA/14/00255/R	Former Beagle House now known as Maersk House, Braham Street, London, E1	Demolition of existing building (Beagle House) and construction of a 24 storey mixed-use development comprising 915sq.m of retail space (Class A1 - A5) at ground floor and 1,110sq.m of office space (Class B1(a)) for occupation by small and medium enterpri	REF	09/12/2014 15:13		WWN	28/09/2015
PA/14/00662/R	113-115 Roman Road, London, E2 0QN	Demolition of existing three storey 13 bedroom hotel and construction of a new four storey building (including roof extension) and basement) building dropping down to three and one storey at the rear to create a 31 bedroom hotel with no primary cooking on	REF	03/10/2014 14:05	DC	DIS	29/09/2015
PA/14/03218/R	North Pole Public House, 74 Manilla Street, London, E14 8LG	Demolition of the existing building and creation of an eight storey mixed use development comprising public house (Class A4) use on part ground and part basement and 9 residential units (Class C3) on the upper seven floors.			DEL	WWN	07/10/2015
PA/15/00058/R	112-116 Whitechapel Road, London, E1 1JE	Change of use part of ground floor from A1 grocery to A5 take away.	REF	14/05/2015	DEL	WWN	09/10/2015

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/15/00308/NC	21 Aston Street, London, E14 7NE	Roof extension, creation of rooflight in existing outrigger and replacement of rear basement window.	REF	08/04/2015	DEL	DIS	12/10/2015
PA/14/02795/R	30A East Tenter Street, London, E1 8DN	Erection of single storey rear extension and new roof terrace to the existing flat.	REF	02/12/2014 14:10	DEL	ALW	15/10/2015
PA/15/00667/NC	15 Parnell Road, London, E3 2RS	Erection of two storey side and rear extension with pitched roof and entrance door	REF	26/05/2015	DEL	DIS	15/10/2015
PA/14/03293/R	120 Bethnal Green Road, London, E2 6DG	Variation of Condition 5 (opening hours) of Planning Permission ref. BG/94/237 dated 9th February 1995 to allow premises to operate between 13.00 - 01.00 the following day on Sunday, Monday, Tuesday, Wednesday and Thursday and 13.00 - 03.00 the following	REF	22/01/2015	DEL	DIS	16/11/2015
PA/14/01506/R	United Standard House, 6 Middlesex Street, London, E1 7EP	Application for a Certificate of Lawfulness for an Existing Use or Operation comprising the use of the west and south facing elevations for display of static externally illuminated banner advertisements measuring 20m x 11m and 30.4m x 20m.	REF	30/01/2015	DEL	WWN	23/11/2015
PA/14/01897/EX	Silwex House, Quaker Street, London, E1 6NS	Demolition of the roof and part side elevations, the retention and restoration of the southern and northern elevations and the construction of a 3 storey roof extension to provide a new hotel (Class C1) development comprising approx. 250 bedrooms over bas			DC	DIS	23/11/2015
PA/15/00988/NC	112 Bow Common Lane, London, E3 4GD	Loft conversion with a dormer window to the front.	REF	26/05/2015	DEL	ALW	01/12/2015
PA/14/02628/R	62 Swaton Road, London, E3 4ET	Single storey rear extension, four storey side extension and loft conversion to convert from 3 bedroom house to 1x3 bed (5 person) and 2x2 bed (3 person) flats.	REF	10/12/2014 13:49	DEL	DIS	08/12/2015
PA/15/00748/NC	2 Trafalgar Way, London, E14 5SP	Application to modify a Section 106 Agreement - Affordable Housing Contribution	REF	14/04/2015 16:46	DEL	WWN	09/12/2015
PA/15/00692/NC	37 Vivian Road, London, E3 5RE	Demolition of single storey lean-to structure at rear of property and erection of full-width single storey rear extension with 3-sides enclosed courtyard.	REF	31/07/2015	DEL	DIS	15/12/2015

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/15/00095	418 Roman Road, London, E3 5LU	Proposed ground floor studio flat and second floor mansard roof, new shopfront and extended basement storage.			DC	ALW	17/12/2015
PA/15/01823/NC	Pavement O/S 74 Leman Street, London, E1 8EU	Installation of electronic communications apparatus on the Highway.	REF	17/08/2015	DEL	DIS	14/01/2016
PA/15/01824/NC	Pavement O/S 33 Commercial Street, London, E1 6DH	Installation of electronic communications apparatus on the Highway.	REF	17/08/2015	DEL	DIS	14/01/2016
PA/14/03115/R	8 Sewardstone Road, London, E2 9JG	Conversion of the existing basement into a 1 bedroom flat with ancillary works to create the front entrance from Sewardstone Road.	REF	26/03/2015	DEL	DIS	15/01/2016
PA/14/03348/R	2 - 10 Cobb Street, London, E1 7LB	Demolition of Existing Buildings and erection of New Building comprising 9no. residential apartments and 2 no. Commercial units , A1, A2, A3 & B1 use totalling 476 m2.	REF	30/01/2015	DEL	WWN	21/01/2016
PA/15/01320	Central Foundation Girls School, College Terrace, London, E3 5AN	Application for revised affordable housing provision following section 106 agreement dated 26/11/2013, relating to application PA/12/2577 dated 26/11/2013	N/A	N/A	N/A	DIS	26/01/2016
PA/15/00869/R	Unit 1, 24 White Church Lane, London, E1 7QR	Installation of low-level kitchen extraction ventilation system and insertion of 2 weather louvre vents to front and flank elevations at fascia level.	REF	22/05/2015	DEL	DIS	30/01/2016
PA/14/02753/R	The Forge, 397 & 411 Westferry Road, London, E14 3AE	Change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394 sq m and net sales area (gross internal) of 277 sq m; and change of use of the remainder of The Forge (Use	REF	24/06/2015	DC	DIS	04/02/2016
PA/14/02754/R	The Forge, 397 & 411 Westferry Road, London, E14 3AE	Change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394 sq m and net sales area (gross internal) of 277 sq m; and change of use of the remainder of The Forge (Use	REF	24/06/2015	DC	DIS	04/02/2016
PA/15/01567/NC	5 Campbell Road, London, E3 4DS	Erection of a full width rear extension.	REF	07/08/2015	DEL	DIS	04/02/2016
PA/15/01299/NC	2 Garner Street, London, E2 9AQ	Erection of mansard roof extension.	REF	16/07/2015	DEL	ALW	05/02/2016

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/15/01585/NC	82-84 Rhodeswell Road, London	Development of a three storey building comprising five residential units (Class C3) along with associated landscape works.	REF	03/08/2015	DEL	DIS	06/02/2016
PA/15/01271/NC	Flat 16, Hutton House, Turin Street, London, E2 6BT	Application for extended juliette balcony.	REF	06/07/2015	DEL	ALW	12/02/2016
PA/15/01825/NC	Pavement O/S 112 Whitechapel High Street, London, E1 6BF	Installation of electronic communications apparatus on the Highway.	REF	17/08/2015 09:18	DEL	DIS	12/02/2016
PA/15/01057/R	45 AlderDC Road, London, E1 4EG	Loft Conversion, rear extension at first floor level and replacement of ground floor double doors with bi folding doors	REF	21/09/2015	DEL	DIS	18/02/2016
PA/14/03498/A2	51 Redmans Road, London, E2	Replace existing vacant site with mixed-use building providing one commercial unit and seven residential units (5 x 2 bed, 1 x 3 bed and 1 x studio).	REF	20/04/2015	DEL	ALW	22/02/2016
PA/15/00166/R	59-61 Roman Road, London, E2 0QN	Application for planning permission for a 2 storey, rooftop, rear extension and alterations to the elevations to create two residential units (1x one bedroom unit and 1x two bedroom unit)	REF	19/03/2015	DEL	DIS	22/02/2016
PA/15/00635/NC	423 Mile End Road, London, E3 4PB	Rear extension including infill side passage and internal alterations with new timber sash windows to main listed building.	REF	27/08/2015	DEL	DIS	22/02/2016
PA/15/01496/NC	423 Mile End Road, London, E3 4PB	Rear extension including infill side passage and internal alterations with new timber sash windows to main listed building.	REF	31/07/2015	DEL	DIS	22/02/2016
PA/15/01799/NC	Northern side of Blackwall Tunnell, London E14	Erection of one single sided digital display with associated logo boxes on the northern side of the Blackwall Tunnel to face south bound traffic on A102.	REF	21/08/2015	DEL	DIS	23/02/2016
PA/15/02735/NC	74 Whitechapel High Street, London, E1 7QX	Application for advertisement consent for the display of one temporary advertising panel on a scaffold shroud fronting Osborn Street for a temporary period of twelve months.	REF	20/11/2015	DEL	DIS	08/03/2016
PA/14/03669/R	459 Roman Road, London, E3 5LX	Development to provide for one bedroom maisonette at ground and basement level.	REF	09/06/2015	DEL	DIS	09/03/2016
PA/14/03667/R	459 Roman Road, London, E3 5LX	Construction of mews house to the rear of existing shop/residential building.			DC	DIS	10/03/2016

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/15/01111/NC	8 Tredegar Square, London, E3 5AD	Demolition of lower ground floor vaults to provide access to lower ground floor from the ground floor entrance.	REF	17/06/2015	DEL	ALW	15/03/2016
PA/15/01112/NC	8 Tredegar Square, London, E3 5AD	Demolition of lower ground floor vaults to provide access to lower ground floor from the ground floor entrance.	REF	17/06/2015	DEL	ALW	15/03/2016
PA/15/00616/R	108 Mile End Road, London, E1 4UN	Change of use from retail (Class A1) to restaurant/takeaway (Class A3/A5) and installation of a ventilation flue on the rear elevation of the building with internal alterations and basement extension. Appeal submitted against non-determination.			DEL	DIS	16/03/2016
PA/15/00617	108 Mile End Road, London, E1 4UN	Change of use from retail (Class A1) to restaurant/takeaway (Class A3/A5) and installation of a ventilation flue on the rear elevation of the building with internal alterations and basement extension. Appeal submitted against non-determination.			DEL	DIS	16/03/2016
PA/15/01160/NC	129 Cadogan Terrace, London, E9 5HP	Application for variation of condition no 13 (hours of operation) from: 10:00 - 22:30 Sundays - Thursdays 10:00 - 23:00 Fridays and Saturdays to: 10:00 - 23:30 Mondays to Thursdays 10:00 - 24:00 Fridays and Saturdays 10:00 - 22:30 Sundays and condition 15	REF	18/06/2015	DEL	PAL	16/03/2016
PA/15/01794/A1	21 Stutfield Street, London, E1 1RF	Alterations to existing garage (including enlargement and provision of pitched roof) to create a retail unit (use class A1) and a garden shed.	REF	18/09/2015 12:43	DEL	ALW	16/03/2016
PA/15/01332/NC	Gouldy House, 82A Whitechapel High Street And 83 Whitechapel High Street, London, E1	Installation of awning over shop front and Gouldy House entrance	REF	21/09/2015	DEL	ALW	17/03/2016
PA/15/01664/R	88 Mile End Road, London	Change of use class from D1 to C3 residential to convert the first floor level to create 2 studio flats and one 2 bedroom flat with minor external alterations.			DEL	DIS	17/03/2016

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/15/02576/NC	Flat 5, Gwilym Maries House, 21 Canrobert Street, London, E2 0BG	Addition of third storey above two-storey attached house with single storey ground floor side extension and internal layout refurbishments.	REF	05/11/2015	DEL	DIS	18/03/2016
PA/15/00985/NC	33 Approach Road, London, E2 9LY	Internal alterations to create a second bedroom at the rear of an existing one bed maisonette. New rooflight on butterfly roof, and new double glazed like-for-like window at second floor rear.	REF	09/06/2015	DEL	DIS	29/03/2016
PA/15/01121	14A Campbell Road, London, E3 4DT	Erection of a two storey rear extension and internal re-configurations/remodelling of existing two bed flat over ground floor/basement level and conversion of the existing to form 1 x 2 bed flat at ground floor level and 1 x 2 bed flat at basement level			DEL	DIS	31/03/2016
PA/15/01122	14A Campbell Road, London, E3 4DT	Erection of a two storey rear extension and internal re-configurations/remodelling of existing two bed flat over ground floor/basement level and conversion of the existing to form 1 x 2 bed flat at ground floor level and 1 x 2 bed flat at basement level			DEL	DIS	31/03/2016
PA/15/02296/NC	339 Cambridge Heath Road, London, E2 9LH	Replacement of existing single sided internally-illuminated backlit 48 sheet advertising unit with single new internally-illuminated digital LED 48 sheet advertising unit.	REF	13/10/2015	DEL	DIS	04/04/2016
PA/15/02766/NC	2 Brick Lane, London, E1 6RF	Application for advertisement consent for the installation of an illuminated advertisement banner with scaffold for a temporary period of 218 days.	REF	23/11/2015	DEL	DIS	04/04/2016
PA/15/01102/NC	47 Wentworth Street, London, E1 7TD	Erection of first floor extension and conversion of storage unit into one bedroom one person dwelling.	REF	27/07/2015	DEL	DIS	05/04/2016
PA/15/01600/NC	55 Wentworth Street, London, E1 7TD	Erection of first floor extension and conversion of storage unit into one bedroom one person dwelling.	REF	28/07/2015	DEL	DIS	05/04/2016
PA/15/01233/NC	9 Artillery Passage, London, E1 7LJ	Proposed reinstatement of hand painted sign to existing brickwork panel on building corner.	REF	22/07/2015	DEL	DIS	13/04/2016
PA/15/01235/NC	9 Artillery Passage, London	Reinstatement of hand painted sign to existing brickwork panel on building corner.	REF	22/07/2015	DEL	DIS	13/04/2016

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/15/01863/NC	9-12 Artillery Passage, London, E1 7LJ	Fixed Fabric Awnings to First Floor Windows (retrospective)	REF	25/09/2015 15:21	DEL	DIS	13/04/2016
PA/15/01864/NC	9-12 Artillery Passage, London, E1 7LJ	Fixed Fabric Awnings to First Floor Windows (retrospective)	REF	25/09/2015 15:24	DEL	DIS	13/04/2016
PA/15/01993/NC	15 Artillery Passage, London, E1 7LJ	First Floor Rear Extension.	REF	25/09/2015 15:09	DEL	DIS	13/04/2016
PA/15/02093/NC	15 Artillery Passage, London, E1 7LJ	First Floor Rear Extension.	REF	25/09/2015 15:28	DEL	DIS	13/04/2016
PA/15/00566/R	Unit 3, 61 Alie Street, London, E1 8EB	Change of use from A1 (shops) to A3(cafe and restaurant) to an existing unit.	REF	14/05/2015	DEL	DIS	15/04/2016
PA/15/01148/NC	184 HackDC Road, London, E2 7QL	Construction of a rear extension at first, second and third floor level to enlarge the existing 3 studio flats and construction of an additional storey at fourth floor level to create a 1 x 2 bed flat. Enlargement of the shop front at ground floor side el	REF	25/06/2015	DEL	DIS	15/04/2016
PA/15/02360/NC	108C Teesdale Street, London, E2 6PU	The extension of a top floor apartment to create a family sized residential unit with private amenity.	REF	16/10/2015	DEL	DIS	15/04/2016
PA/15/02387/NC	34 Arbery Road, London, E3 5DD	Light well to front elevation.	REF	30/10/2015	DEL	DIS	15/04/2016
PA/15/02879/NC	30 Cardigan Road, London, E3 5HU	Retrospective application for safety railings to flat roof.	REF	17/12/2015	DEL	DIS	20/04/2016
PA/15/03075/NC	199 Whitechapel Road, London, E1 1DE	Conversion of a 48-sheet advertising hoarding to 1no. Backlight 48-sheet advertising hoarding.	REF	14/12/2015	DEL	DIS	05/05/2016
PA/12/02784/A1	Calders Wharf, Saunders Ness Road, London, E14 3EA	The redevelopment of Calders Wharf community Centre comprising the demolition of the existing building (387sq.m GIA) (Use Class D1) and adjacent boundary wall, railings and planters. The construction of a four storey building to provide a new Community Ce			DC	ALW	11/05/2016
PA/12/02785	Calders Wharf, Saunders Ness Road, London, E14 3EA	Conservation Area Consent for the demolition of an existing modern constructed, single storey community building (387 sq.m. GIA, Use Class D1) (the Calders Wharf Community Centre), a 2.4 metre high brick boundary wall, railings and planters and the remova			DC	ALW	11/05/2016

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/15/02152/NC	136 Fairfoot Road, London, E3 4EL	Single storey ground floor front extension and single storey ground floor rear extension	REF	14/09/2015	DEL	DIS	11/05/2016
PA/15/02937/NC	10 Sextant Avenue, London, E14 3DX	First and Second floor side extension to the dwellinghouse	REF	17/12/2015	DEL	DIS	19/05/2016
PA/15/03086/NC	1 Copperfield Mews, LONDON, E2 6DE	The proposal includes: An extension to create additional third floor accommodation with terrace. Reconfiguration of the second floor bathroom layout and addition of staircase to proposed floor.	REF	23/12/2015	DEL	DIS	19/05/2016
PA/15/03199/NC	41 Saltwell Street, London, E14 0DY	Erection of a mansard roof extension to create an additional floor including the raising of the party wall to no. 39 and alterations to ground floor front elevation.	REF	21/12/2015	DEL	DIS	19/05/2016
PA/15/00799/NC	Nelson House, 3 Cold Harbour, London, E14 9NS	(a) External alteration to the loft/roof level of Nelson House to entail the removal of the existing roof pitch and rebuilding with new mansard and remodelling of second floor to create access to the proposed loft area. (b) Internal alterations and int	AND	20/05/2016	DEL	DIS	20/05/2016
PA/15/00901/NC	Nelson House, 3 Cold Harbour, London, E14 9NS	(a) External alteration to the loft/roof level of Nelson House to entail the removal of the existing roof pitch and rebuilding with new mansard and remodelling of second floor to create access to the proposed loft area.	AND	20/05/2016	DEL	DIS	20/05/2016
PA/12/03120/NC	32 Brushfield Street, London, E1 6AT	Submission of details pursuant to Condition 9 (Details of the means of ventilation) and Condition 10 (servicing management plan) of Planning Permission dated 1st Oct 2012 reference: PA/12/01853.	REF	28/04/2015		ALW	23/05/2016
PA/15/01580/NC	77 Commercial Street, London, E1 6BD	Internal alterations at basement floor and ground floor including facade restoration to 77 Commercial Street, third and fourth floor extension to include 1 additional 2 bedroom apartment (duplex).	REF	04/08/2015	DEL	DIS	24/05/2016
PA/15/02592/NC	104 Finnis Street, London, E2 0DX	To erect a new three storey house	REF	06/11/2015	DEL	DIS	24/05/2016
PA/15/02127/NC	12 Cable Street, London, E1 8JG	Retrospective planning application for the museum shopfront and installation of rollershutters	REF	02/11/2015	DEL	DIS	26/05/2016

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/15/02200/NC	12 Cable Street, London, E1 8JG	Retrospective application for the retention of museum signage	REF	02/11/2015	DEL	PAL	26/05/2016
PA/15/01686/S	59-61 Roman Road, London, E2 0QN	Application to remove condition no. 1 (Car-Free) of planning permission dated 04/08/2014, ref: PA/14/01563.	REF	26/10/2015	DEL	DIS	03/06/2016
PA/15/03115/NC	12 Peartree Lane, London, E1W 3SR	Proposed loft conversion.	REF	24/12/2015	DEL	ALW	03/06/2016
PA/15/02026/NC	30 Cannon Street Road, London, E1 0BH	Retrospective application for retention of 1No. Side parapet wall to existing roof garden. Wall built to match wall to other side.	REF	14/01/2016	DEL	DIS	06/06/2016
PA/15/01874/NC	34 Aberavon Road, London	Redevelopment of existing garage and installation of two additional storeys to provide a three storey, two person, one bedroom dwelling at the rear of 34 Aberavon Road fronting Morgan Street.	REF	23/09/2015	DEL	DIS	13/06/2016
PA/15/02032/NC	34 Aberavon Road, London	Redevelopment of existing garage and installation of two additional storeys to provide a three storey, two person, one bedroom dwelling at the rear of 34 Aberavon Road fronting Morgan Street.	REF	23/09/2015	DEL	DIS	13/06/2016
PA/15/02669/NC	63 Cephass Avenue, London, E1 4AR	Demolition of an existing storage building to the rear and the erection of a one and a half storey dwellinghouse.	REF	12/11/2015 16:43	DEL	DIS	15/06/2016
PA/15/02840/NC	First Floor, 34 Copperfield, London, E3 4RR	Prior Approval under Class P of GDPO 2015 conversion of first floor (warehouse class B8) to provide one 2 bedroom flat and one 3 bedroom flat.	PAR	25/11/2015	DEL	DIS	16/06/2016
PA/14/03219/A1	SCHEME 1:- 1-3 Corbridge Crescent And 1-4 The Oval, London	Demolition of existing buildings and erection of three linked blocks of 3 to 18 storeys comprising 90 dwellings, communal and private amenity space and 337m2 of commercial floorspace (B1/D1). [Amended proposal: Changes to ground floor layout and frontage]			DEL	DIS	20/06/2016
PA/14/03220/A2	SCHEME 2:- 1-3 Corbridge Crescent And 1-4 The Oval, London	Demolition of existing single storey commercial buildings; retention, repair and or reinstatement and alterations of external facades of existing Regency and Victorian cottages and conversion to residential use involving internal alterations; erection of			DEL	DIS	20/06/2016

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/15/00587/NC	3-5 Globe Road, London, E1 4DT	Application for planning permission for change of use of ground floor from office/light industrial (Class B1) to retail/supermarket (Class A1) and external alterations comprising new customer entrance door, replacement windows to frontage and new means of	REF	01/05/2015	DEL	ALW	30/06/2016
PA/16/00052/NC	White Hart Public House, 1 Mile End Road, London, E1 4TP	An open weave mesh banner fabric advert upon a temporary scaffold for the duration of the refurbishment works to the building. The commercial advert will be surrounded by a 1:1 image of the host building, creating a shroud upon the temporary scaffold. Whe	REF	23/03/2016 15:56	DEL	DIS	18/07/2016
PA/15/02552/NC	Land at rear of 48 to 52 Grove Road, London	Proposed one x bedroom dwelling.	REF	18/02/2016 16:18	DEL	DIS	26/07/2016
PA/16/00015/NC	Flat A, 16 Turners Road, London, E3 4LE	Construction of an additional room and w/c in the loft space at the rear of the property. Sedum roof to the front of the property with maintenance access from the proposed loft room.	REF	17/03/2016 14:45	DEL	DIS	26/07/2016
PA/15/01474/A1	66-68 Bell Lane and 1-5 Tenter Ground, London, E1 7LA	The demolition of the existing building at 66-68 Bell Lane and the erection of a new single dwelling house set over five floors (including the basement) with ancillary private artist's studio space and the creation of linked ancillary residential accommod			DC	WWN	29/07/2016
PA/15/02020/R	12 Follett Street, London, E14 0EG	Change of use from residential (C3) to solicitor's office (A2). (Retrospective)	REF	28/01/2016	DEL	DIS	29/07/2016
PA/15/02281/R	3 Manchester Road, London, E14 3BD	Reconfiguration of existing 1 x 1 bed flat in addition to internal and external alterations (including first floor rear extension and roof extension) to create 2 x 2 bed flats	REF	22/10/2015	DEL	DIS	29/07/2016
PA/15/03573/NC	30 Old Ford Road, London, E2 9PJ	Single storey mansard roof extension to existing house.	REF	04/03/2016 14:07	DEL	ALW	02/08/2016
PA/16/00185/NC	34 Manchester Grove, London, E14 3BG	Single storey side and rear extensions and installation of a front and a rear rooflight as part of loft conversion.	REF	14/03/2016 15:57	DEL	DIS	04/08/2016
PA/15/00096/NC	Passageway To The South Of 18 Cleveland Way, London, E1	Erect a gate (height 2.4m) across the passageway.	REF	26/06/2015 15:04	DC	ALW	09/08/2016

Reference	Application Address	Proposal	LBTH Decision	Decision Date	LBTH Decision level	Appeal Decision	Appeal decision date
PA/15/01854	Horseshoe Close, London, E14	Proposal for new construction of 7 self-contained flats over four floors above existing car parking areas.			DEL	DIS	15/08/2016
PA/15/03295/R	Pepys House, Kirkwall Place, London, E2 ONB	Erection of five storey building to create 3 x studios and 1x 4bed maisonette unit.	REF	26/01/2016	DEL	DIS	23/08/2016
PA/16/00524/NC	48 Milligan Street, London, E14 8AU	Proposal of a basement extension to accommodate a non-habitable gym area and single storey rear extension.	REF	20/05/2016 15:28	DEL	DIS	31/08/2016
PA/16/00148/NC	243 East India Dock Road, London, E14 0EG	Existing metal framed advertisement to be retained at first floor roof level. Sign spans full width of site and is fixed to timber studs on both party walls and inside face of parapet. Approximate dimensions: 1.5m high x 6.2m wide.	REF	15/03/2016 16:08	DEL	DIS	07/09/2016
PA/15/02791/NC	399A Roman Road, London, E3 5QS	Application for mansard roof extension, replacement of windows and erection of a barrier on external balcony.	REF	18/04/2016	DEL	DIS	22/09/2016

APPENDIX 2**Live Appeals in Tower Hamlets – October 2016**

Reference	Application Address	Proposal	Decision Type	Decision Date	LBTH decision level	Appeal Received Date
PA/13/02113/S	26 Venue Street, London, E14 6QA	Approval of details pursuant to condition nos. 4 (highways improvements) and 5 (car-free agreement), of planning permission dated 10/05/2011, ref: PA/11/00588	PER	09/05/2014		21/07/2016
PA/14/03395/R	44 Milligan Street, London, E14 8AU	Erection of an additional floor to form a second floor level plus the erection of a single storey rear extension	REF	10/04/2015	DEL	08/06/2015
PA/14/03474/R	519-523 Cambridge Heath Road, London, E2 9BU	Demolition of the existing building and construction of a new five storey building to provide training facility (Class D1) at ground floor and nine dwellings (Class C3) on first to fourth floors (2 x 3 bed, 5 x 2 bed and 2 x 1 bed.)	REF	23/10/2015	DEL	08/02/2016
PA/15/00073/R2	48 Milligan Street, London, E14 8AU	Erection of an additional floor to form a second floor level plus the erection of a single storey rear extension.	REF	24/03/2015	DEL	08/06/2015
PA/15/00165/R	59-61 Roman Road, London, E2 0QN	Single storey, rooftop, rear extensions and alterations to elevations to create one, two bedroom residential unit.	REF	19/03/2015	DEL	08/05/2015
PA/15/00984/NC	33 Approach Road, London, E2 9LY	Internal alterations to create a second bedroom at the rear of an existing one bed maisonette. New rooflight on butterfly roof, and new double glazed like-for-like window at second floor rear.	REF	09/06/2015	DEL	18/12/2015
PA/15/01224/NC	245-247 Mile End Road, London, E1 4BJ	Application for certificate of lawfulness in respect of existing high level advertisement signs to side and front of building.	REF	09/07/2015	DEL	18/09/2015

Reference	Application Address	Proposal	Decision Type	Decision Date	LBTH decision level	Appeal Received Date
PA/15/01601/R	Vic Johnson House Centre, 74 Armagh Road, London, E3 2HT	Part demolition, part refurbishment, part new build (extension) to total 60 age restricted apartments (over 55s) sheltered housing scheme, including new communal areas (loung, function room, hair salon and managers office), and associated landscape garden	REF	18/12/2015	NEY	26/04/2016
PA/15/01851/NC	18 Old Bellgate Place, London, E14 3SW	Application for certificate of lawfulness in respect of existing use of former garage as a self-contained dwelling house.	REF	17/09/2015	DEL	23/10/2015
PA/15/01929/NC	55 Jamestown Way, London, E14 2DE	Application for Certificate of Lawfulness in respect of proposed front dormer	REF	04/09/2015	DEL	27/10/2015
PA/15/00641/A1	Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX	Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 153 units including 28 undercroft and surface car parking spaces and a central landscaped courtyard. NB Appeal in abeyance and Public Inquiry Cancelled	NDA	NDA	SDC	29/02/2016
PA/15/02390/S	5 Hertsmere Road, London, E14 4AN	Application for Variation of condition No. 2 (Operating Hours) attached to planning permission dated 06/08/1999, ref: PA/99/00498 from 6am and 10pm Mondays to Fridays and 7am and 7 pm on Saturdays and Sundays to 24 hours, 7 days a week "	NDA	NDA	DEL	12/09/2016
PA/15/02489/R	Duke Of Wellington, 12-14 Toynbee Street, London, E1 7NE	Change of use from public house (A4) to a mixed public house / hotel use (sui generis). Erection of two storey extension at second floor and roof level and installation of dormer windows to allow the conversion of the first, second and third floor to acco	REF	28/04/2016	NEY	19/05/2016

Reference	Application Address	Proposal	Decision Type	Decision Date	LBTH decision level	Appeal Received Date
PA/15/02791/NC	399A Roman Road, London, E3 5QS	Application for mansard roof extension, replacement of windows and erection of a barrier on external balcony.	REF	18/04/2016	DEL	05/07/2016
PA/15/02890/NC	379 Mile End Road, London, E3 4QS	Replacement and relocation of front facade and windows.	REF	24/12/2015	DEL	23/06/2016
PA/15/02894/NC	Lancaster Drive, Jamestown Harbour Estate, London E14	Erection of electronically controlled security gates fronting Lancaster Drive, Jamestown Hraour Estate, off Prestons Road	REF	18/02/2016	DEL	30/06/2016
PA/15/02971/R	Flat 1, 1 Wellington Way, London, E3 4NE	Erection of a single storey infill extension at rear of ground floor flat and internal alterations.	REF	19/04/2016	DEL	03/05/2016
PA/15/02972/R	Flat 1, 1 Wellington Way, London, E3 4NE	Erection of a single storey infill extension at rear of ground floor flat and internal alterations	REF	19/04/2016	DEL	20/04/2016
PA/15/02991/NC	199 and 199A East Ferry Road, London, E14 3BB	Demolition of 2 existing dwelling houses and construction of 5 dwelling houses. Removal of some existing trees on site and construction of bike store and composting facility.	REF	23/03/2016	DEL	18/07/2016
PA/15/03058/NC	357-361 Commercial Road, London	First floor rear extension, second floor rear extension, and roof extension at 361 Commercial Road. Second floor rear extension to 357 and 359 Commercial Road.	REF	27/01/2016	DEL	18/05/2016
PA/15/03171/NC	19 Senrab Street, London, E1 0QE	Roof conversion and dormer to rear.	REF	23/06/2016	DEL	14/09/2016
PA/15/03244/NC	1 Hickin Street, London, E14 3LW	Proposed porch, rear extension and loft conversion (retrospective).	REF	07/03/2016	DEL	29/04/2016
PA/16/00254/NC	16-36 Goulston Street, London, E1 7TL	Erection of a 2.3 metre high metal security gate on a private estate road between nos. 16 and 36 Goulston Street at the entrance to Herbert House and Jacobson House.	REF	24/03/2016	DEL	08/06/2016

Reference	Application Address	Proposal	Decision Type	Decision Date	LBTH decision level	Appeal Received Date
PA/16/00391/NC	No. 66-68 Bell Lane and No. 1-5 Tenter Ground, London, E1 7LA	The demolition of the existing building at 66-68 Bell Lane and erection of single dwelling house over five floors (including basement) with ancillary private artist's studio space and ancillary residential accommodation located on the 2nd floor of No. 1-5	REF	13/04/2016	DEL	04/05/2016
PA/16/00451/NC	103 Bow Road, London	Erection of a three storey rear extension and installation of UPVC window at second floor level to the rear of the building.	REF	07/06/2016	DEL	20/06/2016
PA/16/00526/NC	Flat 69, Solander Gardens, Lowood Street, London, E1 0DW	Single storey rear extension and enclosure of front porch.	REF	25/04/2016	DEL	05/08/2016
PA/16/00637/NC	129 Mile End Road, London, E1 4UJ	Removal of part of roof structure and construction of extension to second floor / roof of building with associated external and internal works.	REF	05/05/2016	DEL	27/07/2016
PA/16/00638/NC	129 Mile End Road, London, E1 4UJ	Removal of part of roof structure and construction of extension to second floor / roof of building with associated external and internal works.	REF	05/05/2016	DEL	27/07/2016
PA/16/00935/NC	10A Toynbee Street, London, E1 7NE	Erection of a first floor extension and second floor roof terrace and installation of windows to flank elevation.	REF	08/06/2016	DEL	22/06/2016
PA/16/00956/NC	196A-B Old Ford Road, London, E2 9PT	Ground and first floor extension to existing house.	REF	26/07/2016	DEL	31/08/2016
PA/16/00981/NC	2A-20A Spelman Street, London, E1 5LQ	Replacement of timber sash to UPVC sash at 2a, 2b, 4, 6a, 6b, 8a, 8b, 10a, 10b, 12a, 12b, 14, 16a, 18a, and 20a Spelman street.	REF	06/07/2016	DEL	21/07/2016
PA/16/00982/NC	27B Monthope Road, London, E1 5LL	Replacement of timber sash windows to UPVC sash.	REF	13/06/2016	DEL	01/07/2016

Reference	Application Address	Proposal	Decision Type	Decision Date	LBTH decision level	Appeal Received Date
PA/16/00983/NC	11-25B Casson Street, London, E1 5LA	Replacement of timber sash windows to UPVC sash at 11, 13, 15, 19A, 19B, 25A, 25B Casson Street.	REF	13/06/2016	DEL	01/07/2016
PA/16/01285/NC	East One Building, 22 Commercial Street, London, E1 6LP	Application for advertisement consent for the display of 1x LED panel and associated cladding.	REF	06/07/2016	DEL	15/08/2016
PA/16/01298/R	42 Arnold Road, London, E3 4NU	Demolition of existing rear lean-to and erection of new single storey Orangery extension.	REF	28/07/2016	DEL	02/08/2016
PA/16/01299/R	42 Arnold Road, London, E3 4NU	Demolition of existing rear lean-to and erection of new single storey Orangery extension.	REF	28/07/2016 13:59	DEL	02/08/2016
PA/16/01392/NC	15 Artillery Passage, London, E1 7LJ	First Floor rear Extension	REF	26/07/2016 11:24	DEL	19/09/2016
PA/16/01393/NC	15 Artillery Passage, London, E1 7LJ	First Floor rear Extension	REF	26/07/2016 11:28	DEL	19/09/2016