

# STRATEGIC DEVELOPMENT COMMITTEE

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Thursday, 20 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 Danny Hassell  
Councillor Asma Begum, Councillor Denise Jones, Councillor Md. Maium Miah,  
Councillor Gulam Robbani, Councillor Helal Uddin and Councillor Julia Dockerill

**Substitutes:**

Councillor Amina Ali, Councillor Andrew Cregan, Councillor Muhammad Ansar  
Mustaquim, Councillor John Pierce, Councillor Oliur Rahman, Councillor Chris Chapman  
and Councillor Andrew Wood

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Tuesday, 18 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 Wednesday, 19  
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  
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Web: <http://www.towerhamlets.gov.uk/committee>

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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 - 22)**

To confirm as a correct record the minutes of the meetings of the Strategic Development Committee held on 24<sup>th</sup> August and 8<sup>th</sup> September 2016.

### **3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 23 - 24)**

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 Strategic Development Committee.

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

None.

<b>5.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>25 - 26</b>	
<b>5 .1</b>	<b>99 Mansell Street &amp; 31-33 Prescot Street, London E1 (PA/16/00757)</b>	<b>27 - 82</b>	<b>Whitechapel</b>

Proposal:

Mixed-use development in a part 6, part 8 and part 9 storeys block with lower ground floor comprising 57 serviced apartments (Use Class C1) on the upper floors and 1,115sqm of office floorspace (Use Class B1) at basement, ground and first floor and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment floorspace (Use Class A1, A2, A3, A4 and A5) at ground floor level.

Recommendation:

That the Committee resolves to GRANT planning permission subject to the prior completion of a legal agreement to secure planning obligations, and conditions and informatives as set out in the Committee report.

<b>5 .2</b>	<b>116-118 Chrisp Street, Poplar London, E14 6NL (PA/14/02928)</b>	<b>83 - 124</b>	<b>Lansbury</b>
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Proposal:

Demolition of public house (Use Class A4) and former Tyre and Exhaust Centre building (Use Class B1/B2) and erection of mixed-use development of part 5, part 13, part 15 storeys comprising of 63 residential units (Use class C3) with ground floor commercial unit (flexible use - Use Classes A1/A2/A3/A4), and associated cycle and refuse storage facilities, amenity areas and electricity sub-station. Formation of new vehicular and pedestrian accesses onto Chrisp Street.

Recommendation:

That the Committee resolve to GRANT planning permission subject to any direction by the London Mayor, the prior completion of a legal agreement to secure planning obligations and conditions and informatives as set out in the Committee report.

<b>5 .3</b>	<b>The Quay Club, Bank Street, Canary Wharf, London, E14 (PA/16/00899 &amp; PA/16/00900)</b>	<b>125 - 156</b>	<b>Canary Wharf</b>
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Proposal:

Demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; the installation of new piles in the Bank Street; and the erection of a five storey building on the existing marine piles for use as a members club (Use Class Sui Generis) and other associated works incidental to the development.

Recommendation:

That the Committee resolve to GRANT planning permission and listed building consent subject to the prior completion of a legal agreement to secure planning obligations and, conditions and informatives as set out in the Committee report.

<b>6.</b>	<b>OTHER PLANNING MATTERS</b>	<b>157 - 158</b>
<b>6 .1</b>	<b>Planning Appeals Report</b>	<b>159 - 194</b>

Recommendation:

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

**Next Meeting of the Strategic Development Committee**

Tuesday, 29 November 2016 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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# Agenda Item 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Further advice**

For further advice please contact:-

Melanie Clay Corporate Director of Law Probitiy 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 STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 24 AUGUST 2016**

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

**Members Present:**

Councillor Marc Francis (Chair)  
Councillor Danny Hassell (Vice-Chair)  
Councillor Asma Begum  
Councillor Gulam Robbani  
Councillor Helal Uddin  
Councillor Julia Dockerill  
Councillor Muhammad Ansar Mustaqim (Substitute for Councillor Md. Maium Miah)  
Councillor John Pierce (Substitute for Councillor Denise Jones)

**Other Councillors Present:**

None

**Apologies:**

Councillor Denise Jones  
Councillor Md. Maium Miah

**Officers Present:**

Paul Buckenham	(Development Control Manager, Development and Renewal)
Beth Eite	(Deputy Team Leader, Development and Renewal)
Christopher Stacey – Kinchin	(Planning Officer, Development and Renewal)
Abiodun Kolawole	(Legal Services, Directorate Law, Probity and Governance)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of interest were made.

## **2. RECOMMENDATIONS**

The Committee **RESOLVED** that:

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

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

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

## **4. DEFERRED ITEMS**

None.

## **5. PLANNING APPLICATIONS FOR DECISION**

### **5.1 Site Bound by Raven Row, Stepney Way Sidney Street, London E1 (PA/15/01789)**

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the demolition of existing buildings and erection of three blocks ranging from 4 to 25 storeys in height comprising 564 residential units, commercial floorspace, 70 off-street car parking spaces, communal courtyards, associated landscaping and associated ancillary works.

The Chair invited the registered objector to address the meeting and it was noted that they were not present at the meeting. The Chair then invited the applicant's representative to address the Committee. Maxine Powell highlighted the applicant's track record in delivering similar schemes. She also explained the regeneration benefits of the proposal, the level and quality of the affordable housing, the generous levels of communal amenity space and landscaped public open space. The plans had been amended to reduce the impacts and to maximise the level of affordable housing.

In responding to questions, she outlined the outcome of viability assessment and that the costs of delivering the affordable units would exceed the anticipated profits from the scheme. However, the applicant was willing to forgo profit in the short term in the hope that the margins would improve over time. In response to questions about the 1-2 bed affordable rent properties, it was noted that initial consideration had been given to reducing the rent levels further, but the view was that reducing the rents any further would impact on the overall level that could be provided and might require a significant redesign of the application. In relation to the car parking spaces, she stressed the need for the number of car parking spaces for the private sale units to help fund the 30.7% affordable housing. She also answered questions about the changes to the application to protect the development potential of the neighbouring site including the repositioning of the proposed buildings away from that site to address objections.

Beth Eite (Planning Officer, Development and Renewal) presented the detailed report. The Committee were advised of the site location, the aims for the site in the Whitechapel Vision Master Plan SPD and how the scheme complied with this. It was explained that the application had been carefully designed to facilitate the development of the neighbouring Cavell Street site. Consultation on the application had been carried out and the results were noted. The land use complied with policy and would result in a net increase in employment opportunities.

The Committee noted the key features of the scheme including the design approach, the amendments to reduce any impacts and the heritage assessment. They also noted details of the housing mix and that the level of amenity space and the child play space exceeded the policy requirements.

In terms of the amenity impact, the development would cause a loss of light to neighbouring properties. However it should be noted that the majority of windows most affected by the building did not serve habitable rooms and in many instances, the issues partly stemmed from the design of existing developments. Overall it was considered that plans would not unduly affect amenity and the impacts did not justify a refusal.

The proposed number of car parking spaces slightly exceeded the policy requirements. However, Officers did not consider that the proposals would increase parking pressure in the area.

Given the merits of the application Officers were recommending that it was granted planning permission.

The Committee asked questions about the air quality assessment and the exclusion of the Ayosofia school from the assessment. They also asked about the consultation responses, the need for an additional drop and off and pick up area within the development, the need for the number of car parking spaces (given the good transport links), the number of disabled parking spaces, particularly the number to be made available to the affordable units.

Questions were also asked about the height and design of the development, the access route to the development given the level of traffic congestion in the area, the quality of the ground floor properties and the housing in general, the quantum and location of the child play space within the development, the energy efficiency measures, the health contributions and the secure by design measures.

Members also asked about the density issues and the impact of such issues on internal amenity (as highlighted in the report) and the measures to preserve the development potential of the neighbouring Cavell Street site.

Officers responded that the school no longer operated from the building so had not been included in the assessment. It was common practice for consultees to make no comments on applications but all of the issues identified in the consultation section of the report had been assessed.

The plans sought to provide 70 car parking spaces at basement level. 10% of which would be provided as wheelchair accessible spaces, in accordance with the policy which only set targets for the development as a whole. It did not set specific targets for particular tenures.

The application had been carefully designed to enhance of the setting of the surrounding buildings and details of the materials would be secured by condition. The design of the ground floor units had been revised to address the amenity issues raised by the GLA and the residential units complied with the former Lifetime Home Standards. Consideration had been also given to the level of affordable housing that could be provided. The viability testing showed that should the units be delivered as affordable rents, a slightly greater percentage could be provided. However this would still fall short of the policy targets.

Officers welcomed the overprovision of play space for all the age groups. All of the residential blocks would have access to child play space, comprising a mixture of ground floor and roof top space.

There would be conditions to ensure that the application would be secured by design and measures to minimise building emissions (in accordance with the targets). Consideration would be given to the potential to link the development with a suitable heating plant. The applicant would take steps to ensure this. The application would be CIL liable and would include health contributions that would be allocated according to need.

The density of the scheme marginally exceeded that recommended for a site of this size in the London Plan. Whilst a small number of both the private and affordable housing fell short of meeting the sunlighting and daylighting targets, it should be noted that 80% of the proposed units did achieve the targets and these were common results for development in a dense urban area.

As explained in the presentation, the plans had been amended to protect the development potential of the neighbouring site and there had been discussions with the applicants throughout to ensure this.

Officers also explained the various vehicles access routes to the site and to the proposed car park.

In summary the Chair felt that there was a lot of merit to the application and was therefore minded to support the application. He hoped that the proposed level of affordable housing would be the minimum that would be provided on site. Nevertheless he expressed reservations about the affordability of the one bed affordable properties, the appropriateness of the height of the development and that the plans exhibited some signs of overdevelopment.

On a vote of 7 in favour and 1 against, the Committee **RESOLVED**

1. That the planning permission be **GRANTED** at Site Bound by Raven Row, Stepney Way Sidney Street, London E1 for the demolition of existing buildings and erection of three blocks ranging from 4 to 25 storeys in height comprising 564 residential units, commercial floorspace, 70 off-street car parking spaces, communal courtyards, associated landscaping and associated ancillary works (PA/15/01789) subject to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
4. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report
5. 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.

## 5.2 Redundant Railing Viaduct North of Pooley House, Westfield Way, London (PA/16/00425)

Paul Buckenham introduced the application for a minor material amendment to the approved permission for a student apartment block APP/E5900/A/12/2173692, dated 26/03/2013.

Christopher Stacey – Kinchin (Planning Officer, Development and Renewal) presented the detailed report. He explained the application site and the consent scheme. He then explained the proposed changes to the appearance of the building, the massing to reduce the impacts. He also explained the changes to the accommodation mix, the layout to improve the entrances and security of the apartments and the proposed provision of the roof top plant (that would fit within the original building envelop). Consultation had been carried out and the outcome of this was explained.

Turning to the assessment, it was considered that the revised proposal would improve the standard of accommodation, improve the appearance of the building therefore the building would be more in fitting with the immediate context. The impact on the amenity continued to be acceptable and it was required that details of the energy efficiency measures be submitted. Officers were recommending that the planning permission was granted. In response to questions about the energy efficiency measures, Officers outlined the conditions in the application requiring that the building achieve the highest possible BREAM standards. Overall it was considered that the proposal provided a good example of a sustainable development.

On a unanimous vote, the Committee RESOLVED

1. That planning permission be **GRANTED** at Redundant Railing Viaduct North of Pooley House, Westfield Way, London for

The erection of two separate four storey podium blocks of Student Apartments – the easterly block flanked by two eight storey towers rising from the podium level and the western block by an eight storey block and a ten storey tower at the western end terminating the view along the Campus Access Road to the south. 412 student rooms are proposed which include 344 en suite single rooms, 32 self-contained studios, 36 rooms designed for students with disabilities, 67 kitchen/diners and communal facilities on the site of a redundant railway viaduct running along the northern boundary of the Queen Mary College Campus in Mile End, London

Application for variation of Condition 2 (approved plans) of planning permission reference APP/E5900/A/12/2173692, dated 26/03/2013, for a minor material amendment to the approved scheme including;

- Amended unit type and room design – changed from 332 en-suite and 80 studios to 334 cluster rooms and 78 studios;



- Amended internal layouts to improve the entrance / security arrangements and communal facilities;
- Provision of roof top plant (within the envelope of the approved scheme); and
- Elevational changes to reflect the internal arrangements and Scape's design aspirations, including a reduction, in part, in the overall massing of the building. (PA/16/00425)

Subject to:

2. A deed of variation to link the current S.73 application to the previous S.106 agreement dated 26<sup>th</sup> June 2012 (as amended by a deed of variation dated 14<sup>th</sup> February 2013).
3. That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the matters set out in the Committee report

### **5.3 99 Mansell Street & 31-33 Prescott Street, London E1 (PA/16/00757)**

Update report tabled.

Paul Buckenham introduced the application for mixed-use development in a part 6, part 8 and part 11 storeys block with lower ground floor comprising 67 serviced apartments on the upper floors and 1,115sqm of office floorspace at basement, ground and first floor and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment floorspace at ground floor level.

The Chair then invited the registered speakers to address the meeting.

Dr David O'Neil (Londinian Tower Residents Association) and Dr Maria Salichou spoke in objection the application. The speakers stated that they were speaking on behalf of the residents who have raised concerns about the proposals. They objected to the impact of the proposal on residential amenity in terms of loss of privacy, sunlight and daylight, overshadowing and overlooking from the development due to height and the inadequate separation distances. The speaker's stated that their standard of living had already been affected by development. The proposal would worsen these current issues. They also considered that the plans would be out of keeping with the neighbouring buildings disturbing the street pattern and would be visually overbearing due to its height. Concern was also expressed about the developer's consultation exercise with neighbours. In response to Members questions they clarified their concerns about the impact on neighbouring amenity.

Simon Smith, Applicant's representative, spoke in support of the application. He drew attention to the positive aspects of the proposal in terms of the design, and its relationship to the church. The setting down design towards Prescott Street would provide an appropriate transition to the surrounding

area. The proposals complied with the tests in policy as set out in the Officers report and would not harm amenity. He also highlighted the similarity between the scheme and the approved scheme. They were broadly similar save for the provision of the new Mansell Street elevation that would be slightly taller than the consented application. In response to questions from the Committee he commented on similar developments in London

Beth Eite, (Planning Officer, Development and Renewal) presented the detailed report. She explained the site location and the similarities between the new scheme and the consented scheme. Whilst comparable, changes had been made to the design of the elevation and to provide a new 11 storey building at Mansell Street. Consultation on the plans had been carried out and the concerns raised were noted. The proposed land use complied with the tests in policy applicable to the site, and it was not considered that it would result in an overprovision of short term accommodation. The proposal, whilst higher in part, would preserve the setting of the nearby church and the listed buildings.

It was considered that the impacts on the neighbouring amenity (in terms of sunlight/daylight and privacy) were predominantly negligible. It was however recognised that a small number of properties would experience a modest loss of light and the separation distances marginally fell short of the policy requirements. However, these were fairly common issues for a dense urban area and given the benefits of the application, Officers did not consider that they justified a refusal.

Officers also explained the highway issues including the proposed servicing and loading bay and that there would be a S106 agreement and that the plans would be CIL liable.

Officers were recommending that the planning permission be granted approval.

In response to the presentation, the Committee sought clarity on the consented developments on site and Officers answered these questions. The Committee also asked whether the application would deliver public realm improvements. It was explained that due to the site constraints and the small size of the site, there would be limited opportunities to provide public realm improvements. However, there would be CIL contributions and representations could be made to channel funding into certain areas. In response to questions about the consultation, it was noted that the consultation carried out by the Council included the display of site notices and all of the supporting materials were available on its website.

In response to questions about residential amenity (overlooking and the severity of the loss of light, particularly to properties at Prescott street and Mansell Street,) it was noted that careful consideration had been given to these issues, and it was considered that overall, the impacts, in numerical terms were not that significant. However, it was noted that properties on Mansell street would experience a loss of light (greater than that from the

consented scheme). It was also noted that properties would experience a loss of winter sun lighting. However, this was not uncommon for a London location and it would only require a relatively modest development to effect winter sunlight. It was also noted that the proposal footprint broadly covered that of the consented scheme. In summary Officers felt that despite the issues, the amenity impacts would be acceptable and would be offset by the merits of the application.

Members also asked about the impact of the proposal on the setting of the Church given its proximity to the Church and that the proposal would sit just below the church spire. Officers reported that they considered that it would preserve its special features given its positioning away from the church and the proposal's high architectural quality.

The Committee also questioned the need for additional service apartments in area and progress in meeting the targets for such uses. Officers responded that the targets had yet to be met but they could provide more detailed information on this

On a vote of 1 in favour of the Officer recommendation, 5 against and 2 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the recommendation to grant planning permission be not accepted (for the reasons set out below) and on a vote of 6 in favour, 1 against and 1 abstention, it was **RESOLVED**:

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at 99 Mansell Street & 31-33 Prescott Street, London E1 for mixed-use development in a part 6, part 8 and part 11 storeys block with lower ground floor comprising 67 serviced apartments (Use Class C1) on the upper floors and 1,115sqm of office floorspace (Use Class B1) at basement, ground and first floor and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment floorspace (Use Class A1, A2, A3, A4 and A5) at ground floor level. (PA/16/00757)

The Committee were minded to refuse the proposal due to concerns over the following matters:

- Adverse impact on the setting of the grade II listed Church and 30 Prescott Street
- Adverse impact on the residents of Londinium Tower particularly in terms of access to sunlight and daylight.
- Insufficient evidence to demonstrate that the proposed serviced apartments use would assist in meeting the targets in the London Plan and LBTH Core Strategy.

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.

**6. OTHER PLANNING MATTERS**

None.

The meeting ended at 9.20 p.m.

Chair, Councillor Marc Francis  
Strategic Development Committee

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 8 SEPTEMBER 2016**

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

**Members Present:**

Councillor Marc Francis (Chair)  
Councillor Danny Hassell (Vice-Chair)  
Councillor Asma Begum  
Councillor Md. Maium Miah  
Councillor Gulam Robbani  
Councillor Helal Uddin  
Councillor Julia Dockerill

**Other Councillors Present:**

None

**Apologies:**

Councillor Denise Jones

**Officers Present:**

Paul Buckenham	(Development Control Manager, Development and Renewal)
Fleur Francis	(Team Leader - Planning, Directorate, Law Probity and Governance)
Gareth Gwynne	(Planning Officer, Development and Renewal)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

Councillor Julia Dockerill declared a personal interest in agenda item 6.1, Site between Varden Street and Ashfield Street (Whitechapel Estate), London, E1 (PA/15/02959). This was on the basis that she had visited the Balfon Tower site owned by the developer and had also attended an exhibition on the application arranged by the developer.

Councillors Marc Francis and Helal Uddin declared a prejudicial interest in agenda item 6.2, 14 Flamborough Street, London, E14 7LS - (PA/16/01261) This was because the Councillors were Board Member of Tower Hamlets

Homes. The Councillors undertook to leave the meeting room for the consideration of this application.

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

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 28 July 2016 be agreed as a correct record and signed by the Chair.

In relation to item 6.2 Royal Mint Court, London, EC3N 4QN (PA/16/00479, PA/16/00480), the Chair reminded the Committee that they had agreed to visit the site. The Committee had also requested to receive Planning Appeals report on a periodic basis.

## **3. RECOMMENDATIONS**

The Committee **RESOLVED** that:

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

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

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

## **5. DEFERRED ITEMS**

None.

## **6. PLANNING APPLICATIONS FOR DECISION**

### **6.1 Site between Varden Street and Ashfield Street (Whitechapel Estate), London, E1 (PA/15/02959)**

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the demolition of all existing buildings and redevelopment to provide 12 buildings ranging from ground plus 2 - 23 storeys (a maximum 94m AOD height), comprising 343 residential dwellings, 168 specialist accommodation, commercial units with other associated works.

The Chair then invited registered speakers to address the Committee.

Peter Kyte spoke in objection to the application on behalf of the free holders of Portchester house. He advised members that there was a dispute over the ownership of land in front of Portchester House. He expressed concern about harm to residential amenity in terms of overlooking, loss of sunlight, daylight and outlook. He also expressed concern that the application would result in the overdevelopment of the site given the density of the proposal and that there would be a loss of open space. He also considered that the height, scale and massing of the development would be out of keeping with the existing buildings. In response to questions, he expressed concern about the impact on neighbouring amenity particularly from blocks C, D1, D2 given the separation distances and height of the proposed towers.

Jim Pool, Applicant's representative, spoke in support of the application. He drew attention to the merits of the application compared to the recently approved Raven Road application, in terms of the lower density, the more generous levels of open space, the greater variety of building heights and the greater percentage of affordable housing (33% on site) including the re-provision of the specialist residential accommodation with capped rent levels in perpetuity.

In response to questions from the Committee about the Queen Mary University's comments, he explained that their comments were set out in the update report. In summary, the university felt that the concerns could be overcome by conditions. In relation to the specialist units, the applicant considered that they should be included in the affordable housing calculation. Whilst there would be a net loss of specialist units, the new units would be slightly larger and of a much better quality with subsidised rents. Details of which would be secured through the legal agreement.

Members also asked questions of the speaker and his colleague Richard Coleman, (with the permission of the Chair) about the GLA's comments, the density of the application, the design (including the inclusion of two towers instead of one), the impact of the plans on the area, the new access route on Walden Street and the child play space.

In responding, the speakers considered that the density of the application was relatively modest compared to other developments and that it would not result in the overdevelopment of the site. The application had been carefully designed to enhance the setting of the area and would respond well to its surroundings and protect amenity. It would also provide a landmark building in accordance with the policy and would play a strong townscape role around the walkway. They also stressed the need for the variety of building heights for viability reasons. They also reported that consideration had been given to reducing the number of towers. However, none of the options worked. They felt that this application would deliver the greatest number of benefits. If requested by the Committee, additional child play could be provided within the development

Gareth Gwynne, (Planning Officer, Development and Renewal) presented the detailed report explaining the nature of the application site and the surrounding area including the location of the listed buildings. The plans sought to provide 12 new buildings comprising 21% affordable units, private sale units, specialist residential accommodation and commercial units. There would also be a new access route connecting the site with the surrounding area. Consultation had been carried out and the results were summarised including details of the QMUL's and Bart's Health NHS Trust's comments on the application. Turning to the assessment, it was considered that the land use complied with policy and that the application would provide public benefits. Nevertheless, it was also considered that the development would result in a significant number of adverse amenity impacts to future residential occupants and neighbouring properties. It was also felt that the proposal would harm surrounding heritage assets and would be contrary to the tall buildings policy for the application site that identified the potential for a single tall building on the site.

As a result, Officers were recommending that the planning permission was refused permission for the reasons set out in the Committee report.

In response to Members questions about the GLA's comments, Officers commented on the differing roles of the GLA and the Borough in considering applications. Alongside the strategic role of the GLA, the Council also placed emphasis on the local issues and had also been directed by the aims in the Whitechapel Vision Master Plan SPD in which there was no justification for siting two tall towers on the site. Therefore, given the concerns, Officers felt that the application should be refused.

In response to questions about the heritage issues, Officers further explained the nature of the concerns stemming from a combination of factors (such as the scale of the development, the tight relationship between buildings, the imposing design and the non compliance with the masterplan). Due to these issues, Officers considered the proposals would have an unacceptable impact on the heritage assets and the local townscape



In relation to the density of the scheme and its design (compared to other developments), Members were advised that each application needed to be considered on its own merits.

In response to questions about the Raven Row site, Officers were of the view that the impact on the local heritage assets would be far greater than that from the consented application given the different characteristics of the two sites amongst other matters. In contrast with the approved application, Officers did not consider that the public benefits would outweigh any potential harm from the application.

In responding to questions about the specialist apartments, it was confirmed that if granted, there would be an obligation to re - provide the specialist units on site and they would assist in providing a mixed and balanced community in the absence of any intermediate units. Given that the plans merely sought to re - provide these units, they should not be included within the calculations of the affordable housing. Further, the nature of the units as specialist housing was outside the C3 dwelling house use class that the Council would normally seek to secure as affordable housing. Therefore, it had been calculated that the proposal would provide 21% affordable units.

Regarding the child play space, it was confirmed that play space would be provided at ground floor level. Consideration had been given to converting public space to child play space. However it was found that the public space did not lend itself to provide play space given its character and that sections failed to meet the sun lighting standards in policy.

In response to further questions, Officers clarified their concerns about the severity of the amenity impact. They also commented on the structure of the Officers report in terms of presenting the issues and their appraisal of the application. They also answered questions about the contributions for social infrastructure and the suggested reason for refusal regarding the lack of agreed planning obligations. Officers confirmed that this was included because the application was not recommended for approval and therefore heads of terms had not been agreed.

In summary, the Chair expressed concerns about the impact of the development on the Conservation Area, particularly when viewed from Ashfield street and the impact from buildings I, B1 and B2.

On a vote of 3 in favour, 2 against and 2 abstentions, the Committee **RESOLVED:**

That the planning permission be **REFUSED** at Site between Varden Street and Ashfield Street (Whitechapel Estate), London, E1 for the demolition of all existing buildings and redevelopment to provide 12 buildings ranging from ground plus 2 - 23 storeys (a maximum 94m AOD height), comprising 343 residential dwellings (class C3), 168 specialist accommodation units (Class C2), office floorspace (class B1), flexible office and non-residential institution

floorspace (Class B1/D1), retail floorspace (class A1 - A3), car parking, cycle parking, hard and soft landscaping and other associated works (PA/15/02959) subject to any direction by the London Mayor, (PA/15/02959) for the reasons set out in the Committee report

1. The proposed development exhibits clear and demonstrable signs of overdevelopment relating to heritage, townscape and amenity. These unacceptable impacts would not be justified by the public benefits of the scheme. The symptoms of overdevelopment are:
  - a) The scale, mass, siting and detailed design would impact adversely on the character and appearance of the site and surrounding area including resultant harm to the townscape, as well as harm to a number of designated and undesignated heritage assets, including (but not only) the London Hospital Conservation Area, Myrdle Street Conservation Area and Ford and Sidney Square Conservation Area and harm to the setting of Grade II listed buildings at 43-69 Philpot Street, 39-49 Walden Street, 46-48 Ashfield Street. The harm caused would not be outweighed by the public benefits of the proposal. The height and design of building I would fail to provide a lack of human scale at street level in relation to the provision of a tall building, causing further harm to local townscape and failing to adhere to principles of good design and place-making.
  - b) The scale, layout and massing of the proposed development would cause harm to the amenity of occupiers of neighbouring properties with undue sense of enclosure, unacceptable losses of daylight and sunlight.
  - c) The design of the development would result in poor residential amenity for future occupants of the development and a form of development that is not consistent with good place-making principles and sustainable development, by reason of poor daylight and sunlight, poor outlook, poor levels of privacy and unacceptable overshadowing of amenity spaces.

The scheme fails to comply with the National Planning Policy Framework (NPPF) objectives in particular paragraph 14, and section 12 of the NPPF, the London Plan, in particular policies 3.5, 3.6, 3.7, 7.3, 7.4, 7.5, 7.6, 7 and 7.8 of the London Plan (2016), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies, DM4, DM23, DM24, DM25, DM26, DM27 the Tower Hamlets' Managing Development Document and the objectives of the Whitechapel Vision SPD (2013) which seek to deliver place-making of the highest quality in accordance with the principle of sustainable development, including protecting or enhancing heritage assets

2. No agreed planning obligations in the form of policy compliant financial and nonfinancial contributions have been secured to mitigate the impacts of the development. As a result, the proposal fails to meet the requirements of policies SP02 and SP13 of the adopted Core Strategy

(2010) Policies 8.2 of the London Plan, the Planning Obligations Supplementary Planning Document (2012) and the draft consultation version LBTH Planning Obligations SPD (April 2016) and which seek to agree planning obligations between the Local Planning Authority and developers to mitigate, compensate and prescribe matters relating to the development

**6.2 Any Other Business - 14 Flamborough Street, London, E14 7LS - (PA/16/01261)**

Councillors Marc Francis and Helal Uddin left the meeting room for the consideration of the application.

**Councillor Danny Hassell (Vice Chair) chaired the meeting for the consideration of this application**

Paul Buckenham (Development Control Manager, Development and Renewal) presented the application for the renewal of front double sash windows and box frame.

The Committee noted that the report had been included on the Development Committee agenda for their meeting on 31 August 2016. However, three members of the committee were also Board Members of Tower Hamlets Homes (THH). Legal advice had indicated that it might not be appropriate for those members to take part in the decision on an application made by THH. It was not possible to arrange substitute members for this item. Therefore in accordance with the Strategic Development Committee terms of reference, the Corporate Director of Development and Renewal had exercised their discretion to refer this item to this meeting of the SDC to allow for an expedited decision.

Turning to the application, the Committee were advised of the proposed changes that were in essence minor in nature, but required determination by Members as it involved works to a listed building. It was also noted that no representations had been received and that Historic England had not made any objections to the application. They were content for the Council to determine the application as they saw fit.

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

That the Listed Building Consent be **GRANTED** at 14 Flamborough Street, London, E14 7LS for the renewal of front double sash windows and box frame subject to conditions as set out in the Committee report

The meeting ended at 8.40 p.m.

Chair, Councillor Marc Francis  
Strategic Development Committee

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

### Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

### What can be circulated?

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

**How will the applications be considered?**

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



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

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

**How can I find out about a decision?**

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

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

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

# Agenda Item 5

<b>Committee:</b> Strategic Development	<b>Date:</b> 20 October 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

## 3. ADVICE OF HEAD OF LEGAL SERVICES

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

### LOCAL GOVERNMENT ACT 2000 (Section 97)

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

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
See Individual reports	✓	See Individual reports

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

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

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 3.

#### **5. RECOMMENDATION**

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



# Agenda Item 5.1

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 20 <sup>th</sup> October 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Beth Eite	<b>Ref No:</b> PA/16/00757 <b>Ward:</b> Whitechapel

## 1 APPLICATION DETAILS

<b>Location:</b>	99 Mansell Street & 31-33 Prescott Street, London E1
<b>Existing Uses:</b>	Cleared site under construction for a consented mixed use (B1 office and C1 serviced apartment) development
<b>Proposal:</b>	Mixed-use development in a part 6, part 8 and part 9 storeys block with lower ground floor comprising 57 serviced apartments (Use Class C1) on the upper floors and 1,115sqm of office floorspace (Use Class B1) at basement, ground and first floor and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment floorspace (Use Class A1, A2, A3, A4 and A5) at ground floor level.
<b>Drawing and documents:</b>	<p><u>Drawings:</u> 2060-PA-10 A; 2060-PA-11 A; 2060-PA-12 A; 2060-PA-13 A; 2060-PA-14 A rev B; 2060-PA-16 A rev A 2060-PA-17 A; 2060-PA-18 A rev B; 2060-PA-19 A rev B; 2060-PA-20 A rev B; 2060-PA-21 A rev B; 2060-PA-23 A; 2060-PA-27 rev A 2060-PA-28; 2060-PA-40.</p> <p><u>Documents:</u> Archaeological Desk Based Assessment, prepared by L-P: Archaeology, dated October 2015; BREEAM: Ecology Report, prepared by QUANTS Environmental, dated February 2016; Air Quality Assessment, prepared by REC, dated 17 February 2016; Acoustic Consultancy Report, prepared by LCP, dated 9</p>

March 2016;  
Energy Statement and BREEAM Pre-assessment, prepared by eb7 Sustainability, dated 29 February 2016;  
Transport Statement, Report 01, prepared by Crowd Dynamics, dated February 2015;  
Construction Management & Logistics Plan, prepared by Marldon;  
Phase I Desk Study and Phase II Environmental Site Investigation, prepared by Pam Brown Associates, dated February 2016;  
Flood Risk Assessment, prepared by Herrington Consulting Limited, dated February 2016;  
Flood Risk Assessment and Surface Water Run-off Calculations, prepared by Herrington Consulting Limited, dated February 2016;  
Technical Note, prepared by Paul Mew Associates, dated June 2016;  
View Location 25A.1.

**Applicant:** Marldon  
**Ownership:** Marldon  
**Historic Building:** Site adjoins the western boundary wall of the Grade II listed building at 30 Prescott Street  
**Conservation Area:** None

## 2 EXECUTIVE SUMMARY

- 2.1 This application for planning permission was considered by the Strategic Development Committee on 24<sup>th</sup> August 2016. A copy of the original report is appended.
- 2.2 The application was recommended for approval, however members voted to refuse planning permission due to concerns over:
- The adverse impact on the setting of the grade II listed Church and 30 Prescott Street
  - The adverse impact on the residents of Londinium Tower particularly in terms of access to sunlight and daylight.
  - Insufficient evidence to demonstrate that the proposed serviced apartments use would assist in meeting the targets in the London Plan and LBTH Core Strategy.
- 2.3 In order to overcome the first and second points of concern the applicant has reduced the height of the building on the Mansell St site by two storeys. The development on Prescott Street remains the same, however Members should note that this element of the proposal already benefits from planning permission.
- 2.4 Due to the nature of the changes to the scheme, this application is being reported as a new item to committee. This report highlights the changes resulting from the reduction in height of the building at 99 Mansell Street and should be read in conjunction with the main committee for 24<sup>th</sup> August 2016 strategic development committee which addresses all other material considerations.

### 3 RECOMMENDATION

3.1 The recommendation to Committee remains to GRANT planning permission subject to:

3.2 The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £7,537 towards construction phase employment, skills, training and enterprise
  - b) A contribution of £33,468 towards end user phase employment, skills and training
  - c) A contribution of £23,724 towards carbon offsetting
  - d) A contribution of £110,837 towards Crossrail (off-set against Mayoral CIL)
  - e) £500 per clause towards monitoring
- Total financial contributions (excluding monitoring) = £175,566

Non-financial contributions

- f) 20% local employment during the construction and operational phases
- g) 20% of procurement from local business during the construction phase
- h) 4 apprenticeships during construction phase
- i) Car and Permit Free Agreement
- j) Travel Plan
- k) Compliance with the Code of Construction Practice
- l) TV reception surveys and mitigation

3.3 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

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

3.5 **Conditions**

- 1. Time limit
- 2. Development in accordance with plans
- 3. Serviced apartment letting restriction (less than 90 days)
- 4. 6no. (10%) wheelchair accessible serviced apartments
- 5. Details and samples of facing materials and detailed drawings
- 6. Secure by Design certification
- 7. Noise insulation between commercial units and serviced apartments
- 8. Internal ambient noise levels for serviced apartments
- 9. Plant noise limit
- 10. Contaminated land scheme
- 11. Cycle parking in accordance with approved details
- 12. Construction Environmental Management Plan (TfL & DLR)
- 13. Construction Logistics Plan (TfL & DLR)
- 14. Delivery and Service Plan (TfL)
- 15. Disabled Parking Plan
- 16. Scheme of Highways Improvement Works (TfL)
- 17. Archaeological Written Scheme of Investigation (GLAAS)
- 18. Crane / Lifting Management Plan (DLR)
- 19. Surface Water Drainage Scheme
- 20. Biodiversity enhancement measures
- 21. Details of mechanical ventilation with high level intake
- 22. Detailed specification of photovoltaic array
- 23. Delivery of Energy Strategy

- 24. Details of photovoltaic array
- 25. BREEAM 'Excellent' rating

**3.6 Informatives**

- 1. Subject to s106 agreement
- 2. Subject to s278 agreement
- 3. CIL liable

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

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

**4 Introduction**

4.1 Following the concerns raised by Members of the Strategic Development Committee on 24<sup>th</sup> August 2016, the applicant has amended the scheme to reduce the height of the building which fronts Mansell Street by two storeys, from 11 down to nine storeys. This has resulted in a reduction in the overall number of serviced apartment units within the scheme by 10. The images below demonstrate this change:



Previous



Amended



4.2 This report will highlight how these changes to the scheme have sought to overcome the objections raised by Members to the scheme and why officers still consider the scheme to be acceptable. Information on the how the development complies with meeting the targets set out within the London Plan and LBTH Local Plan will also be provided. Finally, if Members still have objection to the proposal, reasons for refusal have been drafted.

4.3 The scheme is now 27m in height so is no longer referable to the GLA or to the Strategic Development Committee under part (i) of the Terms of Reference, however it is considered appropriate to determine the application under part (xi) of the terms of reference “Any application or other planning matter referred to the Committee by the Corporate Director Development and Renewal where s/he considers it appropriate to do so”

## 5 Consultation

5.1 Following the submission of the revised drawings a 14-day re-consultation has been carried out with all 693 residents who were originally consulted and any all those who objected to the original proposal.

5.2 Three further representations have been made on the scheme and can be summarised as follows:

- The development remains detrimental to the historic character of the area.
- The development will severely overlook properties which were not previously overlooked.
- There remains significant overshadowing of Londinium Towers.

5.3 Details of the objections raised to the initial round of consultation can be found in the appended August committee report

## 6 Impact upon the setting of the Grade II listed church and 30 Prescott Street

6.1 Figures 1 to 4 show how the reduction in height of the Mansell Street building has had a corresponding reduction in the impact upon the listed buildings along Prescott Street:



Fig 1: Previous scheme at 11 storeys



Fig 2: Current scheme at nine storeys

6.3 The fully coloured and rendered image below also shows the relationship:



*Fig 3: Previous scheme at 11 storeys*



*Fig 4: Proposed scheme*

6.4 Officer's consider that this reduction in height represents an improved relationship with the listed buildings and will preserve the setting of both the Church of the English Martyrs and 30 Prescott Street. In particular, figure 2 shows that the looking west along Prescott Street the amended building is substantially below the height of the spire and roof ridge of the church.

## **7. Impact upon amenity of neighbouring residents**

7.1 Concern was raised by members regarding the impact of the development on the neighbouring residents, in particular those at Londinium Towers and 30 Prescott Street. The following section of the report will provide a comparison between the approved scheme at 31-33 Prescott Street (scenario 1), the 11 storey scheme which Members

raised concerns about at Committee (scenario 2) and the revised nine storey scheme (scenario 3).

## **Daylight**

- 7.2 The BRE guidelines recommend that a VSC (vertical sky component) of 27% provide good levels of daylight. A measure of whether a development will have an impact upon neighbouring daylight is if a reduction of the VSC level is greater than 20% its former value. This is because a reduction of less than 20% is often not noticeable by occupants of a property. There is a degree to which a reduction can be noticeable (i.e. over 20%) but may still not be considered significantly detrimental, particular in inner city locations such as the application site, where the standard figure set out in the BRE guidelines are regularly not achieved.
- 7.3 The VSC figures in relation to 30 Prescott Street show no reductions in in either of the three scenarios.
- 7.4 In relation to Londinium Towers scenario 1 shows that two windows are affected by the Prescott Street development but only show minor reductions in VSC of 21%. This would not be noticeable by occupants of affected units. With scenario 2 the study shows that 26 windows would have experienced reductions in daylight with 21 windows seeing a reduction of between 20-30% and five windows seeing a reduction of 31%. With the revised scheme, 14 windows fail the BRE test with four of these windows showing reductions of less than 25% and 10 windows between 25-28%.
- 7.5 In conclusion, the revised scheme both reduces the number of windows affected and of those that are affected, the reductions in the daylight received by these units are less than which is considered to be a significant improvement upon the earlier scheme. Reductions in daylight of between 20-30% in an urban environment is considered to be a minor adverse impact and not uncommon.

## **Sunlight**

- 7.6 With regards to 30 Prescott Street, scenario 1 results in no failures in sunlight levels, either in terms of annual levels of sunlight or winter sunlight levels. As reported to committee in August, scenario 2 did result in a reduction in the sunlight to this property with six windows showing a reduction in annual sunlight levels by 26-31% and six windows seeing a reduction in the levels of sunlight received in winter, 5 of which range from 25-30% with one window seeing a reduction of 36%. Scenario 3, i.e. the revised scheme does not change the results for the loss of sunlight to this property.
- 7.7 Reductions of 20-30% would be noticeable but are not considered to be significantly harmful to the residents of this property and it should be noted that whilst one of the windows sees a reduction of over 30%, the property is not divided into flats and as such the dwelling benefits from light into the other seven other windows which remain relatively unaffected. Therefore, on balance, officers do not consider that the impacts upon this property in terms of a loss of sunlight would be sufficient to warrant a refusal of the application.
- 7.8 With regards to the sunlight impacts to Londinium Towers, scenario 1 did not result in any failures to the existing levels of sunlight currently experienced by occupants of this building. The scheme as reported to Committee in August saw six windows showing a reduction of annual sunlight hours of 21-26%, under the current proposal this has been reduced to only two windows and the reductions are between 23-24% which is

marginally above what the BRE guidelines allow for. This is considered to be an improvement to residents amenity and is an improvement.

7.9 The hours of sunlight experienced within the winter months in Londinium Towers would be affected by both scenario 2 and 3 however the revisions to the proposal have substantially reduced the hours of winter sunlight lost. The table below compares the levels of failures between scenario 2 and scenario 3:

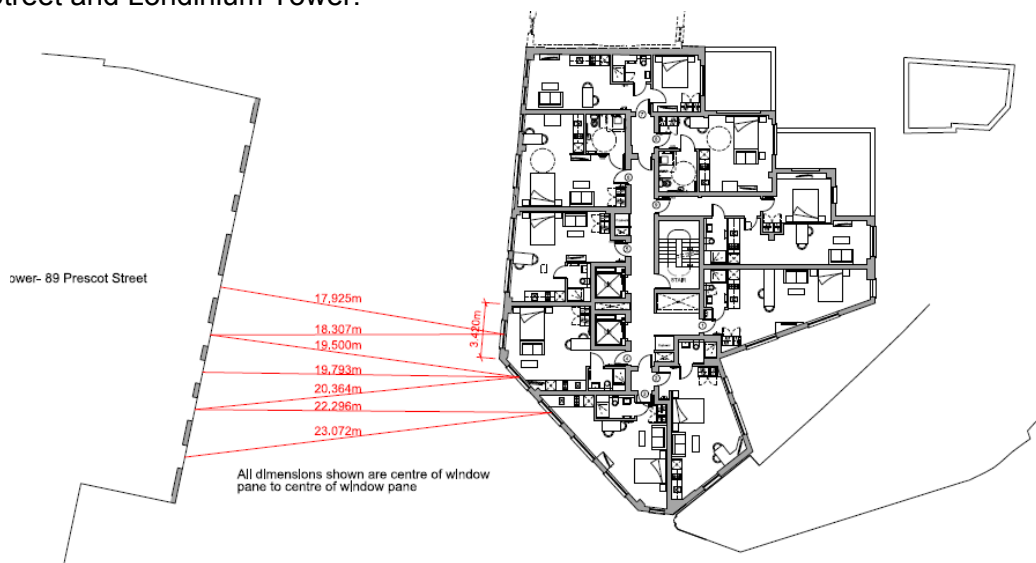
Level of failure	Scenario 2 – no. of affected windows	Scenario 3 – no. of affected windows
22%-30%	10	3
31%-40%	12	12
41%-50%	14	9
51% +	8	6
<b>Total</b>	<b>44</b>	<b>30</b>

7.10 From the above table it can be observed that out of the 70 south facing windows on this building, 14 less windows fail the BRE guidance as a result of the amended scheme but there are also less windows which suffer from more substantial failures in sunlight. Previously 22 windows would have experience a loss of winter sunlight of more than 41%, this is now 15 windows.

7.11 Officer’s original recommendation was to grant planning permission based on scenario 2, however with the current amendments, the scheme now has a much improved relationship with its neighbour in terms of daylight and sunlight. The minor impacts are consistent with development in a dense urban environment such as this and would not be significantly detrimental to the amenities of the residents of 30 Prescott Street or Londinium Towers.

**Privacy**

7.12 Objections have been raised by the residents of Londinium Towers regarding the overlooking from the proposed development. The diagram below provides specific dimensions in relation to the separation distance between the building at 99 Mansell Street and Londinium Tower:





- 7.13 The diagram shows that in all but one case the separation distance exceeds the Tower Hamlets minimum of 18m between habitable facing windows and in the one case where this distance is breached it is only by 0.075m. In this case, the development follows the established building line along Prescott Street and is not considered to give rise to significantly detrimental levels of overlooking to Londinium Towers.
- 7.14 Officers remain of the conclusion that the development would have an acceptable impact upon neighbouring amenity and the amendments made to the height of the tower have resulted in an improved relationship with 30 Prescott Street and Londinium Towers with regard to daylight and sunlight.

## **8 Local plan targets regarding short stay accommodation**

- 8.1 Members sought clarification at the committee meeting regarding whether the number of hotel rooms being approved meets the targets set out in the Local Plan or whether there is currently an oversupply of short stay accommodation.
- 8.2 There is no upper limit provided within the Local Plan for hotel rooms. Appendix 3 of the Core Strategy identifies a target of 100 hotel rooms per year, this is a minimum target, not a maximum. The 2012/13 Annual Monitoring Report (AMR) records show that no hotel rooms were completed within this year and 943 were approved. In the year 2013/14 (which is the most up to date report the Council has at present) there has been a marked increase with 2,512 hotel rooms and serviced apartments under construction and a further 1,283 granted planning permission within that year.
- 8.3 The following is taken from the AMR: "The importance of hotels to the visitor economy of London and the borough is acknowledged in the Core Strategy and is concentrated in the CAZ, City Fringe Activity Area, Canary Wharf Activity Area, major and district centres. The approval of 1,283 hotel rooms and serviced apartments demonstrates the Council's commitment to support hotels within the borough in order to encourage tourism, create jobs and support local businesses." There is no suggestion that the Council should refrain from approving new short stay accommodation in the future.
- 8.4 As stated above, the Local Plan only has a minimum target for hotel rooms with no set limit for the amount of maximum rooms which would be appropriate. The London Plan seeks to promote visitor accommodation, requiring an additional 40,000 hotel rooms over the plan period. It should be noted that the 40,000 hotel room aspiration has remained unchanged between the 2011 London Plan and the Further Alterations to the London Plan published in 2015 which suggests the same need for visitor accommodation is required within London. The location of this site in relation to a number of visitor attractions will also support the functions of the Central Activities Zone and the Preferred Office Location, which in turn supports London's economy.

## **9. Recommendation**

- 9.1 Officers do not wish to change their original recommendation to **GRANT PLANNING PERMISSION**, subject to conditions and the completion of a s106 legal agreement.

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 24 <sup>th</sup> August 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Adam Williams	<b>Ref No:</b> PA/16/00757
	<b>Ward:</b> Whitechapel

## 5.1 APPLICATION DETAILS

<b>Location:</b>	99 Mansell Street & 31-33 Prescott Street, London E1
<b>Existing Uses:</b>	Cleared site under construction for a consented mixed use (B1 office and C1 serviced apartment) development
<b>Proposal:</b>	Mixed-use development in a part 6, part 8 and part 11 storeys block with lower ground floor comprising 67 serviced apartments (Use Class C1) on the upper floors and 1,115sqm of office floorspace (Use Class B1) at basement, ground and first floor and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment floorspace (Use Class A1, A2, A3, A4 and A5) at ground floor level.
<b>Drawing and documents:</b>	<p><u>Drawings:</u>  2060-PA-10 A;  2060-PA-11 A;  2060-PA-12 A;  2060-PA-13 A;  2060-PA-14 A;  2060-PA-15 A;  2060-PA-16 A;  2060-PA-17 A;  2060-PA-18 A;  2060-PA-19 A;  2060-PA-20 A;  2060-PA-21 A;  2060-PA-23 A;  2060-PA-27;  2060-PA-40.</p> <p><u>Documents:</u>  Design &amp; Access Statement, prepared by Marldon;  Planning Statement, prepared by Maddox Associates, dated March 2016;  Archaeological Desk Based Assessment, prepared by L-P: Archaeology, dated October 2015;  BREEAM: Ecology Report, prepared by QUANTS</p>

Environmental, dated February 2016;  
 Heritage Statement, prepared by Heritage Collective, dated March 2016;  
 Air Quality Assessment, prepared by REC, dated 17 February 2016;  
 Acoustic Consultancy Report, prepared by LCP, dated 9 March 2016;  
 Daylight & Sunlight Report, prepared by the Chancery Group, dated 28 January 2016;  
 Energy Statement and BREEAM Pre-assessment, prepared by eb7 Sustainability, dated 29 February 2016;  
 Transport Statement, Report 01, prepared by Crowd Dynamics, dated February 2015;  
 Construction Management & Logistics Plan, prepared by Marldon;  
 Phase I Desk Study and Phase II Environmental Site Investigation, prepared by Pam Brown Associates, dated February 2016;  
 Flood Risk Assessment, prepared by Herrington Consulting Limited, dated February 2016;  
 Flood Risk Assessment and Surface Water Run-off Calculations, prepared by Herrington Consulting Limited, dated February 2016;  
 Statement of Community Involvement, prepared by Maddox Associates, dated 24 March 2016;  
 Technical Note, prepared by Paul Mew Associates, dated June 2016;  
 View Location 25A.1.

<b>Applicant:</b>	Marldon
<b>Ownership:</b>	Marldon
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	Site adjoins the western boundary wall of the Grade II listed building at 30 Prescott Street

## 5.2 EXECUTIVE SUMMARY

Officers have considered the particular circumstances of this application against the Council's Development Plan policies in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2015) and the relevant Government Planning Policy Guidance including National Planning Policy Framework and National Planning Practice Guidance and has found that:

- 2.1. The current application effectively incorporates the consented part 6, part 8 storey development at 31-33 Prescott Street (reference: PA/14/03553), with minor design modifications, together with a new 11 storey building on the adjoining site at 99 Mansell Street to provide additional office (Use Class B1) and serviced apartment (Use Class C1) accommodation, together with a new flexible use (Use Class A1/A2/A3/A4/A5) commercial unit. Within the context of the consented development, the current proposals would provide an additional 678sqm of office accommodation, an additional 39 serviced apartments, together with a new 103sqm flexible use (A1-A5) commercial unit at ground

floor level. The proposed mix and quantum of land uses accords with adopted policies, which generally seek to direct such uses to the Central Activities Zone, within which the site is located.

- 2.2. The development includes an 11 storey building on the corner of Mansell Street and Prescott Street, which is considered to be a tall building in the context of Local Plan policy. The proposals have been assessed against the detailed policy criteria for tall buildings within the London Plan and the Council's Managing Development Document and it is considered that the development is sited in a suitable location for a building of such height and meets all of the relevant design requirements for tall buildings.
- 2.3. It is further considered that the proposed design approach is sympathetic to the scale, form, character and materiality of the surrounding built form, with nearby buildings generally ranging between 4 and 9 storeys in height, and up to 16 storeys at the Grange Tower Hill Hotel, and being predominantly faced in brick. In particular, it is considered that the stepping down in height of the buildings towards the 4 storey listed building at 30 Prescott Street provides a suitable and proportionate transition in scale from the tall building on the corner of the site to the nearby lower-rise buildings on south side of Prescott Street. In addition, the clean, simple design of the scheme and use of brick as a facing material relates well to the character and appearance of the surrounding built form.
- 2.4. The acceptability in principle of the visual relationship between the proposed part 6, part 8 storey building and the adjacent listed buildings at 30 Prescott Street and the Church of the English Martyrs is established by the previous planning permission. This acceptability is principally the result of the articulation in building heights, which step down towards the listed building, together with the well-executed design of the buildings and use of brick as a facing material, which reflects the materiality of the listed Georgian house. With regard to the proposed 11 storey building, given the building's narrow frontage onto Prescott Street and its location at the western end of the site, away from the listed house and church, together with the high architectural quality of the development, it is considered that the proposals would not appear unduly overbearing within the setting of the listed buildings and would preserve their special historic and architectural interest.
- 2.5. Ten percent of the serviced apartments would be wheelchair accessible, which accords with adopted policy requirements. In addition, a condition would be included to require the development to achieve Secure by Design accreditation so as to ensure that the building provides a safe and secure environment for future occupants.
- 2.6. The proposed development would result in some reductions to the daylight and sunlight levels within neighbouring residential properties at 30 Prescott Street and within Londinium Tower at 87 Mansell Street. However, these impacts are predominantly negligible or minor in nature and on balance are considered to be acceptable. In addition, the proposed development would not result in any significant loss of privacy to neighbouring residents through overlook and would not result in an unacceptable degree of enclosure to neighbouring habitable room windows.
- 2.7. The development would be 'car free', which is supported given the site's high Public Transport Accessibility Level (PTAL) of 6b. In addition, adequate provisions have been made for cycle parking and the storage and collection of waste. Conditions would be included to secure a Delivery and Service Plan, and Construction Management Plan and a Construction Logistics Plan to ensure that any adverse impacts on the local transport network during both the construction and end-user phases are appropriately mitigated.

### 5.3 RECOMMENDATION

3.1. That the Committee resolve to GRANT planning permission subject to:

3.2. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- m) A contribution of £9,705.59 towards construction phase employment, skills, training and enterprise
  - n) A contribution of £33,468 towards end user phase employment, skills and training
  - o) A contribution of £23,724 towards carbon offsetting
  - p) A contribution of £137,799 towards Crossrail (off-set against Mayoral CIL)
  - q) £500 per clause towards monitoring
- Total financial contributions (excluding monitoring) = £194,995

Non-financial contributions

- r) 20% local employment during the construction and operational phases
- s) 20% of procurement from local business during the construction phase
- t) 4 apprenticeships during construction phase
- u) Car and Permit Free Agreement
- v) Travel Plan
- w) Compliance with the Code of Construction Practice
- x) TV reception surveys and mitigation

3.3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

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

3.5. **Conditions**

- 26. Time limit
- 27. Development in accordance with plans
- 28. Serviced apartment letting restriction (less than 90 days)
- 29. 7no. (10%) wheelchair accessible serviced apartments
- 30. Details and samples of facing materials and detailed drawings
- 31. Secure by Design certification
- 32. Noise insulation between commercial units and serviced apartments
- 33. Internal ambient noise levels for serviced apartments
- 34. Plant noise limit
- 35. Contaminated land scheme
- 36. Cycle parking in accordance with approved details
- 37. Construction Environmental Management Plan (TfL & DLR)
- 38. Construction Logistics Plan (TfL & DLR)
- 39. Delivery and Service Plan (TfL)
- 40. Disabled Parking Plan
- 41. Scheme of Highways Improvement Works (TfL)
- 42. Archaeological Written Scheme of Investigation (GLAAS)
- 43. Crane / Lifting Management Plan (DLR)
- 44. Surface Water Drainage Scheme
- 45. Biodiversity enhancement measures
- 46. Details of mechanical ventilation with high level intake
- 47. Detailed specification of photovoltaic array

- 48. Delivery of Energy Strategy
- 49. Details of photovoltaic array
- 50. BREEAM 'Excellent' rating

3.6. **Informatives**

- 4. Subject to s106 agreement
- 5. Subject to s278 agreement
- 6. CIL liable

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

3.8. 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 PROPOSAL, LOCATION DETAILS and DESIGNATIONS

### Proposal

4.1. The proposals are for the demolition of the existing buildings and erection of a new part 6, part 8 and part 11 storey block plus basement comprising 67 serviced apartments (Use Class C1) on the upper floors, 1,115sqm of office floorspace (Use Class B1) at basement, ground and first floor level, and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment/hot food takeaway floorspace (Use Class A1, A2, A3, A4 and A5) at ground floor level.

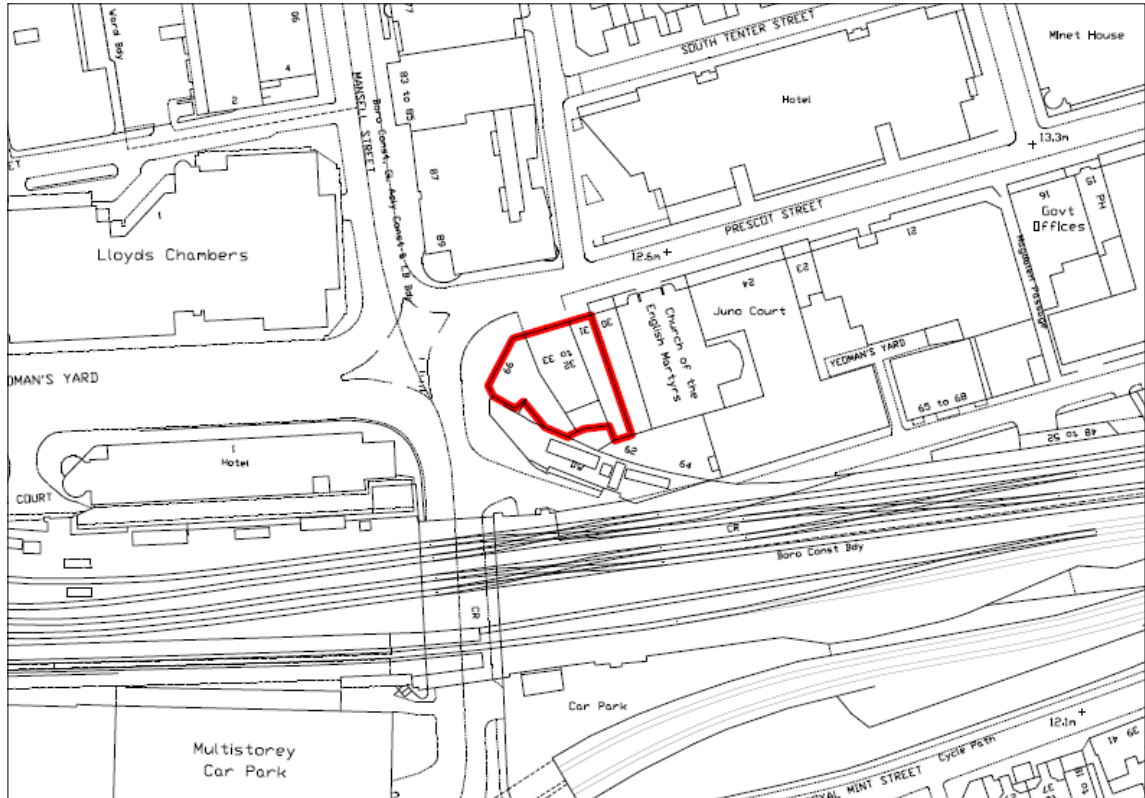
### Site and Surroundings

4.2. The application site covers an area of 0.05 hectares and comprises land at 99 Mansell Street and 31-33 Prescott Street, which previously included commercial buildings ranging from 3 to 6 storeys in height, although the site has subsequently been cleared as part of the consented redevelopment of 31-33 Prescott Street (see the 'Relevant Planning History' section of this report).

4.3. The site is located on the corner of Mansell Street and Prescott Street and is bounded by the public highway on Prescott Street to the north, by the adjoining Grade II listed 4 storey Georgian terraced house at 30 Prescott Street to the east, by an area of open land used for advertising and the rear of 62-64 Chamber Street to the south and by the public highway on Mansell Street to the west. The site lies immediately to the north of a railway viaduct and immediately to the east of the borough boundary shared with the City of London, which runs up the centre of Mansell Street.

4.4. The surrounding area is mixed use in character, with Mansell Street and Prescott Street predominantly comprising commercial buildings, whilst the area to the north of Prescott Street, including South Tenter Street and St Marks Street, includes residential properties in the form of terraced housing and flatted development, together with a primary school. The site also lies 280 metres to the north-east of the Tower of London UNESCO World Heritage Site.

## Site Location Plan



- 4.5. The scale and height of the surrounding built form is varied, ranging from the 4 storey Grade II listed house at 30 Prescott Street to the east of the site, to the part 8, part 9 storey block of flats known as Londinium Tower to the north of the site, to the 9 storey office block within the City of London to the west of the site, up to the 16 storey Grange Tower Bridge Hotel on the north side of Prescott Street.
- 4.6. The application site benefits from excellent access to public transport, being located 170 metres to the north-east of Tower Gateway Docklands Light Rail (DLR) Station and 290 metres to the north-east of Tower Hill Underground Station. In addition, there are a wide number of bus routes operating on the surrounding streets, including Mansell Street. As a result the site has the highest possible Public Transport Accessibility Level (PTAL) of 6b, on a scale from 1a to 6b where 6b is excellent.

### Designations

- 4.7. The application site lies within both the Central Activities Zone and the City Fringe Opportunity Area, as designated in the London Plan (2016).
- 4.8. The site lies within the Aldgate Preferred Office Location, as designated in the Council's Managing Development Document (2013).
- 4.9. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.10. The site lies within the 'Central London' Crossrail Charging Zone.
- 4.11. The four storey building at 30 Prescott Street, which adjoins the eastern boundary of the application site, is Grade II listed. The Roman Catholic Church of the English Martyrs, which adjoins the eastern boundary of 30 Prescott Street, is also Grade II listed.

- 4.12. The site lies within an Archaeological Priority Area, as designated in the Council's Managing Development Document (2013).
- 4.13. The application site is not located within a Conservation Area.
- 4.14. The majority of the site lies within the protected viewing corridor of London View Management Framework (LVMF) View 25A.1 – The Queen's Walk to Tower of London.

**Relevant Planning History**

***99 Mansell Street:***

PA/00/01485

- 4.15. On 17<sup>th</sup> January 2001 planning permission was granted for change of use from office (B1) to restaurant (A3) at basement and ground floor levels.

PA/15/03004

- 4.16. On 23<sup>rd</sup> November 2015 prior approval was granted for the demolition of the 6 storey block building.

***31-33 Prescott Street:***

PA/14/02706

- 4.17. On 28<sup>th</sup> October 2014 prior approval was granted for the demolition of the buildings.

PA/14/03553

- 4.18. On 6<sup>th</sup> November 2015 planning permission was granted for the redevelopment of the site to create a mixed-use development comprising the erection of a part 6 and part 8 storey building providing 28 serviced apartments (Use Class C1) on the upper levels and 437 sqm of office floorspace (Use Class B1) on lower ground and ground floor levels.

PA/15/03232

- 4.19. On 16<sup>th</sup> December 2015 the Council granted consent for a non-material amendment to planning permission dated 06/11/2015, ref: PA/14/03553, including the relocation of lift core and lift overrun; variation to window pattern on front elevation; removal of windows on rear elevation where lift core is proposed, and; installation of PV panels on roof.

PA/15/03263

- 4.20. On 7<sup>th</sup> March 2016 the Council granted consent for the discharge of Conditions 3 (Samples), 5A (Archaeological Investigation) and 9 (Contaminated Land) of planning permission dated 06/11/2015, ref: PA/14/03553.

PA/15/03397

- 4.21. On 15<sup>th</sup> February 2016 the Council granted consent for the discharge of Condition 7 (Delivery and Servicing Plan) of planning application reference number PA/14/03553, dated 06/11/2015

PA/16/00442

- 4.22. On 10<sup>th</sup> May 2016 the Council granted consent for the discharge of Condition 8 (Construction Logistics Plan) of planning permission ref: PA/14/03553, dated 06/11/2015.



- PA/16/00455
- 4.23. On 22<sup>nd</sup> April 2016 the Council granted consent for the discharge of Condition 11 (Highway Improvement Works) of planning permission dated 06/11/2015, ref: PA/14/03553.

## 5.5 POLICY FRAMEWORK

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

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

National Planning Policy Framework (2012) (NPPF)  
Planning Policy Guidance (Online)

### 5.3. **London Plan - incorporating the Minor Alterations to the London Plan (2016)**

- 2.1 London
- 2.9 Inner London
- 2.10 Central Activities Zone – Strategic Priorities
- 2.11 Central Activities Zone – Strategic Functions
- 2.12 Central Activities Zone – Predominantly Local Activities
- 2.13 Opportunity Areas and Intensification Areas
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed Use Development and Offices
- 4.5 London’s Visitor Infrastructure
- 4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services
- 4.9 Small Shops
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 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
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.17 Waste Capacity
- 5.18 Construction, Excavation and Demolition Waste
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Transport
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.4 Enhancing London’s Transport Connectivity
- 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London’s Neighbourhoods and Communities
- 7.2 An Inclusive Environment

- 7.3 Designing Out Crime
  - 7.4 Local Character
  - 7.5 Public Realm
  - 7.6 Architecture
  - 7.7 Location and Design of Tall and Large Buildings
  - 7.8 Heritage Assets and Archaeology
  - 7.9 Heritage-led Regeneration
  - 7.10 World Heritage Sites
  - 7.11 London View Management Framework
  - 7.12 Implementing the London View Management Framework
  - 7.13 Safety, Security and Resilience to Emergency
  - 7.14 Improving Air Quality
  - 7.15 Reducing Noise and Enhancing Soundscapes
  - 7.19 Biodiversity and Access to Nature
  - 8.2 Planning Obligations
  - 8.3 Community Infrastructure Levy (CIL)
- 5.4. **Tower Hamlets Core Strategy (2010) (CS)**
- SP01 Refocusing on our Town Centres
  - SP03 Creating a Healthy and Liveable Neighbourhoods
  - SP04 Creating a Green and Blue Grid
  - SP05 Dealing with Waste
  - SP06 Delivering Successful Employment Hubs
  - SP08 Making Connected Places
  - SP09 Creating Attractive and Safe Streets and Spaces
  - SP10 Creating Distinct and Durable Places
  - SP11 Working towards a Zero Carbon Borough
  - SP12 Delivering Placemaking
  - SP13 Planning Obligations
- 5.5. **Managing Development Document (2013) (MDD)**
- DM0 Delivering Sustainable Development
  - DM1 Development within the Town Centre Hierarchy
  - DM7 Short Stay Accommodation
  - DM9 Improving Air Quality
  - DM11 Living Buildings and Biodiversity
  - DM13 Sustainable Drainage
  - DM14 Managing Waste
  - DM16 Office Locations
  - DM20 Supporting a Sustainable Transport Network
  - DM21 Sustainable Transportation of Freight
  - DM22 Parking
  - DM23 Streets and the Public Realm
  - DM24 Place-sensitive Design
  - DM25 Amenity
  - DM26 Building Heights
  - DM27 Heritage and the Historic Environment
  - DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
  - DM30 Contaminated Land
- 5.6. **Supplementary Planning Documents and Guidance include**
- Planning Obligations Supplementary Planning Document (2012)
  - Revised Planning Obligations Supplementary Planning Document, LBTH (Consultation Version, April 2016)
  - Designing Out Crime Supplementary Planning Guidance, LBTH (2002)

City Fringe Opportunity Area Planning Framework, GLA (2015)  
Use of Planning Obligations in the Funding of Crossrail Supplementary Planning Guidance, GLA (2013)  
London View Management Framework Supplementary Planning Guidance, GLA (2012)  
Sustainable Design and Construction Supplementary Planning Guidance, GLA (2014)  
London Borough of Tower Hamlets Rail Noise Policy Statement (1994)

5.7. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

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

5.8. **Other Material Considerations**

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)  
The Setting of Heritage Assets, English Heritage (2011)  
Conservation Area Designation, Appraisal and Management – Historic England Advice Note 1 (2016)  
Tall Buildings – Historic England Advice Note 4 (2015)  
Air Quality Action Plan, LBTH (2003)  
Clear Zone Plan 2010-2025, LBTH (2010)

5.6 **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:

**Internal Consultees:**

**LBTH Environmental Health (Air Quality)**

6.3. The application is accompanied by an Air Quality Assessment. The air quality consultants subsequently submitted a Technical Note to respond to my earlier comments on the air quality assessment. The mitigation strategy has been revised to increase the level of mechanical ventilation, which is now to be provided to all habitable rooms in the whole development, rather than just the lower floors as previously planned.

6.4. Should the development be approved the mechanical ventilation should be secured by condition, with the inlets for the ventilation system located as high as possible on the building to ensure the air entering is cleaner to protect the health of the future residents.

6.5. *Officer Comments: Noted. Details of the mechanical ventilation system for all serviced apartments will be secured by condition.*

**LBTH Environmental Health (Contaminated Land)**

6.6. No objections subject to the inclusion of a condition to secure a contaminated land scheme, which must identify the extent of the contamination and set out the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

- 6.7. Officer Comments: *Noted. The above condition will be included.*

#### **LBTH Environmental Heath (Noise & Vibration)**

- 6.8. *No comments have been received.*

#### **LBTH Enterprise & Employment**

- 6.9. The following planning obligations should be secured through a S106:

##### Financial Contributions

- Construction phase skills and training = £13,772
- End-user phase skills and training = £40,782.60

##### Non-financial Obligations

- 20% local labour construction
  - 20% use of local suppliers construction (enterprise)
  - construction apprenticeships
  - 20% end-user phase jobs (reasonable endeavours) for local people
  - all vacancies advertised through Skillsmatch
  - apprenticeships/traineeships where possible
- 6.10. Officer Comments: *Noted. The scheme was revised during the course of the application, including a 36sqm increase in Use Class C1 floorspace and an increase in the number of serviced apartments by 2. These amendments have resulted in a slight increase in the sought financial contributions, with the correct figures being shown in Sections 3 and 8 of this report. It should be noted that some of the financial contributions have already been paid upon commencement of the development at 31-33 Prescott St, hence the lower figures in the S106 heads of terms in the recommendation section. The applicant has agreed to all of the sought financial and non-financial contributions, which will be secured through the S106 agreement.*

#### **LBTH Transportation & Highways**

- 6.11. Transport and Highways require a S106 clause to be attached for “car and permit” free agreement for the development as it is located in excellent PTAL area (PTAL 6b). In addition, no details have been provided on how users of the development with a disability will be able to park. A Disabled Parking Plan should therefore be secured by condition, in accordance with the Council’s parking standards.
- 6.12. Transport and Highways welcomes the proposal to provide 28 cycle spaces within the development. Details of the basement level cycle store and access arrangements have been provided and are acceptable.
- 6.13. The waste containers are located at the basement level, therefore Transport and Highways will require the applicant to provide a Delivery and Service Management Plan. This should be secured through a condition. Transport and Highways object to any proposal to store waste bin on the public highways prior to and after the agreed collection time.
- 6.14. Due to the location of the development a condition should be included to secure a Construction Environmental Management Plan (CEMP).
- 6.15. Officer Comments: *Noted. The above clause and conditions will be included.*

## **LBTH Waste Policy & Development**

- 6.16. I have no objections to this proposal in principal. However there should be a detailed service management plan condition secured to outline when waste containers will be 'brought up' from the basement for collection and where they will be temporarily stored. It is unacceptable for the containers to be left on the public highway prior to and after collections for any length of time outside of collections taking place.
- 6.17. *Officer Comments: Noted. This is discussed further in Section 8 of this report. A Delivery and Service Management Plan will be secured by condition.*

## **LBTH Sustainable Urban Drainage Systems (SUDS) Team**

- 6.18. Policy DM13 requires development to show how it reduces the amount of water usage, runoff and discharge from the site, through the appropriate water reuse and sustainable urban drainage (SuDs) technique. This is further supported by the London plan policy 5.13 ; the SPG on London plan set out the expectation that SuDs should be incorporated into the design and that the minimum expectation is 50% attenuation of the site's (prior to redevelopment) surface water runoff at peak times.
- 6.19. The conclusion within the Flood Risk Assessment (FRA) cites the possibility of incorporating permeable paving and rainwater harvesting system. Drainage should be designed and implemented in ways that deliver other policy objectives including water use efficiency and quality, biodiversity, amenity and recreation. This will somewhat be achieved through the installation of permeable paving and rainwater harvesting including meeting policy DM13.
- 6.20. In addition, at section 2.5 of the BREEAM report it states that "the impact of climate change is likely to result in an increase in volume of floodwater during a surface water flood event" albeit the risk will remain low. The applicant should submit calculations confirming the pre and post development runoff rates for return periods up to the 1 in 100 plus climate change allowances. Finally, with respect to climate change allowance my comments refer to the change from NPPF requirement for + 30% for developments to now asses for the upper end allowance of 40% albeit the risk will still remain low , this is an opportunity to reduce runoff and attain additional benefits for a new development.
- 6.21. There are surface water flooding risk in the wider catchment and therefore the application of policy is important.
- 6.22. *Officer Comments: Noted. In order to address the above comments it is recommended that a condition be included to secure a Surface Water Drainage Scheme.*

## **External Consultees**

### **Greater London Authority**

- 6.23. I have now assessed the details of the application and conclude that, although these are proposals that the GLA would broadly support, the uplift in floorspace and height between the existing consents and the new application does not raise any new strategic issues.
- 6.24. Therefore, under Article 5(2) of the Town & Country Planning (Mayor of London) Order 2008, the Mayor of London does not need to determine the application. Your Council may, therefore, proceed to determine the application without further reference to the GLA.

6.25. Officer Comments: *Noted.*

## **Transport for London**

### Car Parking

6.26. We welcome the car free development given the high PTAL of the site.

### Trip Generation

6.27. The transport assessment (TA) predicts that the proposed development would result in a total of 36 two-way person trips being generated in the AM Peaks and 45 in the PM peaks; TfL considers this is reasonable. The TA also predicts that vehicle trip generation will be minimal due to the car free nature of the scheme and the central London location. However, the trip generation excludes cycling in the modal analysis. We consider that cycle trips should be included given the location and nearby cycle infrastructure.

6.28. Officer Comments: *The applicant subsequently provided the projected cycling trip generation figures within the Technical Note prepared by Paul Mews Associates, dated June 2016. This is discussed further in Section 8 of this report.*

### Walking and Cycling

6.29. The Transport Statement does not include either a Cycle Level of Service audit or a Pedestrian Environmental Review System (PERS) audit. The site is very close to Cycle Superhighway 3, which, once complete, will give direct access to Westminster to the west and the Docklands and Barking to the east. In view of this, the use of the site by people arriving by cycle should be a key movement consideration. We would be willing to enter into discussion with the applicant regarding improvements of the public realm for pedestrians and cyclists on Mansell Street.

6.30. Officer Comments: *The applicant subsequently provided a PERS audit within the Technical Note by Paul Mews Associates. The public realm improvements necessary to serve this development and mitigate its impacts would be secured through a Scheme of Highways Improvement Works condition, to be discharged in consultation with TfL.*

### Cycle Parking

6.31. TfL are satisfied that the proposal for long-stay cycle parking provision meets minimum numerical standards as set out under policy 6.9 of the London Plan. However, no information has been provided on the types of cycle stand proposed in the cycle parking area. Six short stay cycle parking spaces are also required at ground floor level. TfL consider that 3 Sheffield stands would meet the requirement.

6.32. Lift access arrangements for long-stay cycle parking are acceptable, provided that the lift itself meets minimum standards set out in LCDS (1.2x2.3m with a 1.0m wide door). In addition, the entrance to the cycle store must be step-free.

6.33. Officer Comments: *The applicant subsequently provided additional information on the proposed cycle parking arrangements, with 28 spaces to be provided in the basement cycle store via Sheffield stands. Details of the lift have also been provided, which meet the above requirements, and access to the cycle store would now be step-free. The applicant has agreed to provide 3 Sheffield stands on the public highway for short-stay*

*cycle parking, which would be secured through the Scheme of Highways Improvement Works condition, to be discharged in consultation with TfL.*

#### Cycle Hire

- 6.34. Based on the evidence for the area being a cycle hire hotspot, TfL would like to install a new docking station in close proximity to the site on the public highway or footway. We request a contribution of £100,000 from the applicant towards the construction and maintenance of the new docking station. We ask that this contribution is secured through the Tower Hamlets CIL.
- 6.35. *Officer Comments: As detailed in Section 8 of this report, it is estimated that the proposed development would require a LBTH CIL payment of £410,605. Any requests for project funding through the Council's CIL, such as the above, would need to be formally submitted to the Council's Infrastructure Team and would be determined through the Council's Infrastructure Delivery Framework.*

#### Loading Bay

- 6.36. The Transport Statement makes reference to the footway embedded loading bay that was agreed for 31-33 Prescott Street under PA/14/03553. TfL request that the planning conditions in relation to the public highway be reapplied to the new consent.
- 6.37. *Officer Comments: Noted. This condition will be included.*

#### Servicing and Construction

- 6.38. As the site is located close to a signal controlled junction, and is very traffic sensitive, the number of servicing vehicles attending the site must be regulated ensuring safety of other road users, in particular pedestrians and cyclists. TfL considers requests that conditions be included to secure a full Delivery & Servicing Plan (DSP), a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP).
- 6.39. *Officer Comments: Noted. These conditions will be included.*

#### Docklands Light Railway

- 6.40. The site is in close proximity to the DLR viaduct over Mansell Street, located just south of the site. TfL request the inclusion of infrastructure protection conditions to ensure that there is minimal impact on the safe and normal function of the DLR during the construction of the site.
- 6.41. *Officer Comments: Noted. These conditions will be included.*

#### Travel Planning

- 6.42. TfL welcomes the applicant's commitment to submit a Travel Plan, which should be secured through the S106 agreement.
- 6.43. *Officer Comments: Noted. A Travel Plan will be secured through the S106 agreement.*

#### Crossrail

- 6.44. A financial contribution of £193,593 towards Crossrail is required, in accordance with Mayor's Supplementary Planning Guidance (SPG) 'Use of planning obligations in the

funding of Crossrail and the Mayoral Community Infrastructure Levy' (April 2013) and London Plan policies 6.5 and 8.3.

- 6.45. *Officer Comments: Noted. Crossrail contributions are required in designated areas for proposals that would result in a 500sqm or greater net uplift in A1 retail, B1 office or C1 hotel floorspace. The proposals would provide over 500sqm of new C1 serviced apartment floorspace, although given that the pre-existing buildings included B1 office floorspace, the proposals would not result in a 500sqm or more net uplift in B1 office floorspace. The Crossrail contribution has been recalculated on this basis, and to take into account the 36sqm increase in C1 floorspace as a result of design revisions during the course of the application, with the revised Crossrail contribution totalling £137,799, as detailed in Sections 3 and 8 of this report.*

#### **London Bus Services**

- 6.46. *No comments have been received.*

#### **Historic England**

- 6.47. This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 6.48. *Officer Comments: Noted. The conservation implications of the proposals are discussed in detail in Section 8 of this report.*

#### **Historic England – Greater London Archaeological Advisory Service**

- 6.49. The planning application lies in an area of archaeological interest. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding.
- 6.50. Specifically, the archaeological interest should be conserved by attaching a condition to secure a written scheme of investigation (WSI) which shall set out the programme and methodology of site investigation and recording, together with the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.
- 6.51. *Officer Comments: Noted. The above condition will be included.*

#### **Environment Agency**

- 6.52. There are no constraints which fall within our remit for this application. We did not need to be consulted on this application and therefore have no comments.
- 6.53. *Officer Comments: Noted.*

#### **HM Tower of London**

- 6.54. *No comments have been received.*



## City of London Corporation

6.55. *No comments have been received.*

## Network Rail

6.56. *No comments have been received.*

## 5.7 LOCAL REPRESENTATION

7.1. The applicant undertook their own public consultation prior to the submission of the planning application, details of which are provided in the submitted Statement of Community Involvement.

7.2. At application stage a total of 693 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses:	7	Objecting: 7	Supporting: 0	Observations: 0
No of petitions received:	0	Objecting: 0	Supporting: 0	Observations: 0

7.3. The following points were raised in representations that are material to the determination of the application and are addressed in the next section of this report. The full representations are available to view on the application case file.

### Objections

#### 7.4. Land Use

- There are already a large number of hotels and short let apartments in the area and there is no need for more short term accommodation.

#### 7.5. Urban Design & Conservation

- The proposed 11 storey building would be out of character / scale with neighbouring buildings.
- The development includes three distinct buildings of different dimensions and styles that would not create a harmonious frontage.
- The development would have a visually overbearing impact within a historic setting.
- The development, by way of its scale and bulk, would damage the historic setting of the Grade II listed Roman Catholic Church of the English Martyrs and 30 Prescott Street.

#### 7.6. Amenity

- The development would overlook properties in Londinium Tower.
- The development would result in overshadowing and a loss of light to properties in Londinium Tower.

- The development would block daylight and sunlight to the rear of 30 Prescott Street, the garden to the side of the church, and the rose window of the church itself.
- Visitors staying at the proposed serviced apartments could create a lot of disruption to the local community, including noise disturbance and litter/rubbish on the streets.

7.7. **Other**

- The development would result in the loss of a private view of Tower Bridge from Londinium Towers.
- The planning drawings are very misleading as they show the development in isolation – proper context drawings should be provided.

7.8. *Officer Comments: It should be noted that the loss of a view is not a relevant material planning consideration and such matters can only be afforded very limited weight during the determination of a planning application. With regard to the submitted drawings, it is considered that the plans, elevations and sections include sufficient contextual detail of neighbouring buildings so as to appropriately illustrate the relationship between the proposed development and adjacent buildings. All other points are addressed in Section 8 of this report.*

## 5.8 MATERIAL PLANNING CONSIDERATIONS

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

- Sustainable Development
- Land Use
- Urban Design & Conservation
- Amenity
- Transportation & Highways
- Energy & Sustainability
- Biodiversity
- Environmental Considerations (Air Quality, Contaminated Land)
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights
- Equalities

### SUSTAINABLE DEVELOPMENT

8.2. Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government’s national objectives for planning and development management and the related guidance in the National Planning Practice Guidance 2014.

8.3. The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean “*ensuring that better lives for ourselves don’t mean worse lives for future generations.*” The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:

- *“Sustainable development is about change for the better.*
- *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*

- *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
  - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 8.4. The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
  - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
  - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 8.5. NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 8.6. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life (NPPF Paragraph 9).
- 8.7. NPPF Paragraph 14 says that for decision taking this means approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 8.8. Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This opinion is supported when consideration is given to applicable core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
  - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
  - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
  - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
  - encourage the effective use of land by reusing land that has been previously developed;
  - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
  - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

- 8.9. This is reflected in the Council's Core Strategy (2010) at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

## **LAND USE**

### Existing Land Uses

- 8.10. As detailed in the 'Relevant Planning History' in Section 4 of this report, prior approval was granted in both 2014 and 2015 for the demolition of the buildings at 99 Mansell Street and 31-33 Prescott Street (reference PA/14/02706 and PA/15/03004). In addition, planning permission was granted in November 2015 for the redevelopment of the site at 31-33 Prescott Street through the erection of a part 6 and part 8 storey building providing 28 serviced apartments (Use Class C1) on the upper levels and 437 sqm of office floorspace (Use Class B1) on lower ground and ground floor levels (reference PA/14/03553).
- 8.11. Both of the prior approvals for the demolition of the buildings on the sites have been implemented, as has the planning permission for the redevelopment of 31-33 Prescott Street, which is currently under construction. As such, the uses of the demolished buildings have fallen away, whilst the serviced apartment (C1) and office (B1) uses within the implemented development at 31-33 Prescott Street have yet to commence.
- 8.12. There are therefore no existing uses that would be lost as a result of the current proposals. The uses proposed in the current application should therefore be considered in light of the consented serviced apartment (C1) and office (B1) uses at 31-33 Prescott Street.

### Land Use Policy Context

- 8.13. Policy 4.5 of the London Plan (2016) seeks the delivery of 40,000 new hotel bedrooms by 2036 and supports the delivery of new visitor accommodation in appropriate locations, including focusing strategically important hotel provision within the CAZ and Opportunity Areas, with smaller scale hotel provision within CAZ fringe locations in areas with good access to public transport.
- 8.14. Policy SP06(4) of the Council's adopted Core Strategy (2010) seeks to concentrate visitor accommodation within the CAZ, City Fringe Activity Area, Canary Wharf Activity Area and Major and District Centres.
- 8.15. Policy DM7(1) of the Managing Development Document (2013) supports the development of new visitor accommodation in the Borough, provided such accommodation is appropriate in size relative to their location within the town centre hierarchy; serves a need for such accommodation; does not compromise the supply of land for new homes; does not to create an over-concentration of hotels in a given area or harm residential amenity, and; benefits from adequate access for servicing, coach parking and vehicle setting down and picking up movements.
- 8.16. Policy SP06(2) seeks to intensify office floorspace in Preferred Office Locations (POL).
- 8.17. Policy DM1(3) of the Managing Development Document (2013) intimates that A1 retail uses are supported within town centres.

- 8.18. Policy DM1(4) of the Managing Development Document (2013) seeks to support the vitality and viability of town centres by directing new A3/A4/A5 uses to the Central Activities Zone (CAZ), LBTH Activity Area and town centres, provided they do not result in an overconcentration of such uses, and provided there are at least two non A3/A4/A5 units between every new A3/A4/A5 unit.
- 8.19. Policy DM1(5) of the Managing Development Document (2013) states that the proximity of existing or proposed schools and local authority leisure centres will be taken into account when considering proposals for new A5 (hot food takeaway) uses.

Consented Development

- 8.20. The consented development at 31-33 Prescott Street (reference PA/14/03553), which has been implemented, comprises a new part 6, part 8 storey building to provide 437sqm of office floorspace (Use Class B1) at basement and ground floor level with 28 serviced apartments (Use Class C1) on the upper floors.

Proposed Land Uses

- 8.21. The current application effectively incorporates the consented development at 31-33 Prescott Street, with minor modifications, together with a new 11 storey building on the adjoining site at 99 Mansell Street to provide additional office (Use Class B1) and serviced apartment (Use Class C1) accommodation, together with a new flexible use (Use Class A1/A2/A3/A4/A5) commercial unit.
- 8.22. Specifically, within the context of the consented development, the current proposals would provide an additional 678sqm of office accommodation, an additional 39 serviced apartments, together with a new 103sqm flexible use (A1-A5) commercial unit at ground floor level. It is noted that the application site is not designated for any specific uses.
- 8.23. With regard to the proposed office floorspace, the application site lies within the Aldgate Preferred Office Location (POL) and Policy SP06(2) of the Core Strategy (2010) seeks to intensify office floorspace within the POLs. In addition, the site lies within the 'Outer Core' area of the City Fringe Opportunity Area (2015) which seeks to promote and enhance office provision within this area. As such, the proposed office use accords with adopted policy.
- 8.24. With regard to the proposed serviced apartment use, the site lies towards the eastern end of the Central Activities Zone (CAZ) with the highest PTAL of 6b and Policy SP06(4) of the Core Strategy (2010) supports the provision of smaller scale visitor accommodation within CAZ fringe locations in areas with good access to public transport.
- 8.25. Policy DM7(1) of the Managing Development Document (2013) supports the provision of visitor accommodation in the locations identified in the Core Strategy (see above) subject to the following criteria:
- a) the size is proportionate to its location within the town centre hierarchy*
- 8.26. The CAZ comprises the top tier of the town centre hierarchy, which policy indicates is capable of accommodating the largest scale of hotel development. The proposed development would provide 67 serviced apartments and it is considered that this level of visitor accommodation is proportionate to the site's location within the CAZ. The above requirement has therefore been met.

- b) there is a need for such accommodation to serve visitors and the borough's economy*
- 8.27. The acceptability in principle of serviced apartment use on this site is established by the consented, and now implemented, serviced apartment development at 31-33 Prescott Street (reference: PA/14/03553 – see the 'Relevant Planning History' section of this report).
- c) it does not compromise the supply of land for new homes and the Council's ability to meet its housing targets*
- 8.28. The application site lies within the Aldgate POL and Policy SP06(2) of the Core Strategy (2010) states that such locations are not appropriate for housing. As such, the site could not be brought forward for residential use. The above requirement has therefore been met.
- d) it does not create an over-concentration of such accommodation or cause harm to residential amenity*
- 8.29. As discussed above, there is an implemented planning permission for a serviced apartment scheme on part of the application site at 31-33 Prescott Street. Whilst the current proposals would increase the number of serviced apartments from 28 to 67, having regard to the site's location in the CAZ, within which adopted policy seeks to focus visitor accommodation, together with the predominantly commercial character of Mansell Street and Prescott Street, it is considered the proposals would not create an over-concentration of visitor accommodation, nor cause harm to residential amenity. The above requirement has therefore been met.
- e) there is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements*
- 8.30. Matters pertaining to vehicular access are discussed in the 'Highways' section of this report below. In summary, subject to the inclusion of planning conditions, it is considered that the proposed vehicle access arrangements are acceptable.
- 8.31. Policy DM7(2) of the Managing Development Document (2013) states that serviced apartments must be managed appropriately as short term accommodation (up to 90 days). In order to ensure that the accommodation is occupied on a short term basis only, it is recommended that a condition be included to require the serviced apartments to be let for periods of less than 90 days only. Subject to this condition, it is considered that the requirements of Policy DM7(2) have been met.
- 8.32. With regard to the proposed 103sqm flexible (A1/A2/A3/A4/A5) retail unit, Policy DM1 of the Managing Development Document (2013) seeks to direct such uses to the CAZ, Activity Areas and town centres. The proposed A1 and A2 uses are considered to be acceptable on this basis.
- 8.33. With regard to the A3, A4 and A5 uses specifically, Policy DM1 supports these uses within the CAZ, provided they do not result in a local over-concentration of such uses. Whilst it is noted that there is an existing A4 drinking establishment (Wetherspoons pub) located on the opposite side of Prescott Street from the application site, there are no other A3/A4/A5 uses within the immediate vicinity of the site. As such, it is considered that the proposals would not result in a local over-concentration of such uses. In

addition, with regard to the A5 use, it is noted that there are no schools in the immediate vicinity of the site.

- 8.34. Taking into account the above, it is considered that the proposed development is acceptable in principle in land use terms.

## **URBAN DESIGN & CONSERVATION**

### *Building Heights*

- 8.35. Policy 7.7 of the London Plan (2016) relates to the location and design of tall and large buildings. Part A of this policy states that tall and large buildings should be of a plan-led approach and should not have an unacceptably harmful impact on their surroundings. Part B of this policy requires applications for tall and large buildings to be supported by an urban design analysis. Part C of this policy sets out detailed criteria for tall and large buildings, which are discussed below.
- 8.36. Part D of Policy 7.7 seeks to ensure that tall and large buildings do not result in adverse impacts in terms of microclimate/wind, overshadowing, noise, glare, aviation, navigations, telecoms interference and strategic views. Part E of this policy states that tall buildings in sensitive locations should be given particular considerations, which could include sites within Conservation Areas or within the setting of listed buildings.
- 8.37. Policy DM26 of the Council's adopted Managing Development Document (2013) sets out the Council's plan-led approach to tall buildings, providing detailed criteria for new tall buildings, which are discussed below.
- 8.38. With regard to Policy 7.7(A) of the London Plan (2016), the Council has an adopted plan-led approach to tall buildings, as set out under Policy DM26 of the Managing Development Document (2013). With regard to Policy 7.7(B), the applicant has provided an urban design analysis within the submitted Design & Access Statement.
- 8.39. Policy 7.7(C) of the London Plan sets out a range of detailed criteria for tall buildings, stating that tall and large buildings should:
- a) generally be limited to sites in the Central Activities Zone, opportunity areas, areas of intensification or town centres that have good access to public transport*
- 8.40. The application site lies within the Central Activities Zone, which accords with the above requirement.
- b) only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*
- 8.41. The application site lies within the Tower Hill / Aldgate area, which is generally characterised by tall and large buildings, including large floorplate office blocks. The site lies immediately to the south-east of a 9 storey office block and to the south of a 16 storey hotel. At 11 storeys, the proposed building at 99 Mansell Street would sit within the established range of building heights in this area and it is considered that the site is able to accommodate a building of this height and form, given its prominent position at the corner of Mansell Street and Prescott Street, with the tall building facing down Goodman's Yard.

- c) relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level*
- 8.42. As discussed above, the surrounding area, particularly to the west and north, is characterised by large buildings, predominantly office blocks. However, the buildings to the east of the site on the south side of Prescott Street generally range between 4-5 storeys in height. It is considered that the proposed development positively responds to this changing height and scale of surrounding buildings by presenting an 11 storey volume on the prominent corner of Mansell Street and Prescott Street, then stepping down to 8 and then 6 storeys in height to the east on Prescott Street.
- d) individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London*
- 8.43. The proposed development effectively marks one of the key entrances to the borough from the City of London, with the borough boundary running north/south down Mansell Street. The development will terminate the eastwards view along Goodman's Yard, with the existing buildings bounding this arterial road being dated in appearance and of poor architectural quality, including long sections of dead street frontages. It is considered that the proposed development is of high architectural quality and the use of brick as a facing material would result in a building that appears visually solid and robust. The development in general, and the tall building in particular, would serve to enhance the character and appearance of the area, which is supported.
- e) incorporate the highest standards of architecture and materials, including sustainable design and construction practices*
- 8.44. As discussed above, it is considered that the proposed development incorporates the principles of good design and is of high architectural quality. In terms of sustainable design and construction practices, the development is projected to achieve a BREEAM rating of 'Excellent', which would be secured by condition (see the 'Energy and Sustainability' section of this report below).
- f) have ground floor activities that provide a positive relationship to the surrounding streets*
- 8.45. The proposed development includes a flexible A1/A2/A3/A4/A5 unit and B1 offices at ground floor level, which will provide active frontages that positively respond to the surrounding public realm.
- g) contribute to improving the permeability of the site and wider area, where possible*
- 8.46. At 0.05 hectares the application site is small and is bounded by adjoining sites to the east and south. As such, it is neither possible nor desirable to provide new routes through the site.
- h) incorporate publicly accessible areas on the upper floors, where appropriate*
- 8.47. The proposals do not include publically accessible areas on the upper floors. However, given the spatial constraints of the site, together with the relatively limited height of the proposed building within its local context, it is considered that the omission of a publically accessible area on the upper floors is not a significant planning issue in this instance.



- i) make a significant contribution to local regeneration.*
- 8.48. The proposed development will bring a previously long-term vacant site back into active use and will provide local employment during the construction and end-user phases.
- 8.49. The local policy context for tall buildings is principally provided by Policy DM26 of the Council's Managing Development Document (2013). This policy sets out a range of detailed criteria for tall buildings, which must:
- a) Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;*
- 8.50. The application site lies within the Central Activities Zone (CAZ) which forms the highest tier of the town centre hierarchy. As discussed under London Plan Policy 7.7(C)(c) above, and under the 'Heritage and Conservation' section of this report below, it is considered that the proposed tall building, by way of its height, scale, massing, form and detailed design, positively responds to the surrounding built form and public realm.
- b) Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.*
- 8.51. The application site is not located within a LBTH Activity Area. This requirement is therefore not applicable.
- c) Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements;*
- 8.52. This is discussed under London Plan Policies 7.7(C)(c) and 7.7(C)(d) above, it is considered that the proposed building is of high architectural quality and positively responds to the surrounding building form and public realm in terms of its scale, height, massing, form and design.
- d) Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;*
- 8.53. The application site lies within a part of the borough that includes a number of larger buildings and as such, it is considered that the proposed development would only be visible in the skyline in a limited number of local views. Nevertheless, it is considered that the tall element of the building, by way of its detailed design and materiality, would positively contribute to the skyline, particularly in the eastwards view along Goodman's Yard from within the City of London.
- e) Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;*
- 8.54. This is discussed under the 'Impact on LVMF Views' and 'Heritage and Conservation' sections of this report. In summary, it is considered that the proposed development would have no impact on LVMF View 25A.1 and would protect the setting and special historic and architectural interest of the adjacent Grade II listed buildings at 30 Prescott Street and the Church of the English Martyrs.

- f) Present a human scale of development at the street level;*
- 8.55. The tallest element of the proposed development faces toward Goodman's Yard, which is a wide street, and benefits from a wide area of pavement in front of the 11 storey frontage. The proposed building then steps down to 8 and then 6 storeys in height along Prescott Street, providing a suitable transition in height and scale to the buildings to the east, which typically range between 4-5 storeys in height. As such, it is considered that the proposed development would not appear unduly overbearing when viewed from the surrounding public realm as the tall element of the scheme benefits from a relatively expansive setting, which provides the 'breathing space' for a building of this scale.
- g) Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;*
- 8.56. No residential units are proposed. This criterion is therefore not applicable.
- h) Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;*
- 8.57. Given the relatively limited height of the proposed building within its local context and its relationship to surrounding buildings and the public realm, it is considered that the proposed development would not result in any significant adverse impacts on the local microclimate.
- i) Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;*
- 8.58. Subject to condition, the proposed development would deliver biodiversity enhancements on the site. In addition, the proposed development would not adversely impact on any open spaces.
- j) Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;*
- 8.59. The proposed development will provide local employment, during both the construction and end-user phases, and will help to contribute to the local economy more generally by providing accommodation for visitors to the borough. The proposals would also deliver biodiversity enhancements within the site, together with physical improvements to the surrounding public realm through a Scheme of Highway Improvement Works, both of which will be secured by condition. In addition, the proposed development would help to contribute to inclusive communities by providing visitor accommodation for wheelchair users.
- k) Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks;*
- 8.60. Given its relatively limited height the proposed development does not raise any aviation safeguarding concerns and the S106 agreement would include a clause to ensure that any impacts on TV/radio/satellite reception are recorded and suitably mitigated.
- l) Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.*

- 8.61. Matters pertaining to evacuation routes are covered separately by Part B of the Building Regulations.
- 8.62. Taking into account the above, it is considered that the proposed development accords with the requirements of Policy 7.7 of the London Plan (2016) and Policy DM26 of the Council's adopted Managing Development Document (2013).

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

- 8.63. Policy 7.4 of the London Plan (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.
- 8.64. 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.
- 8.65. 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.
- 8.66. The proposed development effectively comprises previously approved 6 and 8 storey buildings at 31-33 Prescott Street (with minor design modifications) under planning permission reference PA/14/03553, together with a new 11 storey building at 99 Mansell Street.
- 8.67. With regard to the proposed 6 and 8 storey buildings, the height and form of these buildings, including the use of set-back roof storeys, together with the overall design approach and facing material palette are all common features shared with the previously approved scheme. The current proposals include modifications to the design of these buildings, including the regularisation of the fenestration and introduction of a double-height glazed street frontage for 33 Prescott. In addition, the set-back roof storeys are now to be faced in aluminum cladding in place of a curtain walling system.

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**Proposed Development –Prescot Street & Mansell Street Elevation (Composite)**



- 8.68. It is considered that the design modifications to 31-33 Prescott Street are minor in nature and improve the appearance of the buildings, providing a more consistent architectural treatment across both buildings and a regularity to the pattern of fenestration that is continued across to the new 11 storey building at 99 Mansell Street.
- 8.69. With regard to the new 11 storey building at 99 Mansell Street, the architectural approach, pattern of fenestration and materiality (namely the use of brick) is continued across the facade from 33 Prescott Street to 99 Mansell Street. The double-height glazed street frontages are also repeated along the facade of 99 Mansell Street.
- 8.70. Whilst all three buildings share a common architecture, the proposals also seek to visually distinguish each of the three buildings, principally through the use of a different colour brick for each building, together with articulated building heights. Specifically, the 11 storey building is faced in grey brick and is located on the corner of the site at 99 Mansell Street, whilst 33 Prescott Street is faced in yellow brick and is 8 storeys in height, and 31 Prescott Street is faced in red brick and is 6 storeys in height.
- 8.71. It is considered that the proposed design approach is sympathetic to the scale, form, character and materiality of the surrounding built form, with nearby buildings generally ranging between 4 and 9 storeys in height, and up to 16 storeys at the Grange Tower Hill Hotel, and being predominantly faced in brick. In particular, it is considered that the stepping down in height of the buildings towards the 4 storey listed building at 30 Prescott Street provides a suitable and proportionate transition in scale from the proposed tall building on the corner of the site to the nearby lower-rise buildings on south side of Prescott Street.
- 8.72. The proposed development has been assessed by the LBTH Urban Design Officer and is considered to be acceptable in design terms. It is recommended that a condition be included to secure samples and details of the facing materials and design details.
- 8.73. Taking into account the above, subject to condition, it is considered that the proposed development incorporates the principles of good design and takes into account and positively responds to the surrounding built form and public realm in terms of its scale, height, massing, form, detailed design, facing materials and finished appearance. The proposals therefore accord with Policy 7.4 of the London Plan (2016), Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

#### Heritage and Conservation

- 8.74. 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".
- 8.75. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) 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".
- 8.76. Policy 7.8 of the London Plan (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 (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.

- 8.77. 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.
- 8.78. 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'.
- 8.79. The application site adjoins the western boundary of the Grade II listed house at 30 Prescott Street, which itself adjoins the western boundary of the Grade II listed Church of the English Martyrs. It is noted that letters of representation have been received in which objection is raised to the proposals on the grounds that they would cause harm the historic setting of these listed buildings.
- 8.80. The site also lies 80 metres to the north of the Tower of London Conservation Area, the northern boundary extends to the railway viaduct to the south of the site. As with the 16 storey Grange Tower Hill Hotel on the north side of Prescott Street, the upper floors of the building will be visible above the rail viaduct in northwards views from within the Conservation Area. However, given the relatively limited height of the proposed development and its location in relation to the railway viaduct and the Conservation Area, it is considered that the scheme would protect the character and appearance of the Tower of London Conservation Area and would not intrude into the setting of any period buildings in key local views.
- 8.81. With regard to the listed buildings, the adjoining building at 30 Prescott Street is a Grade II listed 4 storey plus basement Georgian terraced house faced in yellow London stock brick with timber framed sash windows and a front lightwell bounded by metal railings. This building forms part of a group (for the purposes of listing) with the adjoining Church of the English Martyrs, which is a Grade II listed church designed in the gothic style by Edward Welby Pugin and completed in 1875. The roof of the church rises up to a height equivalent to approximately 8 residential storeys, whilst the spire rises to a height equivalent to approximately 11 residential storeys.
- 8.82. As discussed above, the proposed buildings at 31-33 Prescott Street are effectively the same (in terms of their dimensions and overall design approach) to the previously consented development. The acceptability in principle of the visual relationship between these buildings and the adjacent listed buildings is therefore established by the previous planning permission. However, for the avoidance of doubt, this acceptability is principally the result of the articulation in building heights, which step down towards the listed building, together with the simple, clean design of the buildings and use of brick as a facing material, which reflects the materiality of the listed Georgian house. The changes in the treatment of the elevation enhance this relationship.
- 8.83. The proposed 11 storey building at 99 Mansell Street has a very narrow frontage onto Prescott Street, which is 1 window bay wide, with the main frontage (4 bays wide) facing north-westwards towards the junction of Mansell Street and Goodman's Yard. It is noted that the parapet height of the proposed building would sit just below the top of the spire of the Church of English Martyrs.

- 8.84. The proposed building at 99 Mansell Street would be markedly taller than the pre-existing building on the site, which was 6 storeys in height. However, given the building's narrow frontage onto Prescott Street and its location at the western end of the site, away from the listed house and church, together with the high architectural quality of the development, it is considered that the proposals would not appear unduly overbearing within the setting of the listed buildings and would preserve their special historic and architectural interest. The stepping up of the scheme from 31 to 33 Prescott Street and then again to 99 Mansell St is considered to preserve the setting of the listed building
- 8.85. Taking into account the above, it is considered that the proposed development has been sensitively designed in terms of its scale, height, form, design and facing materials and would protect the setting and special architectural and historic interest of the adjacent Grade II listed buildings at 30 Prescott Street and the Church of English Martyrs. For the aforementioned reasons it is considered that the development would also preserve the character and appearance of the Tower of London Conservation Area. As such, the proposals accord with Policy 7.8 of the London Plan (2016), Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

#### Impact on LVMF Views

- 8.86. Policies 7.11 and 7.12 of the London Plan (2016) define a number of strategically important views within London and require development to not harm, and where possible make a positive contribution to, the characteristics and composition of strategic views and their landmark elements. Policy 7.12 provides detailed guidance for development located within the foreground, middle ground or background of these strategic views.
- 8.87. Policy 7.10 of the London Plan (2016) states that development in World Heritage Sites and their settings, including any buffer zones, should conserve, promote, make sustainable use of and enhance their authenticity, integrity and significance and Outstanding Universal Value.
- 8.88. The south-western corner of the application site, which includes the tall element of the scheme, lies within the viewing corridor of London View Management Framework (LVMF) View 25A.1, which is the northwards view of the Tower of London from the Queen's Walk, a short distance from City Hall.
- 8.89. The current application is accompanied by a composite image of LVMF View 25A.1, which shows that the proposed development would not be visible within this protected vista as it would sit below the roofline of the existing buildings in the background of the Tower of London, located just to the right of the White Tower.
- 8.90. Taking into account the above, it is considered that the proposed development would preserve the protected vista of LVMF View 25A.1 and would conserve the Outstanding Universal Value of the Tower of London UNESCO World Heritage Site, in accordance with the objectives of Policies 7.10, 7.11 and 7.12 of the London Plan (2016)

#### Accessibility and Inclusive Design

- 8.91. Policy 4.5 of the London Plan (2016) requires at least 10% of all new hotel bedrooms to be designed to be wheelchair accessible. Policy 7.2 of the London Plan (2016) seeks to ensure that the principles of inclusive design, including the specific needs to older and disabled people, are incorporated into new developments.

- 8.92. The proposed development would provide a total of 67 serviced apartments, of which 7 serviced apartments (10.4% of total) would be provided as wheelchair accessible, with these units being located on the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floors. The wheelchair accessible units include large accessible shower rooms and the upper floors of the building are served by two lifts, which provide wheelchair access resilience in the event that one lift is rendered out of service. Level access is also provided to all internal areas, which is supported.
- 8.93. It is recommended that a condition be included to require the 7 wheelchair accessible serviced apartments to be retained as wheelchair accessible for the life of the development.
- 8.94. Subject to condition, it is considered that the proposed hotel includes adequate provision of wheelchair accessible rooms and that the development incorporates the principles of inclusive design, including the specific needs to older and disabled people. The proposals therefore accord with the requirements of Policies 4.5 and 7.2 of the London Plan (2016).

#### Secure by Design

- 8.95. Policy 7.3 of the London Plan (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.
- 8.96. 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.
- 8.97. The proposed development would present a continuous street frontage on Prescott Street and Mansell Street, with no recessed entrances, which is supported as recesses can limit surveillance and encourage antisocial behaviour and rough sleeping. In order to ensure that the building provides a safe and secure environment for future occupants and visitors, it is recommended that a condition be included to require the development to achieve Secure by Design certification.
- 8.98. Subject to condition, it is considered that the proposals would reduce the opportunities for criminal and anti-social 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 (2016) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

#### Archaeological Impacts

- 8.99. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance archaeological remains. Policy DM27(4) of the Council's adopted Managing Development Document (2013) requires any nationally important archaeological remains to be preserved permanently in site, subject to consultation with English Heritage (now named Historic England).
- 8.100. The application site lies within an Archaeological Priority Area, as designated in the Council's Managing Development Document (2013). Accordingly, Historic England Greater London Archaeological Advisory Service (GLAAS) were consulted on the



application and have advised that the proposed development has the potential to cause some harm to archaeological interest at the site.

- 8.101. In order to mitigate these impacts, GLAAS have requested that a condition be included to require no demolition or development to take place until a written scheme of investigation (WSI) has been submitted to and approved by the Council, in consultation with GLAAS. The WSI will be required to include the programme and methodology for site investigation and recording, together with the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.
- 8.102. Subject to this condition, it is considered that the proposed development would adequately protect any archaeological remains at the site, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010) and Policy DM27(4) of the Council's adopted Managing Development Document (2013).

## **AMENITY**

### *Policy Context*

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

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

- 8.104. The daylighting 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. NSL takes into account the distribution of daylight within the room and figures should not exhibit a reduction beyond 0.8 times their former value.
- 8.105. 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.
- 8.106. The application is accompanied by a Daylight and Sunlight Assessment, prepared by the Chancery Group, which details the modelled impacts of the development on the daylighting and sunlighting conditions of nearby residential properties.
- 8.107. The assessment shows that the impacts on the daylighting and sunlighting conditions of the following properties would be within BRE guidelines levels and as such are considered to be acceptable:
- 2 Scarborough Street
  - 4 Scarborough Street

- 6 Scarborough Street
- 8 Scarborough Street
- 10 Scarborough Street

**30 Prescott Street:**

- 8.108. The building at 30 Prescott Street is four storeys in height and adjoins the eastern boundary of the application site. The building is in use as the Presbytery (priest's house) for the adjacent Roman Catholic Church of the English Martyrs. It is noted that a letter of representation has been received from the owners of the church and 30 Prescott Street, in which objection is raised to the proposals on daylight/sunlight impact grounds.
- 8.109. In terms the daylighting impacts, the assessment shows that the reductions to the VSC of the 8 affected windows and the NSL of the 6 affected rooms would be within BRE guideline levels (i.e. reductions of less than 20%) and are therefore considered to be negligible.
- 8.110. In terms of Annual APSH (sunlight) impacts, of the 8 affected windows that face within 90 degrees of due south, 3 windows (38% of total) would remain BRE compliant, 3 windows (38% of total) would see minor reductions of 26-29% and 2 windows (24%) would see moderate reductions of 31%.
- 8.111. As one would expect, the Winter APSH reductions would be slightly more pronounced. This is because the sun sits lower in the sky during the winter months, so even a limited increase in building height can result in a longer shadow being cast across nearby buildings. Specifically, 2 windows (25% of total) would remain BRE compliant in terms of Winter APSH, whilst 4 windows (50% of total) would see minor Winter APSH reductions of 20-29.9% and 2 windows (25% of total) would see moderate Winter APSH reductions of 30-34%.
- 8.112. Taking into account the above, it can be seen that the daylighting impacts on 30 Prescott Street would be negligible, whilst the sunlighting impacts would be generally minor in nature. Overall, it is considered that the impacts of the proposed development on the daylighting and sunlighting conditions of 30 Prescott Street are acceptable.

**87 Mansell Street:**

- 8.113. The building at 87 Mansell Street is an 8 storey block of flats known as 'Londinium Tower' that is located immediately to the north of the application site. The building comprises a Wetherspoon's pub at ground floor level with flats on the upper floors. It is noted that a number of letters of representation have been received from residents within Londinium Tower, in which objection is raised to the proposals on daylight/sunlight impact grounds.
- 8.114. In terms of the daylighting impacts, of the 75 affected residential windows, the assessment shows that 49 windows (65% of total) would remain BRE compliant for VSC, whilst 21 windows (28% of total) would see minor VSC reductions of between 20-29.9% and 5 windows (7% of total) would see minor-to-moderate VSC reductions of 30-31%.
- 8.115. Of the 54 affected residential rooms, 36 rooms (67% of total) would remain BRE compliant for NSL, whilst 12 rooms (22% of total) would see minor NSL reductions of between 20-29.9%, 4 rooms (7% of total) would see moderate NSL reductions of 30-39.9% and 2 rooms (4% of total) would see major NSL reductions of 41-42%.

- 8.116. The assessment shows that the daylighting impacts on Londinium Tower would be generally minor in nature, with the majority of windows and rooms remaining BRE compliant. Where windows would be subject to VSC reductions of over 20%, it can be seen that 6 of these windows at first and second floor level would have residual VSC values in the mid-to-high teens, whilst the rest would have relatively high VSC values in the early to mid-twenties. It is considered that such residual VSC values are not unacceptable for properties within dense inner-urban areas, such as this.
- 8.117. In terms of the sunlighting impacts, of the 70 affected windows that face within 90 degrees of due south, 64 windows (91% of total) would remain BRE compliant for Annual APSH, whilst 6 windows (9% of total) would see minor Annual APSH reductions of between 21-26%. As discussed above, Winter APSH is more sensitive to increases in building height and the assessment shows that the Winter APSH of 44 windows (63% of total) would be reduced by between 24-55%.
- 8.118. The assessment shows that the sunlighting impacts would be very limited, with the vast majority of windows (91% of total) remaining BRE compliant for Annual APSH. Whilst the Winter APSH reductions would be greater, the proposed development would not entirely eliminate the winter sunlight hours for any properties, with the residual Annual and Winter APSH levels remaining at relatively high levels for a site located in a dense inner-urban area.
- 8.119. Overall it is considered that the impacts of the proposed development on the daylighting and sunlighting conditions of properties within Londinium Tower at 87 Mansell Street are acceptable.
- 8.120. It is noted that the design of the development was modified during the course of the application, with the set-back roof storey being changed to a full storey. This modification would slightly increase the volume of building at roof level, which in turn would slightly increase the daylight/sunlight impacts of the scheme on surrounding properties. However, given that the increase in the volume of the building would be very slight, and given that the impacts of the original scheme on surrounding lighting conditions would be negligible to minor in nature, it is considered that this design modification would not result in any significant further deterioration in surrounding lighting conditions.
- 8.121. Taking into account the above, it is considered that the proposed development would not result in any significant adverse impacts on the daylighting or sunlighting conditions of neighbouring residents, in accordance with the objective of Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

*Overlooking, Outlook and Sense of Enclosure*

- 8.122. It is noted that a number of letters of representation have been received from residents of Londinium Tower at 87 Mansell Street, in which objection is raised to the proposals on the grounds that the proposals would result in direct overlooking from the site into flats within Londinium Tower, adversely impacting on the privacy of residents.
- 8.123. At its closest point, namely at the eastern end of the site at 31 Prescott Street, the separation distance between the proposed development and Londinium Tower is 16 metres. At the western end of the proposed Prescott Street frontage, on the site of 99 Mansell Street, the separation distance increases 17 metres.

- 8.124. The supporting text to Policy DM25 at paragraph 25.3 of the Managing Development Document (2013) advises that a separation distance of approximately 18 metres between facing habitable room windows is sufficient to reduce inter-visibility to a level that is acceptable to most people.
- 8.125. Whilst the separation distance between the proposed development and Londinium Tower falls slightly below 18 metres, this degree of separation between facing buildings across streets is not uncommon within the borough, or within London generally, particularly in areas where historic street patterns survive. It is also noted that the separation distance would be the same as for the previous buildings on this site, and the same as for the approved development at 31-33 Prescott Street. As such, it is considered that the proposed development would not result in any significant degree of overlooking or loss of privacy to neighbouring residents within Londinium Tower.
- 8.126. In terms of any impacts on the rear windows for the adjoining property at 30 Prescott Street, it is noted that the envelope of the proposed building on the site of 31-33 Prescott Street where it adjoins 30 Prescott Street is effectively the same as that of the previously approved scheme. As such, the current proposals would not result in any noticeable increase in the sense of enclosure to occupants at 30 Prescott Street, over-and-above the consented scheme. Whilst the current proposals include an 11 storey element on the site of 99 Mansell Street, this part of the building is located further away from 30 Prescott Street and thus would not result in any significant degree of enclosure to the neighbouring property.
- 8.127. Taking into account the above, it is considered that the proposed development would adequately protect the amenity of surrounding residents in terms 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).
- 8.128. Consideration has been given to the development potential of the neighbouring site to the south west of the application site and whether the current proposal would prejudice the redevelopment of this plot of land. The site consists of a redundant railway viaduct that is only approximately 8m wide; it is possible that a building could come forward on this site, but due to the land use designations it is unlikely to be a residential development and because it is so narrow would not need to be dual aspect. The windows of the serviced apartments do look out over this site but are set back from the boundary by approximately 6m so even if a building were to be constructed in front of these windows some outlook would remain (albeit very limited). As these are serviced apartments and not permanent residential accommodation this relationship is considered acceptable.

#### Noise & Vibration

- 8.129. The application site lies immediately to the east of the junction of Goodman's Yard and Mansell Street, which are heavily trafficked roads, and immediately to the north of a railway viaduct. As such, the background noise and vibration levels in this area have the potential to cause disturbance to guests within the proposed serviced apartments. In addition, the proposed development will include mechanical plant, which has the potential to cause noise disturbance to guests and surrounding residents if not suitably attenuated.
- 8.130. The current application is accompanied by an Acoustic Design Report, prepared by LCP, which includes the results of background noise and vibration surveys carried out at the site. The assessment shows the average noise levels impinging on the facade were 66dB(A) during the day (LAeq, 16 hour) and 61dB(A) at night (LAeq, 8 hour), whilst the

lowest recorded background noise levels were 53dB during the day (LA90, 5 mins) and 47dB at night (LA90, 5 mins).

- 8.131. The report details the minimum required sound reduction performance of the glazing in order to ensure that the BS8233 maximum indoor ambient noise levels for dwellings (for the proposed serviced apartments) and commercial spaces (for the proposed flexible retail and office spaces) are achieved. The most noise sensitive elements of the proposed development are the serviced apartments, the facades of which would need to be designed to achieve an indoor ambient noise level not exceeding 30dB (LAeq, 8 hour) at night time when guests would be sleeping.
- 8.132. In order to ensure that future occupants within the serviced apartments are not unduly disturbed by noise, either from outside sources or from adjoining commercial spaces within the development, it is recommended that conditions be included to require the serviced apartments to be designed to achieve 30dB LAeq,T\* and 45dB LAfmax, and to require adequate sound insulation to be provided between commercial spaces and serviced apartments to ensure that NR25 is not exceeded within the serviced apartments.
- 8.133. With regard to the recorded vibration levels at the site, the daytime Vibration Dose Values (VDV) were 0.044 (horizontal) and 0.015 (vertical) and the night time VDV were 0.042 (horizontal) and 0.011 (vertical). British Standard BS6472 'Guide to Evaluation of Human Exposure to Vibration in Buildings' advises that VDV of 0.2 to 0.4 during the day and 0.1 to 0.2 at night have a 'low probability of adverse comment' from building occupants. The Council's Rail Noise Policy Statement (1994) also provides target maximum VDV for residential uses of 0.2 during the day and 0.13 at night. As the recorded vibration levels are significantly below these guideline VDV levels, it is considered highly unlikely that the vibration levels at the site would cause disturbance to future occupants. Vibration mitigation measures would therefore not be required.
- 8.134. In order to ensure that the noise generated by fixed plant within the development does not result in noise disturbance to future occupants within the serviced apartments or nearby residents, it is recommended that a plant noise compliance condition be included. Specifically, this condition will require the noise generated by any fixed plant within the development to at no time exceed 10dB below the lowest background noise level (LA90) when measured as a distance of 1 metre from the nearest sensitive facade.
- 8.135. Subject to the above conditions, it is considered that the proposed development would not result in undue noise or vibration disturbance to surrounding residents or future guests within the development, in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

## **TRANSPORTATION & HIGHWAYS**

- 8.136. The NPPF (2012) and Policy 6.1 of the London Plan (2016) seek to promote sustainable modes of transport and accessibility and reduce the need to travel by car. Policy 6.3 of the London Plan also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.137. Policy SP08 and SP09 of the Council's adopted Core Strategy (2010) and Policy DM20 of the adopted Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development does not have an adverse impact on safety and road network capacity, requiring the

assessment of traffic generation impacts and also seeking to prioritise and encourage improvements to the pedestrian environment.

### Trip Generation

- 8.138. The application is accompanied by a Transport Statement (TS), prepared Crowd Dynamics, which includes the modelled trip generation figures for the pre-existing uses (B1 office and B8 storage) and proposed mix of uses (A1-A5, B1 & C1) within the 11 storey block at 99 Mansell Street. The TS does not include the trip generation figures for the part of the development on 31-33 Prescott Street on the basis that this part of the development effectively already has planning permission. The TS therefore models the difference in trip generation between the approved development at 31-33 Prescott Street (reference PA/15/03553) and the current proposals, which effectively incorporate the approved development 31-33 Prescott Street and include an additional block at 99 Mansell Street.
- 8.139. The TS shows that the pre-existing B1 office and B8 storage uses at 99 Mansell Street would have generated 361 two-way trips per day. The majority of trips would have been made by public transport and walking, with 5% of trips being made by car and 1% of trips being made by taxi.
- 8.140. The TS shows that the proposed A1-A5, B1 and C1 uses within the 99 Mansell Street block would generate 399 two-way trips per day. In terms of the modal split, the TS shows that only a very small proportion of trips would be made by private car (2.7%) and taxi (3.5%), with the remainder of trips being made by sustainable forms of transport. Specifically, the majority of trips would be made by rail and Underground (61.8%) followed by walking (24.5%) and bus (7.5%).
- 8.141. The TS shows that the proposed block at 99 Mansell Street would only result in a small uplift in daily trips, amounting to 38 additional two-way trips per day. The applicant's transport consultant considers that this uplift in trips would have a negligible impact on the local transport network. TfL have reviewed the TS and consider that the proposed trip generation is reasonable, although requested that cycling be included in the modal split.
- 8.142. Paul Mew Associates, on behalf of the applicant, have prepared a Technical Note that responds to the queries raised by TfL. The Technical Note provides estimated two-way cycle trips for the entire development (99 Mansell Street and 31-33 Prescott Street), which gives a worst case scenario of 54 two-way cycle trips per weekday. It is considered that these projected cycle trips, together with the proposed uplift of 38 two-way trips per day across all other modes of transport, would not place any significant strain on local transport infrastructure.
- 8.143. Taking into account the above, it is considered that the proposed development would not result in any significant adverse impacts on the capacity of the local transport network, including the Transport for London Road Network (TLRN), in accordance with Policy 6.3 of the London Plan (2016), Policy SP09(3) of the Core Strategy (2010) and Policy DM20(2) of the Managing Development Document (2013).

### Car Parking

- 8.144. Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) seek to ensure that developments located in areas of good public transport accessibility are secured as 'car

free'. Policy 6.13 of the London Plan (2016) also promotes 'car free' development in areas with good access to public transport, whilst still providing for disabled people.

- 8.145. The proposed development does not include any on-site car parking, which is supported in principle in line with the above policies as the site benefits from excellent access to public transport, with the highest possible a PTAL of 6a. LBTH Transportation & Highways have requested that the development be secured as 'car and permit free' through a clause in the S106 agreement in order to prevent any person residing at the site from obtaining an on-street parking permit. TfL also welcome the car free development, given the high PTAL at the site.
- 8.146. Where site constraints mean provision of on-site disabled parking is unfeasible or not safe, the Council's parking standards, as set out in Appendix 2(1) of the Managing Development Document (2013), require applications to demonstrate how a disabled person can park to use the development with ease. LBTH Transportation & Highways note that no information has been provided on the disabled parking arrangements and have requested that a condition be included to secure a Disabled Parking Plan.
- 8.147. Subject to the above condition and S106 clause, the proposed car-free development accords with 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 (2015).

Cycle Parking

- 8.148. Policy DM22(4) of the Managing Development Document (2013) and Policy 6.9 of the London Plan (2016) require developments to include adequate provision of safe, secure and accessible cycle parking facilities. The current cycle parking standards used by the Council are set out at Table 6.3 of the London Plan (2016), which for this proposed development require a minimum cycle parking provision of:

Use	Long Stay Cycle Parking	Short Stay Cycle Parking	Total
A1-A5 Retail	1	2	3
B1 Office	12	2	14
C1 Serviced Apartment	3	1	4
<b>Total</b>	<b>16</b>	<b>5</b>	<b>21</b>

- 8.149. The proposed development includes a designated cycle store at basement level, which will accommodate up to 28 bicycles using 'Sheffield' style cycle stands. The total number of cycle parking stands therefore exceeds the minimum requirements for this development. In addition, the proposed use of 'Sheffield' style floor mounted cycle stands is supported as they are easily accessible, usable and secure, in accordance with the Council's cycle parking design standard at Appendix 2(1) of the Managing Development Document (2013).
- 8.150. As the cycle store is located at basement level, the bicycles will need to be transported by lift. The applicant has provided details of the proposed lift, the carriage of which is sufficiently large (2.3m deep x 1.2m wide with a 1m door) to accommodate a bicycle without the need to lift it off the floor, which is supported.
- 8.151. It is noted that TfL have requested that the short stay cycle parking be provided at street level, as it is unlikely that short term users, such as those for the retail unit, would either be aware of the basement cycle store or willing to use it. This is considered to be a reasonable request and the applicant has agreed to provide a further 6 short stay cycle

spaces on the footway at the corner of Mansell Street and Prescott Street, as set out in paragraph 2.11 of the Technical Note prepared by Paul Mew Associates, dated June 2016. These on-street cycle stands would form part of the requirements of a Scheme of Highway Improvement Works for this development, which would be secured by condition.

- 8.152. LBTH Transportation & Highways have reviewed the proposed cycle parking arrangements and consider them to be acceptable.
- 8.153. It is recommended that a further condition be included to require the proposed cycle parking facilities and lift to be installed in accordance with the submitted details prior to first occupation of the development, and require the facilities to be retained and maintained for the life of the development.
- 8.154. 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).

*Servicing, Waste & Recyclables Storage*

- 8.155. Policy SP09(3) of the Core Strategy (2010) and Policy DM20(2) of the Managing Development Document (2013) seek to ensure that development does not adversely impact on the safety or capacity of the road network.
- 8.156. 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.
- 8.157. The proposed development would be serviced from an embedded loading bay located on the footway on Prescott Street, which is the same arrangement as for the previously approved development at 31-33 Prescott Street (reference PA/14/03553). TfL raise no objections to the proposed servicing arrangements, subject to the inclusion of the same 'Scheme of Highway Improvement Works' condition as was included on the permission for 31-33 Prescott Street. This condition requires the submission and approval of details of the necessary works to the public highway to construct the loading bay and prevents the loading bay from being used during peak AM and PM hours. Officers recommended that the condition be included.
- 8.158. With regard to waste storage, the proposals include the provision of designated refuse store at basement level, which is shown on plan as being able to accommodate 9 x 1,280 litre bins. The refuse store is located adjacent to the lift core and the bins would be transported up to street level via a goods lift on collection days. The goods lift has direct access to the public highway on Prescott Street at ground floor level, with the total wheeling distance of the bins being approximately 12 metres, which is only marginally over the Council's recommended 10 metre maximum wheeling distance. The proposals have been reviewed by the Council's Waste Policy & Development Team, who have no objections to the proposed waste storage arrangements.
- 8.159. Both the LBTH Waste Team and LBTH Transportation & Highways request that a condition be included to secure a Delivery and Service Management Plan, which must detail the timings for when the bins will be brought up to street level and where the bins will be temporarily stored. The Waste Team would emphasise that it is unacceptable for



bins to be left on the public highway prior to and after collections for any length of time outside of collections taking place.

- 8.160. Taking into account the above, subject to condition, it is considered that the proposed servicing arrangements would not adversely impact on the capacity or safety of the road network, and that the waste and recyclables storage arrangements are acceptable. The proposals therefore accord with Policies SP05 and SP09(3) of the Core Strategy (2010) and Policies DM14 and DM20(2) of the Managing Development Document (2013).

## **ENERGY & SUSTAINABILITY**

- 8.161. At a national level, the National Planning Policy Framework (2012) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2015), Policies SO24 and SP11 of the Core Strategy (2010) and Policy DM29 of the Managing Development Document (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.162. The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.163. Policy DM29 of the Managing Development Document (2013) includes the target to achieve a minimum 50% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.164. The submitted Energy Strategy, prepared by eb7 Ltd, dated 29<sup>th</sup> February 2016, broadly follows the principles of the Mayor's energy hierarchy, as detailed above, and seeks to focus on using less energy and integration of renewable energy technologies. Specifically, the energy strategy proposes a communal heat system for the hot water and air source heat pumps for the space heating and cooling, whilst renewable energy would be provided through a 10 panel photovoltaic array at roof level.
- 8.165. The CO<sub>2</sub> emission reductions proposed would result in a 29% reduction against a Building Regulations 2013 baseline. The scheme is currently significantly below adopted Policy DM29 requirements for a 45% reduction in CO<sub>2</sub> emissions
- 8.166. The Planning Obligations SPD includes the mechanism for any shortfall in CO<sub>2</sub> to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan (2016) which states:
- 8.167. *"...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere."*

8.168. This would allow the scheme to be supported despite the target CO2 emission reductions not being fully delivered on site. The council has an adopted carbon offsetting solutions study (adopted at Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy a carbon offsetting contribution of £23,724 would be appropriate for carbon offset projects. The calculation for this figure is as follows:

- Building Regulation compliant development would have emissions at 82.4 tonnes/CO2
- Proposed development is at 58.5 tonnes/CO2
- 45% DM29 reduction would deliver a scheme at 45.32 tonnes/CO2.
- Shortfall to meet DM29 requirements = 13.18 tonnes/CO2 x £1,800 = £23,724 offset payment to meet current policy requirements.
- This should be secured through appropriately worded Conditions and a S106 agreement for £23,724 to be payable prior to commencement of development.

8.169. In terms of sustainability, Policy DM 29(4) requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential development to achieve the BREEAM 'Excellent' rating. The applicant has submitted a BREEAM pre-assessment which shows the scheme is designed to achieve a BREEAM 'Excellent' rating with a score of 75.92%.

8.170. The LBTH Energy Efficiency & Sustainability Team consider that the proposals accord with the above policies, subject to the inclusion of conditions to secure the delivery of the energy strategy and proposed renewable energy technologies, and a BREEAM 'Excellent' rating, together with a S106 clause to secure a carbon offsetting contribution of £23,724.

8.171. Subject to these conditions and S106 clause, it is considered that the proposed development would follow the Mayor's energy hierarchy and attain the highest standards of sustainable design and construction. The proposals therefore accord with the objectives of Policies 5.2, 5.3, 5.6 and 5.7 of the London Plan (2016), Policy SP11 of the Core Strategy (2010) and Policy DM29 of the Managing Development Document (2013).

## **BIODIVERSITY**

8.172. Policy 7.19 of the London Plan (2015), Policy SP04 of the Core Strategy (2010) and Policy DM11 of the Managing Development Document (2013) seek wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value, this should be protected and development which would cause damage to a Site of Importance to Nature Conservation (SINC) or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.

8.173. The application is accompanied by an Ecology Assessment, which has been reviewed by the LBTH Biodiversity Officer, who notes that the site has no significant existing biodiversity value. In addition, the location is remote from suitable bat foraging habitat and the site would therefore be unlikely to be used by bats. As such, there would not be any significant adverse impacts on biodiversity as a result of the proposed development.

8.174. In terms of biodiversity enhancements, the proposed development would provide 6 swift boxes. The submitted details also indicate that a section of green wall could be provided,

although no details of the green wall are given. The LBTH Biodiversity Officer advises that these represent very limited biodiversity enhancements for a development of this size and has requested that an area of biodiversity green roof be provided, which would be a significant enhancement.

- 8.175. In order to ensure that significant biodiversity enhancements are delivered on-site, it is recommended that a condition be included to secure full details of all biodiversity enhancements, including the green wall, next boxes and biodiverse green roofs.
- 8.176. Subject to this condition, it is considered that the proposed development will make a positive condition to the protection, enhancement, creation and management of biodiversity, in accordance with Policy 7.19 of the London Plan (2015), Policy SP04 of the Core Strategy (2010) and Policy DM11 of the Managing Development Document (2013).

## **ENVIRONMENTAL CONSIDERATIONS**

### *Air Quality*

- 8.177. Policy SP03 of the Core Strategy (2010) suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 of the Managing Development Document (2013) also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this, such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 8.178. The current application is accompanied by an Air Quality Assessment (AQA), prepared by REC. The AQA was reviewed by the LBTH Air Quality Officer, who raised a number of queries on the methodology and results of the assessment. REC responded to these queries in a Technical Note, dated 27<sup>th</sup> June 2016, and the LBTH Air Quality Officer confirms that this additional information adequately addresses their concerns. This additional information includes a revised air quality mitigation strategy, which increases the level of mechanical ventilation, which was originally proposed on the 2<sup>nd</sup> to 4<sup>th</sup> floors only, but is now proposed to be used for all of the serviced apartments.
- 8.179. The LBTH Air Quality Officer requests that a condition be included to secure details of the proposed mechanical ventilation system, the air intake for which must be located as high as possible on the building to ensure that the air is cleaner and thus protect the health of future occupants of the building.
- 8.180. Subject to the above condition, it is considered that the proposed development is acceptable in air quality terms, in accordance with Policy DM9 of the Council's adopted Managing Development Document (2013).

### *Demolition and Construction Noise, Vibration and Dust*

- 8.181. The demolition and construction works associated with the proposed development have the potential to cause dust and noise and vibration disturbance to nearby residents and building occupants. In order to suitably and proportionately mitigate these impacts it is recommended that a condition be included to secure a Construction Environmental Management Plan (CEMP).
- 8.182. The CEMP will be required to include details of the measures to be put in place to minimise and mitigate the noise, vibration and dust impacts arising from the demolition

works. Such measures include siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate piling methods and damping down and covering spoil piles.

- 8.183. Subject to condition, it is considered that the demolition and construction works would not result in unacceptable adverse noise, vibration or dust impacts and would protect neighbouring residential amenity, in accordance with Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013). These policies require development to protect, and where possible improve, the amenity of existing and future residents and building occupants, together with the amenity of the surrounding public realm.

#### Contaminated Land

- 8.184. The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the Managing Development Document (2013). Specifically, Policy DM30 requires suitable site investigation and remediation schemes to be secured and agreed for development proposals on contaminated land or potentially contaminated land.
- 8.185. The proposals have been assessed by the LBTH Environmental Health (Contaminated Land) Officer, who raises no objections subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination and detail the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

#### **IMPACT UPON LOCAL INFRASTRUCTURE / FACILITIES**

- 8.186. Policy SP13 of the Core Strategy (2010) seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 8.187. The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and,
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.188. 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.
- 8.189. Securing appropriate planning contributions is further supported Policy SP13, which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.190. The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations, which was subject to public consultation in April 2016.
- 8.191. The boroughs four main priorities remain:
- Affordable Housing
  - Employment, Skills, Training and Enterprise
  - Community Facilities
  - Education

8.192. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.193. The applicant has agreed to the full financial contributions as set out in the Planning Obligations SPD in relation to:

- Enterprise and Employment Skills and Training;
- Carbon Offsetting; and,
- Monitoring.

8.194. The financial contributions offered by the applicant are summarised below:

- a) A contribution of £9,705.59 towards construction phase employment, skills, training and enterprise
  - b) A contribution of £33,468.39 towards end user phase employment, skills and training
  - c) A contribution of £23,724 towards carbon offsetting
  - d) A contribution of £137,799 towards Crossrail (off-set against Mayoral CIL)
  - e) £500 per clause towards monitoring
- Total financial contributions (excluding monitoring) = £194,995

8.228. The non-financial contributions offered by the applicant are summarised below:

- a) 20% local employment during the construction and operational phases
- b) 20% of procurement from local business during the construction phase
- c) 4 apprenticeships during construction phase
- d) Car and Permit Free Agreement
- e) Travel Plan
- f) Compliance with the Code of Construction Practice
- g) TV reception surveys and mitigation

8.195. These obligations are considered to meet the tests set out in guidance and the CIL regulations.

## **FINANCIAL CONSIDERATIONS**

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

8.196. 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.

8.197. 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.

8.198. These are material planning considerations when determining planning applications or planning appeals.

8.199. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme. The approximate CIL contribution is estimated to be around £60,760.

8.200. The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy" (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for A1 retail, B1 office and C1 hotel uses (with an uplift of at least 500sqm). The site lies within the Central London Crossrail charging area.

8.201. This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £410,605.

## **HUMAN RIGHTS CONSIDERATIONS**

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

8.203. 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".

- 8.204. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.205. 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.
- 8.206. 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.
- 8.207. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.208. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.209. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

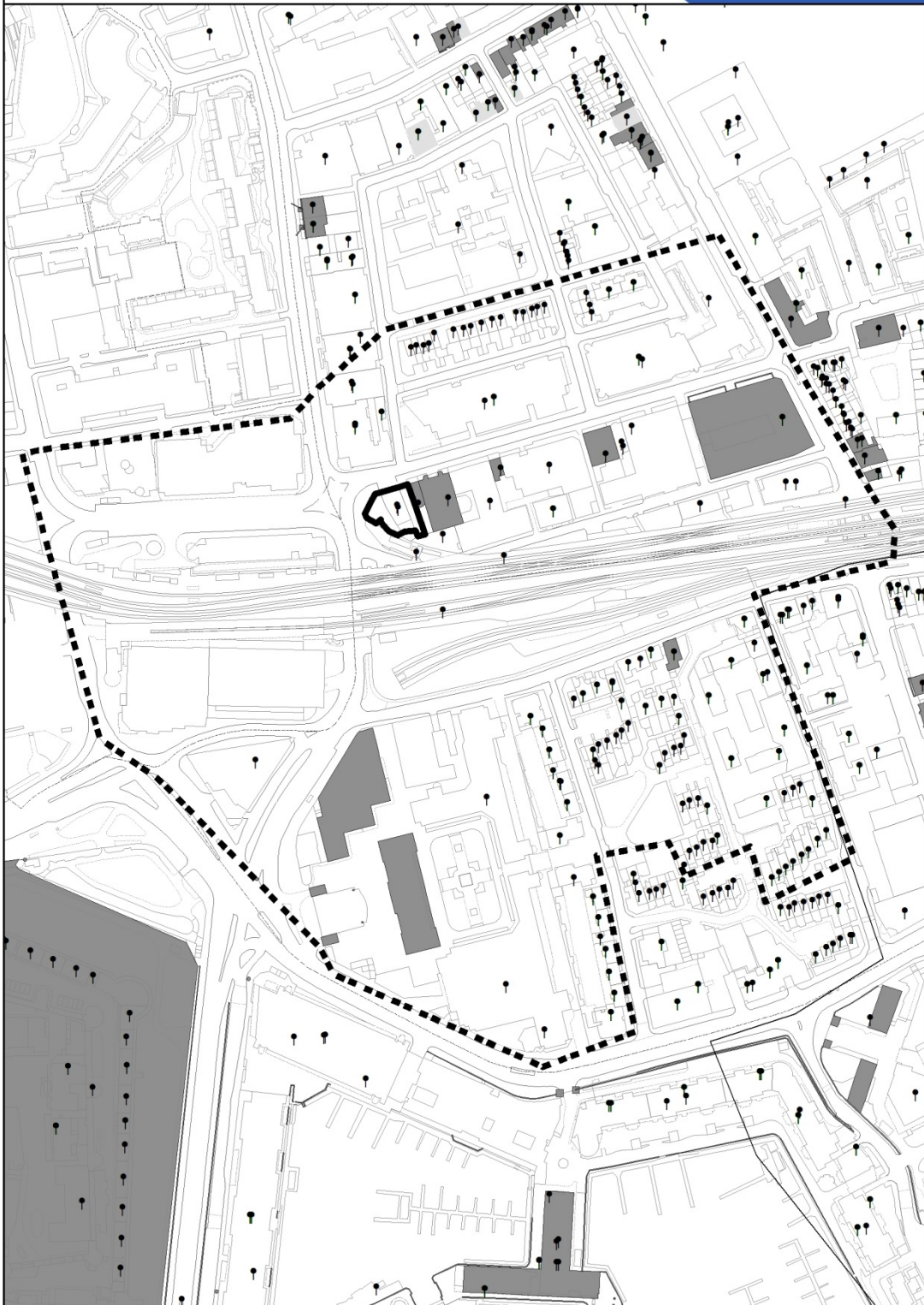
#### **EQUALITIES ACT CONSIDERATIONS**


- 8.210. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.211. The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.212. The proposed development allows for an inclusive and accessible development for less-able and able employees, visitors and workers. Conditions secure, inter alia, wheelchair accessible serviced apartments.

#### **5.9 Conclusion**

- 9.1. All other relevant policies and considerations have been taken into account. Planning Permission should be granted for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Planning Application Site Map  
PA/16/00757





 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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# Agenda Item 5.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 20 <sup>th</sup> October 2016	<b>Classification:</b> Unrestricted
<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission	
<b>Case Officer:</b> Brett McAllister	<b>Ref No:</b> PA/14/02928	
	<b>Ward:</b> Lansbury	

## 1.0 APPLICATION DETAILS

<b>Location:</b>	116-118 Chrisp Street, Poplar London, E14 6NL
<b>Existing Use:</b>	116 Chrisp Street – Public House (Use Class A4) 118 Chrisp Street – Vacant Light Industrial Building (Use Class B1c)
<b>Proposal:</b>	Demolition of public house (Use Class A4) and former Tyre and Exhaust Centre building (Use Class B1/B2) and erection of mixed-use development of part 5, part 13, part 15 storeys comprising of 63 residential units (Use class C3) with ground floor commercial unit (flexible use - Use Classes A1/A2/A3/A4), and associated cycle and refuse storage facilities, amenity areas and electricity sub-station. Formation of new vehicular and pedestrian accesses onto Chrisp Street.
<b>Drawings:</b>	1233 (PL) 150 Rev. C 1233 (PL) 151 Rev. A 1233 (PL) 152 Rev. B 1233 (PL) 153 Rev. A 1233 (PL) 154 Rev. B 1233 (PL) 155 Rev. B 1233 (PL) 156 Rev. A 1233 (PL) 157 Rev. A 1233 (PL) 158 Rev. A 1233 (PL) 159 Rev. A 1233 (PL) 160 Rev. A 1233 (PL) 161 Rev. A 1233 (PL) 162 Rev. A 1233 (PL) 163 Rev. A 1233 (PL) 164 Rev. B 1233 (PL) 166 Rev. A 1233 (PL) 250 Rev. D 1233 (PL) 251 Rev. C 1233 (PL) 252 Rev. C 1233 (PL) 253 Rev. B 1233 (PL) 254 Rev. B 1233 (PL) 350 Rev. B

	1233 (PL) 351 Rev. B
	1233 (PL) 352 Rev. B
	1233 (PL) 450 Rev. A
	1233 (PL) 451 Rev. A
<b>Documents:</b>	Accommodation Schedule PL
	-Design and Access Statement by Stephen Davy Peter Smith Architects
	-Air Quality Assessment by Hawkins Environmental
	-Statement of Consultation and Community Involvement by The Planning and Design Bureau
	-Planning Statement by The Planning and Design Bureau
	-Noise and Vibration Assessment by Hepworth Acoustics
	-Daylight & Sunlight Assessment by Malcolm Hollis
	-Transport Statement by EAS
	-Affordable Housing Policy Statement by Affordable Housing Solutions
	-Interpretive Report by RSA Geotechnics Ltd.
	-Energy Assessment by Robinson Associates
	-Sustainability Summary by Mulalley
	-Flood Risk Assessment by Sherrygreen Homes Ltd.
<b>Applicant:</b>	-Wind Environment Assessment by WSP
	Sherrygreen Homes
<b>Ownership:</b>	Sherrygreen Homes
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for demolition of a public house and vacant warehouse and redevelopment of the site to provide a residential development of 63 units in a single building up to 15 storeys in height.
- 2.2 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The proposed redevelopment of this brownfield site for a residential-led mixed-use development is considered to optimise the use of the land and as such, to be in accordance with the NPPF and development plan policies.
- 2.4 The development would provide a suitable mix of housing types and tenure including a policy compliant provision of affordable housing (37% affordable housing by habitable room). Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.5 The residential quality of the scheme would be high. Out of the 17 affordable rented units 29% would be of a size suitable for families (5 units). All of the proposed affordable units would meet or exceed the floorspace and layout standards. The development would also include 2 affordable rented family units (4 bed 6 person). All

of the dwellings would meet Lifetime Homes standards and 10% would be provided as wheelchair accessible.

- 2.6 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.7 The impact from the development on residential amenity would be acceptable. The development has a significant adverse impact on the Equinox building opposite in terms of daylight and sunlight, development in particular; however this to be expected to a degree given the existing low rise nature of the application site. The design and massing of the development is considered to be appropriate for this urban site and as such, given the significant regenerative benefits of the proposal, the impact is considered acceptable.
- 2.8 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.9 The scheme would meet the full financial and non-financial contributions.

### **3.0 RECOMMENDATION**

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

a) Any direction by the London Mayor

b) The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following planning obligations:

3.2 Financial Obligations:

- a) A contribution of **£24,187.60** towards employment, skills, training for construction job opportunities
- b) A contribution of **£2,038.53** towards employment, skills, training for unemployed residents
- c) **£1000** towards monitoring fee (£500 per s106 HoT's)

**Total £27,226.13**

3.3 Non-financial Obligations:

- a) Affordable housing 37% by habitable room (22 units)
- 79.5% Affordable Rent at Borough affordable rental levels (17 units)
  - 20.5% Intermediate Shared Ownership (5 units)
- b) Access to employment
- 20% Local Procurement
  - 20% Local Labour in Construction
- c) Car free agreement
- d) Three blue badge parking spaces to be funded by applicant at request of potential tenants for a term of 5 years.

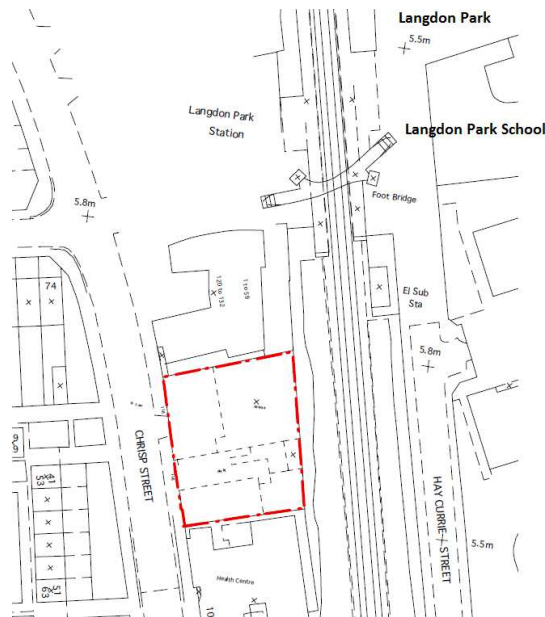
- e) Commitment to market the proposed ground floor non-residential unit for Class A4 use (drinking establishments) for a period of six months, before marketing for any other permitted use.
  - f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
- 3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:
- 3.6 Conditions:
- 1. Three year time limit
  - 2. Compliance with approved plans and documents
  - 3. Samples and details of all facing materials
  - 4. Details of any shopfront 1:50 including location of signage
  - 5. Details of hard and soft landscaping, including boundary treatment and lighting
  - 6. Details of play equipment
  - 7. Details of green roof
  - 8. Details of drainage and mitigation of surface water run-off
  - 9. Details of all Secure by Design measures
  - 10. Hours of construction and demolition
  - 11. Demolition and Construction Management/Logistics Plan
  - 12. Delivery and Servicing Management Plan
  - 13. Details of any extract system serving an A3 use
  - 14. Hours of operation for each of the commercial use
  - 15. Travel Plan
  - 16. Contaminated Land assessment and mediation strategy
  - 17. Compliance with Energy Statement
  - 18. Details of cycle parking
  - 19. Details of noise and vibration levels post completion testing
  - 20. Details of piling, all below ground works and mitigation of ground borne noise
  - 21. Scheme of highway improvement works as requested by LBTH Highways
  - 22. Protection of DLR infrastructure
  - 23. Car and Permit free agreement
  - 24. Commercial unit to be Use Classes A1/A2/A3/A4
  - 25. Details of wheelchair accessible units
  - 26. Ventilation details for A3/A4 Use
  - 27. Details of noise insulation between non-residential unit and residential premises.
- 3.7 Any other conditions considered necessary by the Corporate Director Development & Renewal.
- 3.8 Informatives:
- 1. Subject to a S106 agreement
  - 2. Thames Water standard informative
  - 3. Building Regulations approval required
  - 4. CIL liable

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

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

##### **Site and Surroundings**

- 4.1. The application site is a broadly rectangular plot that measures 0.102ha in size. It is situated on the eastern side of Chrisp Street and is to the west of the DLR line that runs from Lewisham to Stratford.
- 4.2. The site comprises two plots – 116 and 118 Chrisp Street. No.116 to the south is occupied by a two storey public house - The Royal Charlie and includes its rear outbuildings and car park. 118 Chrisp Street comprises a vacant 2 storey warehouse. This warehouse was previously used as a tyre and exhaust centre.
- 4.3. To the north of the site is Parkview Apartments (120-122 Chrisp Street). This is a 19 storey residential building with ground floor commercial uses (an A3/A5 use is closest to the application site). It occupies most of its site, and comprises a slim tower set towards the rear of the land, with lower wings projecting towards Chrisp Street.
- 4.4. To the north of Parkview Apartments, beyond a pedestrianised street that connects Langdon Park Station with Chrisp Street, is a construction site for a consented residential development comprising buildings that will range from 5 to 22 storeys high.
- 4.5. Approximately 40m to the north east of the site is a Langdon Park DLR Station and Landon Park. On the other side of the DLR tracks to the east is Langdon Park school. Immediately to the south of the site is a 1 and 2 storey Health Centre and associated car park.
- 4.6. To the west, across Chrisp Street, is a relatively recent residential development of between 3 and 9 storeys in height, which is part of the Equinox development. The 9 storey element of the development faces the application site. Moving north there is a 2 storey terrace of postwar housing which faces Carmen Street and further north from that there is another relatively recent residential development of between 4 and 9 storeys in scale, which is another phase of the Equinox development.
- 4.7. The following site plan shows the site in relation to its surroundings:



- 4.8. Further afield there exists a recently built 20-storey building tower – ‘The Panoramic’, located to the south east of the application site at the meeting point of Hay Currie Street, Willis Street and Bircham Street.
- 4.9. The site is located at the northern end of the Crisp Street Market District Centre.
- 4.10. The proposed development site has a good Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest. Langdon Park DLR station is located on the north-east and is approximately 100 metres walk from the site. The site therefore provides good connectivity. Bus stops exist on Crisp Street located just outside the site and 2 minutes walk away on Cordelia Street providing connections to Stratford, Canary Wharf, Bethnal Green and Canning Town.

### **Planning History**

- 4.11. The two sites were previously in separate ownership and received separate planning permissions for buildings up to 10 storeys; however these consents were not implemented and have since expired.

#### 118 Crisp Street - PA/08/00374

- 4.12. (1) Demolition of the existing single storey light industrial building with double pitched roof and redevelopment of the site by the erection of a part 5, part 8 and part 10 storey building for mixed use purposes.

(2) Provision of 128 sq.m of commercial floorspace falling within use classes A1, A2, B1 or D1 at ground floor level plus a total of 28 self-contained flats (12 x 1 bedroom; 9 x 2 bedroom, 6 x 3 bedroom and 1 x 4 bedroom) together with bicycle parking, refuse/recycling facilities and amenity space.

Permitted: 04.07.2008

Expired without implementation: 04.07.2011

#### 116 Crisp Street – PA/09/00357

- 4.13. Demolition of existing Public House and redevelopment of site to provide 95sqm of A3 use on ground floor; 20 residential units (comprising 9 x 1 bed; 6 x 2 bed & 5 x 3

bed); associated amenity space and 30 cycle spaces. Part 5 part 10 storeys in height.

Permitted: 03.06.2009

Expired without implementation: 03.06.2012

### Proposal

- 4.14. This application was considered by the Strategic Development Committee on July 28<sup>th</sup> 2016. Members were minded to refuse the application for the following reasons:
- Overdevelopment of the site
  - Height, bulk and massing
  - The density of the proposal and the impact this would have had on the daylight/sunlight of neighbouring buildings
  - Loss of a public house
  - Underprovision of child play space and communal amenity space
  - Quality of the design
  - The existence of a separate entrance for the affordable units
- 4.15. Following this meeting officers have worked with the applicant's to seek to resolve the above issues with a number of amendments:
- The height of the proposed building has been reduced by 1 storeys overall and 2 storeys in the middle element;
  - The volume and massing of the building has been reduced on the west side. As such the gap to Parkview Apartments has increased from 4 to 7.3 metres;
  - As a result the number of units has been reduced from 71 to 63 units.
  - The overall mix of dwelling types has been amended to 27 x 1 bed, 27 x 2 bed, 7 x 3 bed and 2 x 4 bed;
  - Re-arrangement of ground floor service spaces and reduction in footprint of building has resulted in additional 70sqm communal amenity and child play space to the rear of the building;
  - With additional communal amenity space in combination with changes to the number of units and the mix, the policy requirements for child play/communal amenity space have been met;
  - Design quality has been improved with a more defined edge along Chrisp Street through the deletion of the splay to entrance lobby area;
  - Additional glazing to ground floor commercial unit facing Chrisp Street;
  - Additional brickwork detailing has been added to the side elevations to break up these large walls. A small instep has also been added on the southern side elevation to add visual interest;
  - The division between the entrance lobbies has been removed.
  - The range of flexible uses for the commercial unit would now include class A4 (drinking establishments) which includes public houses and bars. A planning obligation secured in the Section 106 legal agreement seeking marketing for this use exclusively for a 6 month period would be required
  - **Overall the amendments have resulted in a less tall, less bulky, slimmer form of development, with a more rational ground floor layout and better quality and quantity of outdoor space for residents.**

### The Revised Proposals

- 4.16. Full planning permission is sought for demolition of existing buildings and erection of a building between 5 and 15 storeys in height to provide 63 residential units (27 x 1 bed, 27 x 2 bed, 7 x 3 bed and 2 x 4 bed) and landscaped amenity space, cycle parking, electricity substation and associated works. The formation of new vehicular and pedestrian access onto Chrisp Street is also proposed.

- 4.17. The front of the ground floor would contain a single entrance lobby and a 90sqm commercial unit that would be flexible between retail, financial and professional, restaurant and drinking establishment uses (use classes A1/A2/A3/A4). The rear of the ground floor would contain cycle storage rooms, bin stores, plant rooms and a substation. The external area between the rear elevation and the boundary of the site with the DLR tracks would be a 206sqm area of dedicated child play space and a 64sqm area of communal amenity space.
- 4.18. Floors 1-4 would consist of the 22 affordable rent/intermediate units with the upper floors containing the private units.
- 4.19. The building would be 5 storeys where it meets Chrisp St, and would be stepped in again at the twelfth floor where a communal amenity area of 140sqm would be provided and would rise to a total of 15 storeys to the rear of the site. The scheme will be based on a simple palette of high quality materials.
- 4.20. The proposed development would be car-free. A car permit free agreement will be entered into with Tower Hamlets to restrict future residents from access to parking permits.

## **5.0 POLICY FRAMEWORK**

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

### **5.2 Government Planning Policy**

National Planning Policy Framework 2012

### **5.3 London Plan FALP 2015**

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 3.1 - Ensuring equal life chances for all
- 3.2 - Improving health and addressing health inequalities
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people’s play and informal recreation facilities
- 3.7 - Large residential developments
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.13 - Affordable housing thresholds
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.5 - Decentralised energy networks
- 5.6 - Decentralised energy in development proposals
- 5.7 - Renewable energy



- 5.8 - Innovative energy technologies
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting local open space and addressing local deficiency
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

#### 5.4 **Core Strategy 2010**

- SP01 - Town Centre Activity
- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking
- SP13 - Planning Obligations

#### 5.5 **Managing Development Document 2013**

- DM0 - Delivering Sustainable Development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM8 - Community Infrastructure
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing Waste

- DM15 - Local Job Creation and Investment
- DM20 - Supporting a sustainable transport network
- DM21 - Sustainable transportation of freight
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place sensitive design
- DM25 - Amenity
- DM26 - Building Heights
- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

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

### Mayor of London

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

### Other

- Revised Draft Planning Obligations SPD 2015 (consultation draft)

## 5.7 **Tower Hamlets Community Plan objectives**

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

## 6.0 **CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

### **External Consultees**

#### Transport for London

### 6.3 Car Parking

Car free scheme is welcomed by TfL in principle. The applicant should therefore demonstrate whether 7 accessible car parking spaces can be feasibly achieved on site or within the local area.

### 6.4 Cycle Parking

-93 cycle spaces are proposed internally at grade with access from the two cores, to serve the residential units an additional 8 spaces externally for visitors and

commercial use. The external store should be covered and preferably covered by CCTV. Also, TfL request that the cycle parking is increased in conformity with the Further Alterations to the London Plan (FALP).

6.5 Walking

TfL has identified that this area suffers from poor wayfinding and therefore in accordance with London Plan policy 6.10 'Walking' TfL recommends that the applicant liaise with Tower Hamlets on the introduction of Legible London within the local area to help aid wayfinding in the area.

6.6 DLR

Langdon Park suffers from uneven loading, with some carriages busier than others, and this is exacerbated (particularly in poor weather) by the lack of full-length platform canopies at most stations. TfL requests a £75,000 contribution towards enhancements, including full length canopies, at Langdon Park station is secured. As this development includes the construction of a tall building adjacent to the DLR line TfL requests that conditions should be attached to the grant of any planning consent with the intention of protecting DLR infrastructure.

6.7 Buses

TfL considers that the impact of this development upon the bus network will be negligible and that there is sufficient capacity to cope in the minor uplift in bus passenger trips.

6.8 Freight

TfL understand that deliveries and servicing will occur on street however to ensure the smooth flow of traffic TfL's preference is for servicing to occur on site. The applicant should therefore demonstrate whether this would be feasible to provide on site. With consideration to the retail unit TfL would expect a Delivery and Servicing Plan (DSP) to be secured by condition.

6.9 *[Officer Comment: These matters are discussed in the material planning considerations section of the report. Conditions are recommended securing the above. Transport and road enhancements are within the Councils regulation 123 list and as such, fall within the remit of CIL]*

Thames Water (TW)

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

6.11 TW recommend a condition restricting impact piling.

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

Environment Agency (EA)

6.13 EA have reviewed the Flood Risk Assessment we agree with its findings that the site levels are above the in-channel levels of the River Thames for the extreme tidal surge. The site is not affected by fluvial flood risk and is under 1 ha therefore they have no objection to the proposal nor any conditions to recommend.

Greater London Authority

- 6.14 *London Plan policies on the loss of local community asset (PH), affordable housing, density, design, energy and transport are relevant to this application. The application complies with some of these policies but not with others and reason and the potential remedies to non-compliance are set out below:*

*Affordable housing*

*- Whilst the scheme is proposing affordable housing, the proportion is lower than the Council's minimum requirement of 35%. The Council may also opt to independently assess this scheme to ensure that the maximum amount of affordable housing is being delivered, since new schemes within the Chrisp Street area are known to have achieved high provisions than the 24% proposed.*

*Housing*

*- The residential housing mix appears to be appropriate.*

*Density*

*-The Density is higher than the London Plan specification but the design quality is high.*

*Design*

*- Design is generally supported. However the Council will need to be satisfied locally that there are no negative impacts to the uses to the southern elevation of the building and surrounding the site.*

*- The sixteen-storey height of the proposal sits comfortably within the established and emerging context and is supported from a strategic perspective, given its location within the Chrisp Street Market district centre. The building height also responds to the scale of the taller development closer to Langdon Park Station, contributing to a gradual drop in scale further to the south along Chrisp Street.*

*Transport*

*- Agreement for the enhancement of the DLR station required  
- CMP, Travel Plan, electric vehicle charging points, way-finding enhancements and more specific plans required.*

- 6.15 [Officer comment: The above comments are addressed in the material planning consideration within this report. In relation to affordable housing, since the Stage 1 report, the affordable housing has increased and is now 37%]

**Internal Consultees**

Environmental Health – Contamination

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

### Environmental Health - Noise and Vibration

- 6.18 Noise should not be a material factor for refusal, although it is recommended that the design of the development is reviewed to accommodate the necessary measures to ameliorate noise, vibration and any likely groundborne noise, as some complaints are likely to be made after occupation.

### Air Quality

- 6.19 The Air Quality Assessment submitted is adequate.

### Transportation and Highways

- 6.20 The following is a summary of the representations received from the Councils Transportation and Highways department.
- 6.21 Highways have taken on board the agreement of Parking Services to three on-street disabled parking bays. In this case it is recommended that the applicant enter into a legal agreement to provide funding for three bays over a five year period (after first occupation) so that the bays can be installed as and when required by residents who hold registered blue badges. Highways support the otherwise car-free approach. A '\*Permit Free' agreement will be required, secured by the S106 agreement, which restricts all future residents (unless blue badge or those who qualify for the Permit Transfer Scheme) from obtaining a parking permit in the controlled parking zone.
- 6.22 Minimum of 90 cycle parking spaces is required without the additional for visitors and commercial use.
- 6.23 There are waiting restrictions in operation (as well as a bus stop on the frontage) and with these are inherent loading restrictions, which restrict loading to a 20 minute period, insufficient for a removals van for instance. With regards servicing, the pre-app advice given for on-street servicing is accepted.

The highway works surrounding this site are to be subject to a section 278 agreement

- 6.24 Sustainability

The CO2 emission reductions proposed are anticipated to be policy compliant and deliver a 45% reduction against a Building Regulations 2013 baseline.

### Waste

- 6.25 The following is a summary of comments received.
- Residential and commercial bin stores must be segregated
  - require that the largest bin for residual waste is 1100 litres and recycling 1280 litres
  - require that the bin store is within 10 metres of the place where the refuse vehicle will stop and the area should have a dropped kerb

## **7.0 LOCAL REPRESENTATION**

- 7.1 A total of 546 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.

- 7.2 A further round of public consultation has taken place since the receipt of the amended plans. Any further comments will be included in the committee update report.
- 7.3 The number of representations received in response to notification and publicity of the application is as follows:
- 7.4 No of individual responses:                      Objecting: 4                      Supporting: 0  
 No of petitions received:                      0
- 7.5 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:
- Royal Charlie pub is a community asset
  - Royal Charlie pub is a viable business
  - Too many flats in the area
  - Adverse impact on local services
  - Unused warehouse should be redeveloped
  - Development would affect the view from the properties on the opposite side of the road
  - Royal Charlie pub is historic building that should be protected
  - Proposals would block light to neighbouring dwellings and GP practice to south
  - Overlooking of GP practice to south impacting confidentiality and comfort of patients
  - Closure of pub may lead to people loitering and anti-social behaviour
  - Increase in new housing in the area may cause vandalism and anti-social behaviour due to traditional community feeling 'replaced' by new residents.
  - DLR does not have the capacity to cope with further residential development
  - Adverse impact on traffic
  - Is there a possibility of Section 106 funding for increased amount of patients at the GP practice
  - The tyre centre was formerly an HGV services and may have contaminated land

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the Committee are requested to consider are:
- Land Use
  - Design
  - Housing
  - Amenity
  - Transport, Access and Servicing
  - Sustainability and Environmental Considerations
  - Planning Obligations

### **Land Use**

- 8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles:
- an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure;

- a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and
  - an environmental role – protecting and enhancing the natural, built and historic environment.
- 8.3 These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.4 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.5 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.
- 8.6 The site is within the Chrisp Street district centre and the place of Poplar as set out in the Core Strategy SP12 Annex which seeks to create “a great place for families set around a vibrant Chrisp Street and a revitalised Bartlett Park”, with higher densities in and around the regenerated Chrisp Street town centre and lower densities around Bartlett Park.

#### Loss of public house

- 8.7 Public houses (Use Class A4) such as the Royal Charlie located at the site are considered to be community facilities, therefore in line with Policy DM8 (3) of the Managing Development Document which manages the loss of such facilities the applicants were required to demonstrate that there is no longer a need for the public house within the local community including evidence of marketing effort at an appropriate rent.
- 8.8 The applicant submitted a Viability Study by Christie & Co for the submission which suggested the public house suffers from a consistently poor trade performance considered to be linked to rising costs within the industry, a poor location, a low customer base, the poor condition of the property and a number of competing public houses in the local area. The study concluded that the Public house is not viable in the long term. Officers consider that this report included pubs that were too far from the pub to be relevant and some of the pubs included have now closed. Officers are aware of the local context of the pub and the level of local competition.
- 8.9 It is also noted, that the Council has previously granted the loss of the public house in PA/09/00357. However, given this consent has expired limited weight is given to this point.
- 8.10 With many of the sites surrounding the site having been re-developed, the loss of the public house which is not considered to be of any townscape merit amongst the various new residential developments of area, is considered acceptable. Although the pub manages to continue to trade and serves a limited customer base the viability report indicates that it is not a thriving business. The applicant has also advised that the pub is in rent arrears.

- 8.11 The Committee raised concerns over the loss of the public house and hence the applicant has looked at the opportunity for the re-provision of a public house or similar use within the proposed development. The application has been amended to extend the range of flexible uses that could be permitted for the commercial unit to include drinking establishments (use class A4). In order to encourage this a S106 legal agreement seeking marketing for this use exclusively for a 6 month period would be entered into.
- 8.12 As such, overall the loss of the existing public house needs to be balanced against policy aims to optimise the use of the site and achieve ambitious housing targets. With the potential for its re-provision within the scheme, officers consider the loss of the public house acceptable in this instance, when considering the benefits to be gained with 63 additional residential units including much needed affordable housing

#### Loss/reduction of employment space

- 8.13 Policy DM15 states that employment uses should only be lost if they are not viable or they are unsuitable for continued use. Evidence of a marketing exercise for approximately 12 months is usually required to demonstrate that there is no demand for the existing employment use before a loss will be accepted. This has not been provided.
- 8.14 The applicant states that the tyre and exhaust centre building (B1c) on the site has been vacant since 2008. The building is in a poor condition which would take investment to be suitable to reuse. The building is an unsympathetic feature of the townscape in this residential/town centre location and is unlikely even with investment to generate a high level of employment. In this case and in light of the intense pressure outlined to provide new housing the loss of the warehouse is considered acceptable. Its replacement with high-quality residential with 90sqm of commercial uses at ground floor is considered by officers to be the most efficient and appropriate use of the site, taking into account the emerging residential context.

#### Principle of residential use

- 8.15 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (FALP 2015) seeks to alleviate the current and projected housing shortage within London through provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-2025 is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is addressed by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.16 The principle of residential use at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough including the Poplar.
- 8.17 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing use on this brownfield site is strongly supported in policy terms.

#### Proposed flexible commercial space

- 8.18 In terms of the proposed non-residential uses at the site, it is proposed that the single 90sqm unit on the ground level of the building would have a range of potential uses.



At the July committee the range of uses included retail/professional/restaurant (Use class A1/A2/A3). Drinking establishment (Use class A4) would now be included in this range and this would be conditioned as such. As mentioned above, in order to encourage the re-provision of the public house a S106 legal agreement seeking marketing for this use exclusively for a 6 month period would be entered into.

- 8.19 It was considered that the proposed inclusion of office (Use Class B1), which was originally part of the range of potential uses, would not activate the street frontage and be unlikely to be occupied for office use, due to its relatively small size so this use has been removed. Conversely officers consider financial and professional services (Use Class A2) to provide an active frontage which has therefore been included in the range of appropriate flexible uses for the commercial unit.
- 8.20 Regarding the proposed retail use, an increase in floorspace and units within the designated Crisp Street district centre is supported in accordance with the SP01 (4a) of the Core Strategy which looks to encourage additional comparison retail in town centres.
- 8.21 Restaurant/café/drinking establishment uses are also directed to designated town centres providing there is not an over-concentration of such uses and there is a separation of at least two non-A3/A4/A5 unit between each A3/A4/A5 unit in accordance with Policy DM1 (4) of the Managing Development Document. It is acknowledged that the neighbouring unit to the north is in use as a café/takeaway however there are no other A3/A4/A5 uses exist in the immediate surrounding area that would amount to an overconcentration. The restaurant/café use is therefore considered acceptable.

## **Design**

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

- 8.26 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

#### Height & Massing

- 8.27 With regards to appropriateness of the development of tall buildings, this has been considered in the context of London Plan and Local Plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2015) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.28 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate well to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the Managing Development Document reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.29 The building is within the Chrisp Street Market district centre and is located close to Langdon Park DLR station where a number of tall buildings have been consented/implemented or are in the process of being implemented. As such, the principle of a tall building at this location can be supported, in line with the prevailing/emerging scale of development within the area. The height of the proposed 16-storey tower generally accords with recently built or consented schemes within the immediate surrounding area. These include: Parkview apartments, (19 storeys) on the neighbouring site to the north; 134-156 Chrisp Street, (22 storeys) consented further north on the other side of the DLR station. This results in a gradual drop in height as you move away from Langdon Park Station.
- 8.30 The building's tallest element was originally 16 storeys but following the July committee has been reduced to 15 storeys. This further accentuates the reduction in height as you move further from Langdon Park Station.
- 8.31 In terms of massing, the proposal still follows similar principles to the Parkview Apartment with the building's tallest element positioned to the rear of the site the DLR tracks. The height is then staggered as you move towards the front of the building. The central section of the building would now be 13 storeys, a reduction of 2 storeys which is considered to significantly reduce the impression of the massing of the building. The building would still meet Chrisp Street at 5 storeys in height, providing a human scale at street level that corresponds with the surrounding buildings here.
- 8.32 Responding to members concerns, bulk and massing has also been removed from the northern part of the building by reducing the footprint and pulling this projecting part of the building away from Parkview Apartments. This has resulted in a significantly larger visual separation between the proposed development and

Parkview Apartments, to the north, increasing the separation distance from 4m to 7.3m.

- 8.33 The proposed height, bulk and massing of the development being applied for has been reduced. The resulting form is considered to be an improvement on the previous scheme that more appropriately relates to its surroundings and provides a sufficient degree of visual separation to the adjoining tall building to prevent the perception of a wall of tall development emerging along the east side of Chrisp Street.

#### Elevation Design & Materials

- 8.34 The elevation treatment and detailing have been well thought through and the architects have employed architectural techniques to create articulation and interest achieving a robust and contemporary development. The elevation treatment consists of high-quality brick as the main external material. Contrast and a breakup of the massing would be created through the use of a combination of red-buff bricks and grey bricks. Brick detail of vertical stack bonded bricks at the header and sill of certain windows would add further interest. In the same way visual interest has been achieved on the southern elevation, which would be exposed in relation to the low-rise Health Centre and has much less fenestration, with a contrast of brick colours and brickwork detailing. Since the July committee a small step in this southern elevation has also been added to further break up this elevation.
- 8.35 The communal entrance would be constructed with full height glazing and glass swing doors to the residential entrance. This would be sheltered with colonnade entrance area. It is considered that the ground floor layout is well-conceived with a good level of active frontage on Chrisp Street. The entrance foyer has been re-designed to remove the tapering edge providing a positive, direct relationship to the street. The same entrance would be used by all residents, irrespective of the tenure of their homes. A planning condition is recommended to secure details of the proposed shop front for the retail (Class A1-A4) unit.
- 8.36 The windows would have deep reveals with high-quality aluminium frames. The proposed window details will be conditioned to ensure high thermal and acoustic levels are obtained. Further variation to the elevations would be provided by a combination of balcony types with perforated aluminium panelled balconies used on the lower 5 floors and projecting frameless glass balconies on the upper floors. At the front elevation, the balconies of the lower 5 floors would be inset. Officers consider that careful consideration has been given to the approach to fenestration and balcony locations as well as to the design of entrances.
- 8.37 To ensure the highest quality materials, all external materials would be reserved by condition.

#### Heritage

- 8.38 The site is not within a Conservation Area, however it would be visible in relation to the Langdon Park Conservation Area which is located approximately 100 metres to the north east of the site, on the opposite side of the DLR tracks.
- 8.39 The proposed development is considered to form part of an emerging cluster around Langdon Park DLR station of contemporary taller buildings. The design of the proposal has been subject to pre-application discussions between the applicant and Officers. Officers are satisfied that the buildings would form background buildings

when viewed from the Conservation area and consequently preserve the appearance of the Langdon Park Conservation Area.

- 8.40 The Royal Charlie public house dates from the early 1870s, but appears to have been altered significantly since. It is not listed, locally listed or in a conservation area. There have been objections from local residents to its loss. Whilst it is possible to consider the public house as a non-designated heritage asset, the loss of the building would be outweighed by the significant public benefits of redeveloping a brownfield site to provide housing, including affordable housing with the potential for the ground floor to provide retail and drinking establishment uses.

#### Safety and security

- 8.41 The site has been design to high security standards. The site benefits from a prominent entrance on Chrisp Street. The proposed entrance and fenestration to the ground floor would result in a high proportion of active frontage. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security.
- 8.42 A condition would be attached to the permission for secure by design standards to be secured should the application be recommended for approval.

#### Landscaping

- 8.43 The proposal would provide 206sqm of dedicated child playspace at ground floor to the rear of the building and 38sqm on the roof terrace on the 12<sup>th</sup> floor. This would be well-designed and include toddler play space with low height/impact timber and steel play equipment, stepping stones and wetpour coloured safety surfacing and raised planters among a range of other features. An acoustic green barrier would be erected along the eastern boundary in order to mitigate noise generated from the passing DLR trains. The area would include a range of planting for visual and seasonal interest. A low hedge would surround the child play space.
- 8.44 In addition to the ground floor child play space there would also be two areas of communal amenity space. There would be a 64sqm space to the south of the child play space and a terrace on the 12th floor which would provide a further 102sqm of communal amenity space. These would again be well-designed and feature a range of planting, benches and communal tables.
- 8.45 The constrained sites provide limited space for an elaborate landscape scheme; however the proposed landscaping is considered to be well thought out, maximising the opportunities in spatial terms and subject to final approval of details by condition, would be of a high quality.

#### **Housing**

- 8.46 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

8.47 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally.

#### Residential density

8.48 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.

8.49 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4. The London Plan defines "Central Areas as those with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre. The site and surrounding area has a character that fits the definition of a "Central" area given in the London Plan without being located within 800m walking distance of a major town centre, Canary Wharf Central Activities Zone being approximately 1250m walking distance away.

8.50 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of 650 to 1100 habitable rooms per hectare (hrph) and with an average of just over 3 habitable rooms per unit 215 to 405 units/hectare (u/h).

8.51 Following a reduction in the size of the proposed building in negotiations since the July Committee the proposed density has been reduced from 2138hrph and 693u/h to 1717hr/ha and 629u/h. This would bring the density closer to the guidance in the table but would clearly still be in excess of it. However, the density is considered to be skewed heavily by the small size of the site.

8.52 It should be noted that density only serves as an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Loss of outlook;
- Increased traffic generation; and
- Impacts on social and physical infrastructure.

8.53 This report will go on to outline why officers consider that the scheme has limited symptoms of overdevelopment. Officers have sought to weigh up the applications impacts against the benefits of the scheme and in particular the provision of affordable housing.

#### Affordable housing

8.54 In line with section 6 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures

promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.

- 8.55 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.56 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate. The scheme that was originally submitted offered a total of 16 of the 71 residential units to be provided as affordable units, which represented a total on-site provision of 24% affordable housing based on habitable rooms.

Table 1: Affordable Housing Provision

- 8.57 The number of units has been reduced from 71 to 63 and the unit mix has also been altered since the application was heard at the July committee. Despite this the applicants have been able to maintain a policy compliant affordable housing offer of 37% by habitable room (35% by units). This equates to 22 affordable homes (64 habitable rooms).
- 8.58 This would be provided in the following mix:

	Units	% Units	Hab Rooms	% Hab Rooms
Affordable Rent	17	27%	51	29.5%
Intermediate	5	8%	13	7.5%
<b>Total Affordable</b>	<b>22</b>	<b>35%</b>	<b>64</b>	<b>37%</b> (79.5: 20.5 Rent: Intermediate)
Market Sale	41	65%	109	62.6%
<b>Total</b>	<b>63</b>	<b>100</b>	<b>173</b>	<b>100%</b>

Table 2: Affordable Housing Provision.

- 8.59 The proposed delivery of 37% affordable housing is above the Council's minimum policy target of 35%. The applicant submitted a viability appraisal which was independently assessed on behalf of the Council. Given the reduction of overall floor space within the proposals, the maintenance of 37% affordable housing is the maximum reasonable amount of affordable housing that can be provided whilst ensuring the scheme is viable, as required by the London Plan. The viability assessment has been independently reviewed by the Council's own consultants who have demonstrated that the scheme cannot support in excess of 37% affordable housing.
- 8.60 Of the affordable accommodation all the rented units would be let in accordance with the Council's Borough framework rents for this postcode area.
- 8.61 For this postcode currently the rents are 1 bed -£204pw, 2 bed -£214pw, 3 bed -£227pw, 4 bed -£267.

- 8.62 The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.
- 8.63 The tenure split between Rented and Intermediate, at 79.5:20.5, has however diverged from the Council's 70:30 policy target. This is considered acceptable considering the quantum of affordable rented that will be provided within the scheme.
- 8.64 Separate access cores would no longer be provided for affordable and private tenures but access by a single open-plan entrance lobby.
- 8.65 The proposal generally accords with policy targets and the tenure mix on site would assist in creation of a mixed and balanced community.

#### Dwelling mix

- 8.66 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.67 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 homes to be for families.
- 8.68 Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 8.69 The proposed dwelling mix for the revised scheme is set out in the table below:

Table 3: Dwelling Mix

Unit size	Total units	affordable housing						market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0	0%	0	0	0%	0	0	0%
1 bed	27	7	41	30%	3	60	25%	17	41	50.00%
2 bed	27	5	29	25%	1	20	50%	21	51	30.00%
3 bed	7	3	18	30%	1	20	25%	3	7	20%
4 bed	2	2	12	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
<b>Total</b>	<b>63</b>	<b>17</b>	<b>100%</b>	<b>100%</b>	<b>5</b>	<b>100%</b>	<b>100%</b>	<b>41</b>	<b>100%</b>	<b>100%</b>

- 8.70 In terms of affordable Rented Housing:- 41% of one bed units are provided against our policy requirement of 30%, 29% of two bed units are provided against our policy requirement of 25%, 18% of three bed units against our policy requirement of 30% and 12% of four bed units against our policy requirement of 15%. The affordable family rented units are providing 43% family rented housing by habitable rooms, which is slightly short of our policy 45% family rented homes.
- 8.71 In terms of intermediate/shared ownership 60% of one bed units are provided against our policy requirement of 25%, 20% of two bed units are provided against our policy requirement of 50%, 20% of three bed units are provided against our policy requirement of 25%.
- 8.72 In terms of the affordable rented tenure there is an overprovision of one bed units and an under provision of 3 beds. However the provision of 2 bed units and 4 bed units is broadly in line with policy. There is also an overprovision of 1 bed units in the intermediate but this is skewed by the relatively low numbers within this tenure. The overprovision of 1 bed units within both of these tenures can also be attributed to the reduction of the footprint of the building which meant that 3 bed units that were on the north of the building have been reduced to 1 bed units.
- 8.73 Within the private element of the scheme 41% of one beds are provided against the Council's policy requirement of 50%, 51% of two bed units against the policy requirement of 30%, 7% of three bed units against the policy requirement of 20%.
- 8.74 Within the private element of the scheme 1 and 2 bed flats are divergent from the policy target with an under provision of one bed units and an overprovision of 2 bed units. There is also an under provision of 3 bed units for the reason mentioned above. It is considered that although there is this divergence from the policy targets, the scheme achieves a good provision of family-sized units for rent and it is considered that the housing mix is acceptable on balance.

#### Standard of residential accommodation

- 8.75 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime."
- 8.76 All of the proposed units would meet or exceed the internal floorspace standards. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements.
- 8.77 Thirteen of the twenty-seven 1-bedroom units would be single aspect. All of the other units within the scheme would be at least dual aspect. The single aspect units would either be oriented east or west, none would be north facing.
- 8.78 In terms of privacy all of the units would benefit from at least 16.5m separation distance between primary habitable room windows and those of surrounding



buildings, where that relationship exists, such as with the Equinox building on the opposite side of Chrisp Street.

- 8.79 There would be a closer relationship (7.5m – 10m) between some bedroom windows and secondary kitchen/living room windows on the north elevation of the scheme and the southern elevation of Parkview Apartments. The only windows of Parkview Apartments that face the scheme are secondary high-level windows that would not compromise the privacy of these units and this separation distance is considered to offer an acceptable level of outlook. There would be a similar distance between the windows on the southern elevation and the windows on the northern elevation of the Health Centre (10m). However as this health centre building is two-storeys in height it is only considered to have a privacy impact on the bedroom windows of the lower floors (1-3) and a limited impact due to the health centre operating only within office hours.
- 8.80 DM25 of the MDD seeks to ensure that new development optimises the level of daylight and sunlight for the future occupants of new developments.
- 8.81 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters.
- 8.82 For calculating daylight to new developments, the BRE Handbook advises that average daylight factor is the most appropriate method of assessment. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- 8.83 The ADF assessment can be complemented by the No Skyline (NSL) test, which is a measurement of sky visibility. It can be the case that even where a flat has relatively low levels of illuminance as measured by the ADF test, where it has a good NSL score, occupants' perception of the light to the room as a result of that good sky visibility may be positive.
- 8.84 The application is supported by a revised Daylight and Sunlight Assessment (DSA). The robustness of the methodology and conclusions are being appraised by the Council's independent daylight and sunlight consultants and their conclusions will be included in the committee update report.
- 8.85 The submitted assessment identified that 12 rooms in the proposed development would not achieve the recommendations for ADF. This equates to only 12% of the total habitable rooms tested and represents a slight increase compared to the previous scheme heard at the July committee but is still considered acceptable
- 8.86 Of 103 rooms tested for Daylight Distribution (DD), 78 (75%) will meet the target values as set out in the BRE guidelines.
- 8.87 Of the 103 rooms assessed 60 (58%) would meet the BRE target values for internal sunlight, with 43 falling marginally short of the guidance. The BRE guide recognises that the sunlight criteria is difficult to be fully achieved in flats, because of orientation constraints and density. It is stated that the aim of the design should be for each unit to have a main room which receives a reasonable amount of sunlight. 29 of the affected rooms are oriented within 90 degrees of due north, limiting their ability to achieve higher levels of sunlight. However, despite this constraint, the submitted assessment shows the north facing rooms will achieve reasonable levels of annual APSh. A further 6 of the rooms are recessed within the west elevation of the building

and positioned adjacent to projecting walls, preventing higher levels of achievable APSH. 14 of the affected rooms are positioned directly below overhanging balconies which also inhibits the availability of sunlight, particularly during the summer months. Furthermore, 35 of the affected rooms within the proposed development are bedrooms, which the BRE states are less important in terms of sunlight.

- 8.88 Overall, it is considered that the proposal would provide an acceptable standard of living accommodation and amenity to the future occupiers of the scheme.

#### Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.89 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.90 Six wheelchair accessible homes are proposed which amounts to just under 10% of the total units. These would include 1 unit located within the affordable tenure (one affordable rent and 5 units within the private tenure part of the scheme).
- 8.91 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Three disabled accessible parking space would be provided on Chrisp Street in accordance with need.

#### Private and communal amenity space

- 8.92 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.93 All of the proposed units would have a private balcony or terrace that is at least 5sqm in area and 1.5m wide and would meet the minimum standards set out in the MDD. Some of the family units would exceed the minimum standards.
- 8.94 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a total of 103sqm of communal amenity space is required within this development.
- 8.95 At the July committee, members raised concerns that all of the communal amenity space being provided was only accessible to the intermediate and private tenure residents.
- 8.96 The scheme now provides 64sqm of communal amenity space at ground floor for the affordable units and 102sqm of communal space on the roof of the 12th storey element of the building for the intermediate and private units. If you split the policy requirement of 103sqm proportionally by habitable room the requirement for the affordable part of the development would be 38sqm and the remaining part of the development 65sqm. The proposals can be considered to meet the policy requirement in this regard.
- 8.97 Overall, the proposed provision of private and communal amenity space would meet the policy requirements and make a significant contribution to the creation of a sustainable, family friendly environment.

### Child play space

- 8.98 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Applying the GLA child yield and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' a benchmark of 10sqm of useable child play space per child is required.
- 8.99 The proposed scheme is anticipated to accommodate 24 children applying the GLA child yield. Accordingly, the scheme should provide a minimum of 240sqm of play space. This requirement is broken down as shown in Table 3.

Table 4 – Child Play Space

	GLA Child Yield	Required Space	Proposed within scheme
0-4	10	100sqm	244sqm
5-10 year olds	8	80sqm	
11-15 year olds	6	60sqm	
Total	24	240sqm	244sqm
Shortfall in play space			0sqm

- 8.100 The proposed development would provide 206sqm of dedicated child amenity space at ground floor level between the building and the eastern boundary and 38sqm on the 12<sup>th</sup> floor roof terrace. This scheme would therefore meet the policy requirement for child play space.
- 8.101 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. The proposal does not include any dedicated on-site play space for older children, given the existence of facilities in nearby Langdon Park (140m walk away) and Bartlett Park (400m walk away) which fall within the above distances. As such, officers are generally supportive in the approach of focussing the play space on the younger children.
- 8.102 Overall, it is considered that the proposal subject to condition would provide an acceptable play environment for children.

### **Amenity**

- 8.103 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

### Overlooking and privacy

- 8.104 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential

properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.

- 8.105 Other than the ground floor which comprises the entrance lobbies and commercial unit the development has been designed with the primary aspects being east (across the DLR) and west (across Chrisp Street). A number of windows exist on the South elevation facing the Health Centre however it is considered that these would not result in any unacceptable privacy impact on this low rise community building as the windows in the lower floors of this elevation are bedroom windows which will tend not to be occupied as much during the office hours that the Health Centre will be open.
- 8.106 The Equinox development, to the west, on the opposite side of Chrisp Street would have a separation distance of more than 16 metres at the closest section to the application site (floors 1-4). This is considered an acceptable gap to maintain privacy within this urban location. Floors 5-11 would be 22.5m from the Equinox development providing a comfortable separation. .
- 8.107 To the east there would be a large separation distance (45m) between the proposed building and Langdon Park School located beyond the DLR tracks
- 8.108 The north facing windows of the flats in the section of the building facing Parkview Apartments would have a separation distance of between 7.5 and 10 metres. However, the only windows that would face the northern elevation of the scheme would be small high-level secondary windows. The other openings in this elevation serve a corridor and staircore. It is therefore considered that there would be no unduly detrimental privacy impact on Parkview Apartments.

#### Outlook and sense of enclosure

- 8.109 The distance between the development proposal and habitable rooms of adjoining properties would follow the separation distances mentioned in the above section and the proposed massing generally would not result in an overbearing appearance or sense of enclosure. The relationship of the proposed development with Parkview Apartments is most relevant here with a separation distance of under between 7.5 and 10 metres. As mentioned in the above section, the windows in the southern elevation of Parkview Apartments that directly face the development either serve circulation space within the building or are high-level secondary windows. The reduction in these windows outlook is not regarded as an issue. The outlook of the bedroom windows orientated east on floors 1-6 of Parkview Apartments would be improved to some degree with the reduced extent of the northern elevation of the proposed scheme closest to these windows.

#### Daylight, Sunlight and Overshadowing

- 8.110 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.

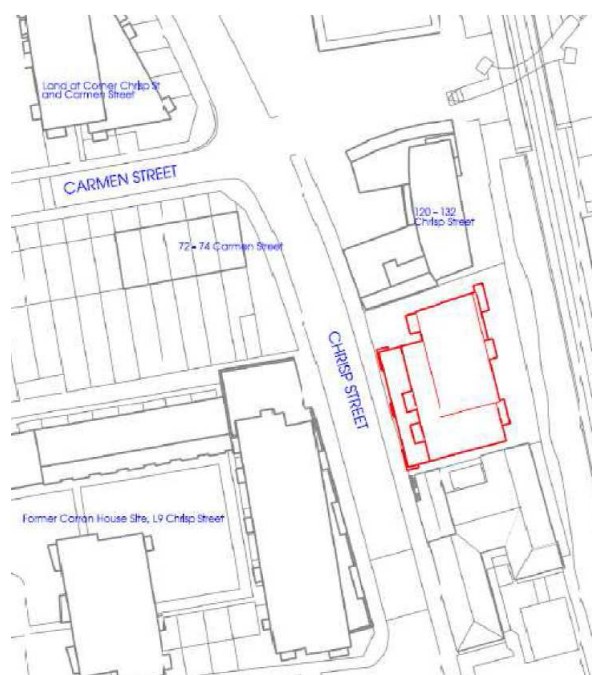
8.111 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but advise that where reductions occur of more than 20% of the existing they will be noticeable to occupiers.

8.112 Member raised concerns with regards the daylight/sunlight impacts of the development at the July committee. The applicant has submitted a revised Daylight and Sunlight Assessment prepared in line with the BRE methodology, which looks at the impact of the revised development on neighbouring properties.

8.113 The following closest surrounding buildings were tested in terms of how they would be impacted in terms of daylight, sunlight and overshadowing:

- 72-74 Carmen Street to the north-west,
- Parkview Apartments to the north (120-122 Chrisp Street),
- Equinox development to the west (Former Carron House Site L9)

The properties are shown in the following plan:



8.114 Of those windows tested in those buildings listed above only Parkview Apartments and the Equinox development had windows that did not pass the test for VSC. The following table shows a summary of the VSC results. The properties that fail VSC are discussed in more detail below.

Property Ref	Vertical Sky Component Test		
	No. of Windows Tested	No. of Windows Passed VSC Test	No. of Windows Failed VSC Test
Land at corner of Chrisp Street & Carmen Street	30	30	0
71 Carmen Street (Ballymore Scheme)	17	17	0
120-132 Chrisp Street	44	21	23
Equinox, L9 Chrisp Street	60	24	36
72-74 Carmen Street	4	4	0
<b>Total</b>	<b>155</b>	<b>96</b>	<b>59</b>

*Parkview Apartments*

8.115 The windows which failed to achieve the guidelines in this building are the high level windows that run up the south elevation and 5 windows on the west elevation which are set back from the front elevation on floors 1-5.



Photo 1: Parkview Apartments – Southern Elevation

8.116 These high level windows on the southern elevation are secondary windows. The main windows to the rooms that they serve, achieve the BRE guidelines, and therefore large losses of light to these windows do not represent a failure to achieve the guidelines.

8.117 Five bedroom windows fail to achieve the guidelines on the west elevation at the lower levels, the development would result in their relative daylight being reduced by between 25.35% and 44.33%. The windows are shown on the white wall in the photo below:



Photo 2: Part West Elevation - Parkview Apartments

- 8.118 The wall adjacent to these bedroom windows already significantly limits daylight to these windows and makes them dependent upon daylight across the development site. A loss of light in a similar way to the south therefore results in the significant impact. It is considered that the specific design of the building with these windows set so far back from the front elevation leads to the impacts and the reliance of light across the application site unfairly compromises development of this site. Given the failures are isolated and the other windows within the development achieve the guidelines it is therefore considered acceptable.
- 8.119 In terms of the sunlight impacts on Parkview Apartments only 4 windows within this building would fail to achieve the recommendations for loss of annual probable sunlight hours. These again would be the inset bedroom windows on the lower floors of the west elevation and again it is considered that the impacts are localised and the overall losses to sunlight to this building are acceptable.

#### *Equinox Development*

- 8.120 The Equinox development is a relatively recently completed nine storey residential development located to the west of the proposal site, on the opposite side of Chrisp Street. The ground floor is in commercial use. The top three storeys are set back from the main elevation. On the first to sixth floors, many of the windows on this east facing elevation are under inset balconies enclosing the windows from above and on their sides. Many of the windows are also recessed into the building. This makes the windows very dependent upon light from directly in front of them. The following photograph shows this building.



Photo 3: Equinox Building – Chrisp St Elevation

- 8.121 Of the windows tested at the Equinox building 34 would result in relative losses of daylight that fall outside of the BRE target values. A majority of the failures would be very significant resulting in VSC reductions of up to 85.59% in some cases. 20 of the 34 windows would experience VSC reductions greater than 60%. The remaining 14 windows would be affected less significantly than these.
- 8.122 It is considered that the specific design of the Equinox building with inset balconies and the fact that the buildings opposite are presently low rise leads to these very large relative reductions in VSC.
- 8.123 The balconies significantly reduce the daylight receive by the windows underneath them. BRE note that losses would be increased by up to around 30% for the windows located under balconies in this case. It therefore can be seen that the self-design of the development leads to a reliance of daylight from directly in front of it and much greater losses of daylight than would otherwise be the case.
- 8.124 Moreover, the Equinox development was consented with the then two consented 10 storey developments (see Planning History) on the application site in mind. It should be borne in mind that the relative losses in VSC have been assessed against the context of two low-rise buildings opposite. It follows that if there was development of a similar size and scale to the Equinox development, such as the previously consented schemes on the application site, there then there would be a still less significant reduction in daylight caused by the currently proposed development. As a large development that blocks a significant amount of light itself, the applicant considers it is unreasonable for the Equinox development to rely on unimpeded light from the application site and which the design of the building with inset balconies exacerbates. Officers have some sympathy with this position.

#### *Comparison with Impact of Previous Permissions*

- 8.125 Within the applicants revised Daylight and Sunlight Assessment is a comparison between the daylight/sunlight impact of the previously consented 10 storey schemes and the proposal. The results indicate that the proposal would have wider daylight/sunlight impact in some regards but less impact in others. In either case the impact would not be vastly different. In terms of VSC, 36 windows fail with the proposal compared to the 30 windows that would previously fail in the consented



scenario. In terms of ADF the results show that there would be 22 windows that fall short of the guidance in the proposed scheme, this would be 10 more than the consented scenario, however 10 of these that would fail would do so very marginally, going below the 20% limit by less than 1.5%. In terms of daylight distribution, the proposed scheme would result in 4 less windows failing short of the guidance than the 12 windows that would fail in the consented scenario which demonstrates a marginal improvement.

- 8.126 The most recent Daylight & Sunlight Assessment found that all windows within the Equinox building would receive adequate sunlight as defined by the BRE guidance.
- 8.127 Taking the above into consideration it is acknowledged that there would be impacts but it considered that the internal daylighting to the Equinox development would still be acceptable within the context and the dense urban nature of the site. It should be accepted that the general pattern of development in this area is higher and denser than used for setting the targets in the BRE Guidelines and it is therefore appropriate to apply a greater degree of flexibility. Especially given the existing buildings are low rise and redevelopment of the site is likely to have some impact.
- 8.128 Taking the above into consideration it is acknowledged that there would be impacts in particular on the Equinox development but it considered that the internal daylighting to the Equinox development would still be acceptable within the context and the dense urban nature of the site. Given the existing buildings are low rise it is inevitable that redevelopment of the site at a similarly dense scale as the Equinox will have a significant impact.
- 8.129 The BRE guidelines should be interpreted flexibly and account should be taken of the constraints of the site and the nature and character of the surrounding built form which in this location is characterised by dense development in relatively close proximity to each other. Officers consider that there are impacts; however benefits of the scheme outweigh those impacts given the nature of the area.

#### Noise and Vibration

- 8.130 Policy 7.15 of the London Plan (2015), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.131 The proposed development will experience high levels of noise from local road traffic along Chrisp Street which has a significant number of HGV and Bus movements and the DLR in close proximity to the development. Aircraft noise is also to a small degree a factor at this location, as flights from London City Airport regularly overfly this area.
- 8.132 A Noise and Vibration Assessment by Hepworth accompanied the application. The contents of the report takes into account the glazing specification required to achieve good noise insulation. Noise and vibration surveys have been undertaken at the site and daytime and night-time noise levels have been determined.
- 8.133 Appropriate noise mitigation measures have been recommended for the proposed residences which will ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014. These measures would be secured by condition.

- 8.134 It is considered that the quality of the build and these appropriate measures would guard against a significant impact on the amenity of the occupants of the proposed development.
- 8.135 In terms of vibration it has been predicted that the levels at the most exposed part of the proposed development will be below the range of “low probability of adverse comment” as stated in BS 6472: 2008. There will therefore be no requirement for any specific vibration control measures for the development.

Conditions have been recommended to ensure the hours of operation and servicing for any restaurant or drinking establishment (Use class A3/A4) use is controlled appropriately. Any A3/A4 use will be limited to opening hours between 09:00 and 23:30 on any day.

- 8.136 Overall, subject to conditions any adverse impacts on noise and vibration are suitable controlled and are acceptable.

### **Transport, Access and Servicing**

- 8.137 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.138 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.
- 8.139 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments should be properly integrated with the transport network and should have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.140 The site benefits from good access to public transport, being located approximately 100 metres walk from Langdon Park DLR station to the north east. Bus stops are located on Chrisp Street just outside the site and 2 minutes walk away on Cordelia Street The proposed development site has a Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest.
- 8.141 Overall, the proposal’s likely highways and transport impact are considered to be minor and acceptable to the Council’s Transportation & Highways section. The relevant issues are discussed below.

### Cycle Parking

- 8.142 The development would provide 88 covered secure cycle parking spaces with two main cycle parking rooms. Bike Store 1 would have access from the entrance core from inside the building and Bike Store 2 would be accessed externally from the southern side elevation of the building. This arrangement is considered sufficiently convenient for cycle users. In addition to this 8 visitor spaces would be provided from 4 Sheffield stands at the front of the building.
- 8.143 Since the time of the original submission the London Plan (FALP 2015) policy 6.9 has increased the minimum cycle parking standards for residential development. The requirement under the current regulations would be 99 spaces, meaning there is currently a shortfall of 11 spaces. Full details of cycle parking would be finalised under condition with the aim of achieving the latest minimum standards although it is acknowledged with the size constraints this may not be entirely possible.

### Car Parking

- 8.144 Policy DM22 sets out the Council's parking standards in new developments.
- 8.145 The development would be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.
- 8.146 Three on-street accessible spaces have been identified at the front of the development on Chrisp Street. This would be under the policy target of 6, representing 1 for each accessible unit within the development, however owing to the constrained site the provision of 3 spaces is considered acceptable. The Council's Parking Services has agreed on the location following a site visit with the applicant. Should planning permission be granted the applicant must enter into a S106 agreement to provide funding for three bays over a five year period (after first occupation) so that the bays can be installed as and when required by residents who hold registered blue badges rather than them all being installed from the outset. This approach is agreed by the Council's Highways team.

### Servicing and Refuse Storage

- 8.147 The Council's Highway's team have agreed that servicing can take place from Chrisp Street subject to a Service Management Plan that would be reserved by condition. It is intended to conduct servicing within the constraints of the traffic controls along Chrisp Street. The latest controls show a single yellow line on-street with sign indicating restricted parking between 8.30 and 5.30 Monday to Saturday. This would allow maximum loading times during the restricted hours of 20 minutes and unrestricted loading outside of these limits. Deliveries or removals by HGV or equivalent that are likely to require longer than 20 minutes would be scheduled to take place outside of the restricted times.
- 8.148 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage has been calculated in accordance with current waste policy.
- 8.149 The scheme is proposed to have a management scheme where the bins will be positioned from their dedicated stores within the building, to sit within the 10m

distance from the pavement to meet the policy guidance. These locations, along the southern elevation of the commercial unit and at the north western corner of the site would only be used on the day of collection and would not obstruct passing pedestrians, residents or other companies requiring access.

- 8.150 There would be a separate commercial bin store ensuring residential and commercial waste is segregated.
- 8.151 A pavement crossing to permit bins to reach the rear of vehicles would be secured as part of a wider S.278 agreement reserved by condition.

## **Sustainability and Environmental Considerations**

### Energy efficiency and sustainability standards

- 8.152 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.153 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.154 In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.
- 8.155 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. However, following the adoption of the Building Regulations 2013 (April 2014) the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.156 The submitted Energy and Sustainability Statement has broadly followed the principles of the Mayor's energy hierarchy, as detailed above, and seeks to focus on using less energy, delivering heat efficiently and integration of renewable energy technologies (9.9kWp PV array). The energy strategy proposes a communal heat system for the hot water and space heating to be served by two 15kWe CHP units.
- 8.157 The CO2 emission reductions proposed are anticipated to be policy compliant and deliver a 45% reduction against a Building Regulations 2013 baseline.

### Biodiversity

- 8.158 Policy Policy DM11 of the MDD requires developments to provide net benefits for biodiversity in accordance with the Local Biodiversity Action Plan (LBAP). A green roof is proposed, but there is no information on the type of green roof. The detailed specification of the bio-diverse roof (substrate depth and type, species selection, bug habitats etc) can be agreed by condition.

8.159 With regards the landscaping proposed at ground level, trees have been chosen for their particular position in the landscape, i.e. tolerance of urban conditions, soil depths, confined space, shade tolerance, etc. The shrub and herbaceous planting includes a few good nectar rich plants which will also enhance biodiversity to an extent but a greater diversity of these plants is sought from the Council's biodiversity officer. A further condition relating to additional planting details will be attached to the permission.

#### Land Contamination

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

#### Flood Risk

8.161 The NPPF, London Plan policy 5.12 and Core Strategy policy SP04 make clear that there is a need to consider flood risk at all stages in the planning process.

8.162 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment.

8.163 The Environment Agency and Thames Water have raised no in principle objections to the proposal, subject to the imposition of suitable conditions which would be attached if planning permission was granted. Subject to these conditions, the proposal complies with the NPPF, London Plan policy 5.12 and Core Strategy Policy SP04.

#### **Health Considerations**

8.164 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.

8.165 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

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

## Planning Obligations and CIL

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

8.168 The NPPF requires that planning obligations must be:

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

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

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

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

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

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.173 The proposed heads of terms are:

### Financial Obligations:

- a) A contribution of **£24,187.60** towards training skills for construction job opportunities
- b) A contribution of **£2,038.53** towards employment, skills, training and enterprise initiatives for unemployed residents.
- c) **£1,000** towards monitoring fee (£500 per s106 HoT's)

**Total £27,226.13**

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

- a) Affordable housing 37% by habitable room (22 units)  
79.5% Affordable Rent (17 units)  
20.5% Intermediate Shared Ownership (5 units)

- b) Access to employment  
20% Local Procurement  
20% Local Labour in Construction
- c) Car free agreement
- d) Highways s278 agreement
- e) Three blue badge parking spaces to be funded by applicant at request of potential tenants for a term of 5 years.
- f) Obligation to market the ground floor non-residential unit for Class A4 purposes only for a period of 6 months initially.

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

### **Local Finance Considerations**

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

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

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

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

8.177 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use. The Community Infrastructure Levy liable would be the London CIL and Tower Hamlets CIL.

8.178 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £101,166 in the first year and a total payment £606,993 over 6 years.

8.179 Tower Hamlets CIL liability would be £122,101 and the London CIL liability would be £162,201.

The Committee may take these estimates into consideration when determining the application.

### **Human Rights Considerations**

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

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

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

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

8.183 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

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

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

### **Equalities Act Considerations**

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



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

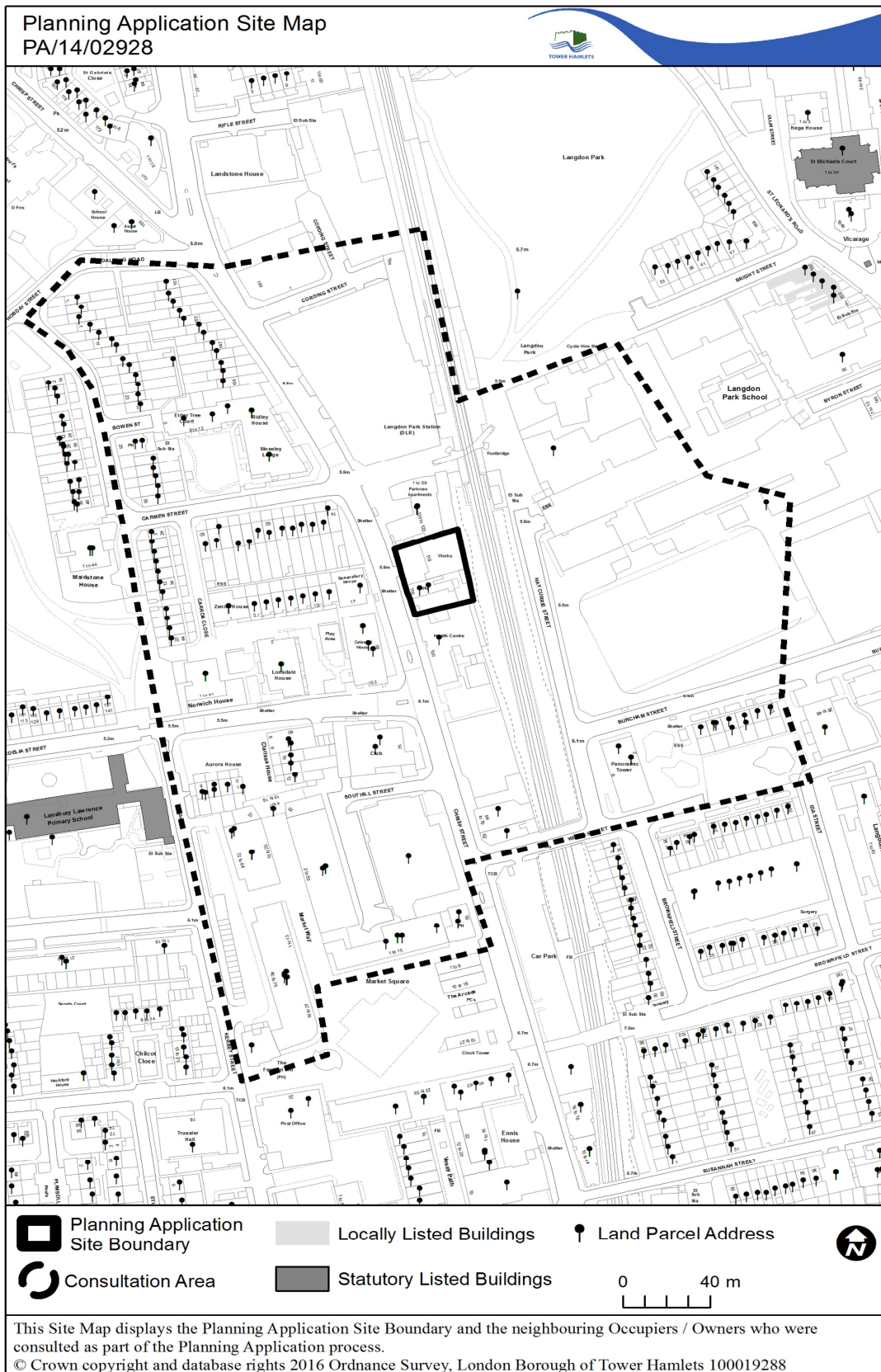
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

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

## **9.0 CONCLUSION**

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

# 10.0 SITE MAP



# Agenda Item 5.3

<b>Committee:</b> Strategic Development	<b>Date:</b> 20 October 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission + Listed Building Consent
<b>Case Officer:</b> Jerry Bell	<b>Ref No:</b> PA/16/00899 + PA/16/00900
	<b>Ward:</b> Canary Wharf

## 1.0 APPLICATION DETAILS

**Location:** The Quay Club, Bank Street, Canary Wharf, London, E14

**Existing Use:** The site is vacant with a history of B1 uses

**Proposal:** Demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; the installation of new piles in the Bank Street; and the erection of a five storey building on the existing marine piles for use as a members club (Use Class Sui Generis) and other associated works incidental to the development.

**Drawings and documents:** *Full Planning Permission (PA/16/00900):*

Site Location Plan, 60306, Rev 00  
Proposed Site Plan, 60316, Rev 00  
Street Scape Plan & Elevation, 60326, Rev 00  
Existing Site Plan, 60406, Rev 00  
Demolition Plan, 60456, Rev 00  
Proposed Ground Level Plan, 61006, Rev 01  
Proposed Level 1 Plan, 61016, Rev 00  
Proposed Level 2 Plan, 61026, Rev 00  
Proposed Level 3 Plan, 61036, Rev 00  
Proposed Level 4 Plan, 61046, Rev 00  
Proposed Level 5 Plan, 61056, Rev 00  
Enabling Works Plan, 61076, Rev 00  
Existing Elevations, 63036, Rev 00  
Proposed South Elevation, 63056, Rev 00  
Proposed North Elevation, 63066, Rev 00  
Proposed West Elevation, 63076, Rev 00  
Proposed East Elevation, 63086, Rev 00  
Existing Sections, 63136, Rev 00

Demolition Sections, 63146, Rev 00  
Proposed Section 1, 63156, Rev 00  
Proposed Section 2, 63166, Rev 00  
Proposed Section 3, 63176, Rev 00  
Enabling Works Section, 63186, Rev 00  
Enabling Works Section Details, 69006, Rev 00  
Bicycle Parking Provision, S6801A  
Air Quality Assessment, Arup, Dated March 2016  
Construction Phase Environmental Management Plan,  
Canary Wharf Contractors, Rev 01  
Construction Statement, Dated March 2016  
Design and Access Statement, Adamson Associates,  
Dated March 2016  
Ecological Impact Assessment, Environ, Dated March  
2016  
Energy Statement, MTT Ltd., Dated March 2016  
Flood Risk Assessment, Arup, Dated March 2016  
Framework Travel Plan, Steer Davies Gleave, Dated  
March 2016  
Heritage Statement, Peter Stewart Consultancy, Dated  
March 2016  
Noise and Vibration Assessment, Sandy Brown, Dated  
March 2016  
Planning Statement, DP9 Ltd., Dated March 2016  
Stabilisation Study of Grade I Listed Banana Dock  
Wall, Arup, Dated 04/03/2016  
Sustainability Statement, MTT Ltd., Dated March 2016  
Transport Statement, Steer Davies Gleave, Dated  
March 2016  
Applicant's Response to Comments from Historic  
England, Peter Stewart Consultancy, Dated July 2016  
Cycle Parking Details, DP9 Ltd., DP3810/SH/GL,  
Dated 16/08/2016

*Listed Building Consent (PA/16/00899):*

Site Location Plan, 60308, Rev 00  
Works to Dock Wall, 60408, Rev 00  
Photographic Study of Works to Dock Wall, 60418,  
Rev 00  
Existing Site Plan, 60428, Rev 00  
Proposed Typical Section, 63158, Rev 00  
Proposed Detail Section, 69008, Rev 00

**Applicant:** South Quay Properties Ltd

**Ownership:** South Quay Properties Ltd  
Canal and River Trust

**Historic Building:** Dock wall is Grade I listed

**Conservation Area:** None

## 2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Strategic Development Committee as the proposal is not in accordance with the development plan involving a gross floor space exceeding 2,500 square metres.
- 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 planning and listed building consent application is for the demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; the installation of new piles in Bank Street; and the erection of a five storey 6,536sqm new building on the existing marine piles for use as a members club (Use Class Sui Generis).
- 2.4 The development results in the loss of water space which is not considered to be of the highest quality due to its shape, size and location. The loss of water space would in part be mitigated by a significant natural environmental enhancement planning contribution and biodiversity enhancements. The proposed development would therefore result in enhancements at a wider level overall, facilitate economic benefits through direct employment generation and also aid the Canary Wharf estate to remain a globally competitive centre.
- 2.5 The proposed design of the new building is of a very high standard and would have a positive impact on the surrounding built environment. The degree of harm to the existing Grade I listed 'banana dock wall' is considered to be *'less than substantial'* and outweighed by the overall benefits of the proposal.
- 2.6 The proposal would not have a significant adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network.
- 2.7 The proposal would not adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the building a suitable level of amenity in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.
- 2.8 The proposed energy strategy for the site is acceptable as the proposal has been designed in compliance with the London Plan energy hierarchy and is to provide a carbon offsetting payment to cover the CO2 emission reduction shortfall.

### 3.0 RECOMMENDATION

3.1 That the Committee resolve to:

1. **GRANT** planning permission and,
2. **GRANT** listed building consent

subject to:

- a) The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of **£600,000** towards improvements and enhancements to the natural environment in the borough.
- b) A contribution of **£26,144** towards construction phase skills and training.
- c) A contribution of **£41,026** towards end user phase skills and training.
- d) A contribution of **£27,900** towards Environmental Sustainability (carbon offset).
- e) A monitoring fee of **£2,000**.

Non-Financial Contributions:

- a) Access to employment (20% Local Procurement, 20% Local Labour in Construction, 20% end phase local jobs).
  - b) Provide 8 apprenticeships for local residents during the construction phase.
  - c) Travel plan
  - d) Interpretation boards
  - e) Cycle parking
- b) That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

### 3.2 Conditions on planning permission

Compliance' Conditions

1. Time limit
2. Development to be built in accordance with the approved plans
3. Development to be carried out in accordance with submitted construction environmental management plan (CEMP)
4. Contaminated land
5. CO2 emission reductions in accordance with the approved energy strategy and delivery of on-site CHP
6. No cleaning products to be discharged into the dock

Prior to completion of superstructure works conditions:

7. Further details of drainage and SUDS features
8. Submission of material samples
9. Details of plant and equipment
10. Details of the blue badge valet parking service

11. Updated delivery and servicing plan
12. Details of external lighting

Prior to Occupation' Conditions:

13. Details of biodiversity enhancements

Post Occupation' Conditions:

14. BREEAM final certificates (*post-occupation*)

### 3.3 Informatives on planning permission

1. Green roof design
2. Thames water

### 3.3 Conditions on listed building consent

1. Time limit (*compliance*)
2. Development to be built in accordance with the approved plans (*compliance*)
3. Details recording the works to the listed dock wall (*prior to superstructure*)

## 4.0 PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 The proposed application is for full planning permission and listed building consent to demolish the existing concrete slab and associated infrastructure within Middle Dock, remove the coping stones above the existing Grade I listed 'banana dock wall' to enable the installation of proposed utilities and future deck, install additional piles in Bank Street and erect a new deck above the existing marine piles, and erect a new five storey building for use as a members club (sui generis use class) along with other works incidental to the development.
- 4.2 The proposed new five storey building housing the members club will total 6536sqm of sui generis floor space and will feature restaurant, bar and kitchen facilities on ground and first floor, as well as associated utilities and refuse stores at ground floor level, a large gym on the second floor, 17 guest rooms for club members and guests on the third floor, further restaurant facilities on the fourth floor, and a large roof terrace on the roof level totalling 464sqm in size, in addition to a number of smaller terraces on the lower levels of the building.
- 4.3 The proposed building is of a contemporary design and its external façade has been inspired by the visual effect of wavelets on the water within Middle Dock which is achieved through undulating reflective aluminium façade panels. The front (Bank Street facing) elevation features glazing at ground floor level overlooking the adjacent drop-off and servicing bay on Bank Street, and punched openings on the rear (dock facing) elevation of the building provide terraces which overlook the dock.

### Site and Surroundings

- 4.5 The application site comprises of a vacant existing deck structure which sits within Middle Dock directly to the north of Bank Street on the western side of the Canary Wharf estate as well as a portion of open dock space on the southern side of the deck and totals 1400sqm in size. The existing deck structure measures 670sqm in

size and previously accommodated 11/12 Heron Quays, which was a 3/4 storey office building and was demolished in 2003. At present the only means of access to the deck (which is not currently publically accessible) is via a metal bridge which lands on the pavement on the north side of Bank Street.

- 4.6 The site is surrounded by both a large expanse of open water (Middle Dock) and a number of large scale office buildings, most notably to the north of the site, however it should be noted that the immediate surroundings of the site are currently undergoing significant changes (notably Heron Quays West to the south of the application site) and will take on a similar character to other parts of the Canary Wharf estate in the near future.
- 4.7 The application site includes a portion of the Grade I listed 'banana dock wall', however the site does not sit within or adjacent to any designated conservation areas.

### **Relevant Planning History**

- 4.9 PA/99/01488 - Extension of existing slab within the structure at ground floor level to create additional office floorspace and new enclosures for air conditioning plant (12 units). (Permission granted 02/02/2000)
- 4.10 PA/07/00233 – Change of use of derelict office use pontoon to a temporary children's playground with ancillary perimeter fencing and re-surfacing works, to be used in conjunction with temporary Montessori School (Use Class D2) at 15-16 Heron Quay. (Permission granted 22/03/2007)
- 4.11 PA/07/03088 – Demolition of the existing buildings and structures on the site, partial infilling of South Dock and its redevelopment by:
- Erection of a part 12 storey, part 21 storey and part 33 storey building comprising Class B1 offices; construction of 3 levels of basement for Class A retail units, underground parking, servicing & plant;
  - Construction of a subterranean pedestrian link to the Jubilee Place Retail Mall and the Jubilee Line Station incorporating Class A retail accommodation;
  - Erection of a 4 storey building for Class A3 (restaurant and cafe) and A4 (drinking establishments) uses, and/or at first and part second floor level Class D1 (training centre);
  - Relocation of the canal between South Dock and Middle Dock from the eastern to western part of the application site;
  - Provision of a new publicly accessible open space;
  - Associated infrastructure and landscaping together with other works incidental to the application.
- (Permission granted 17/12/2008)
- 4.12 PA/07/03089 - Partial demolition of a Grade I listed quay wall, copings and buttresses to south edge of West India Export Dock to facilitate works for the relocation of the existing canal; reinstatement of Grade I listed quay wall and copings along existing canal entrance to West India Export Dock alterations and stabilisations of Grade I listed quay wall and copings and associated works. (Permission granted 17/12/2008)
- 4.12 PA/07/03090 - Partial demolition and associated works to the Grade II listed former lock entrance to South Dock to facilitate works for the relocation of the existing canal. (Permission granted 17/12/2008)



- 4.13 PA/11/03796 - Temporary planning permission until 16th December 2013 for the installation of hard and soft landscaping; replacement of the bridge link to the deck formerly occupied by Heron Quays 11 & 12 (within West India Dock); retention of Heron Quays 7 & 8 (facing West India Dock South) and necessary facade reinstatement; and ancillary services; infrastructure and associated works. (Permission granted 07/03/2012)
- 4.14 PA/13/02846 - Temporary planning permission for a period of up to two years for the retention of hard and soft landscaping; replacement of the bridge link to the deck formerly occupied by Heron Quays 11 & 12; retention of Heron Quays 7 & 8 and necessary reinstatement and ancillary services, infrastructure and associated works. (Permission granted 13/02/2014)
- 4.15 PA/15/00975 - Highway improvement works to Bank Street, including the re-alignment, widening and raising of Bank Street to include a two-lane approach either side of an island incorporating a security kiosk. (Permission granted 06/08/2015)
- 4.16 PA/15/00976 - Listed building Consent associated with the works to the Listed Dock Walls in connection with the highway improvement works to Bank Street, including the re-alignment, widening and raising of Bank Street to include a two-lane approach either side of an island incorporating a security kiosk. (Permission granted 06/08/2015)
- 4.17 PA/16/00898 - Demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; and the installation of new piles in the Bank Street. (Currently under consideration)
- 4.18 PA/16/02742 – Prior notification for the demolition of the existing concrete slab and associated infrastructure. (Currently under consideration)

## **5.0 POLICY FRAMEWORK**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the development 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**

- 2.1 – London in its global, European and United Kingdom context
- 2.18 – Green infrastructure: the multi-functional network of green and open spaces
- 4.1 – Developing London’s economy
- 4.2 – Offices
- 4.5 – London’s visitor infrastructure

- 4.6 – Support for and enhancement of arts, culture, sports and entertainment
- 4.7 – Retail and town centre development
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.4A – Electricity and gas supply
- 5.6 – Decentralised energy in development proposals
- 5.7 – Renewable energy
- 5.9 – Overheating and cooling
- 5.10 – Urban greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 5.13 – Sustainable drainage
- 5.14 – Water quality and wastewater infrastructure
- 5.15 – Water use and supplies
- 5.17 – Waste capacity
- 5.21 – Contaminated land
- 6.3 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.13 – Parking
- 6.14 – Freight
- 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
- 7.13 – Safety, security and resilience to emergency
- 7.14 – Improving air quality
- 7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.18 – Protecting open space and addressing deficiency
- 7.19 – Biodiversity and access to nature
- 7.24 – Blue Ribbon Network
- 7.27 – Blue Ribbon Network: supporting infrastructure and recreational use
- 7.28 – Restoration of the Blue Ribbon Network
- 7.30 – London canal's and other rivers and waterspaces

## 5.5 **Core Strategy 2010**

- SP01 – Refocusing on our town centres
- SP04 – Creating a green and blue grid
- SP05 – Dealing with waste
- SP06 – Delivering successful employment hubs
- SP08 – Making connected places
- SP09 – Creating attractive and safe streets and spaces
- SP10 – Creating distinct and durable places
- SP11 – Working towards a zero-carbon borough
- SP12 – Delivering placemaking

## 5.6 **Managing Development Document 2013**

- DM1 – Development within the town centre hierarchy
- DM9 – Improving air quality
- DM10 – Delivering open space

- DM11 – Living buildings & biodiversity
- DM12 – Water spaces
- DM13 – Sustainable drainage
- DM14 – Managing waste
- DM16 – Office locations
- DM20 – Supporting a sustainable transport network
- DM21 – Sustainable transportation of freight
- DM22 – Parking
- DM23 – Streets and the public realm
- DM24 – Place-sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic 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**

Planning Obligations Supplementary Planning Document (SPD), September 2016

## 6.0 **CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

### **LBTH Biodiversity Officer**

6.3 The proposed development will result in a minor adverse impact on the ‘SINC’ which requires mitigation through habitat enhancements. A condition requiring full details of the proposed biodiversity enhancements should be imposed.

### **Canal and River Trust**

6.4 The issue of potential pollution from surface water drainage from terraces / balconies only applies to the ground floor. This should be clear in application documents if planning permission is granted, as I note that these currently still refer to all terraces draining to the dock.

6.5 We welcome the applicant’s commitment to using only inert cleaning products to clean the proposed terrace. The applicant will need a commercial agreement with the Trust to discharge surface water, which will require that the dock is not contaminated. Any discharges will also be subject to control of pollution legislation. In this case, the Trust is content that its process for negotiating a commercial agreement for surface water drainage will provide sufficient opportunity to consider whether the proposal is acceptable or not to our satisfaction. Given this, we would not object to the compliance condition proposed.

6.6 We do, however, consider that it is right for the Council to consider the extent to which it is practical to enforce a compliance condition requiring the use of inert cleaning products only. The applicant suggests that the “Health and Environment section of Tower Hamlets Council is responsible for the routine testing of recreational water, controlling the release of pollution and taking enforcement action against those who pollute under the relevant pollution legislation”. Obviously, it is for the Council to determine whether this statement is accurate and how confident it is that

any monitoring that identifies pollutants can be linked to the development.

**Crime Prevention Officer**

6.7 No objection.

**LBTH Design Officer**

6.8 Officers support the proposal and a condition requiring the submission of further details of the proposed facing materials should be secured.

**LBTH Energy Officer**

6.9 The current proposals are anticipated to achieve CO2 emission reductions of 40.7% which is below the target of 45%, and as such a carbon offsetting payment of £27,900 is required to meet this shortfall. The submitted information identifies and assesses a number of renewable energy technologies for integration in the scheme but none are considered appropriate for the development due to the size constraints or site location constraints, and in this specific instance the approach and justification is considered acceptable. The proposed sustainability statement states that the proposed scheme is anticipated to meet BREEAM Excellent which is welcomed and final certificates demonstrating that BREEAM Excellent has been achieved should be secured via condition.

**Environment Agency**

6.10 No objection.

**LBTH Environmental Health – Air Quality**

6.11 No objection.

**LBTH Environmental Health – Contaminated Land**

6.12 Compliance condition requested.

**LBTH Environmental Health – Noise and Vibration**

6.13 No comments received.

**LBTH Environmental Health – Smell and Pollution**

6.14 No comments received.

**Greater London Authority**

6.15 No objection, the application is not required to be referred at stage II.

**LBTH Planning Policy**

6.16 No comments received.

**Historic England**

6.17 The submitted proposals are likely to cause significant harm to the character and

setting of the Grade I listed dock wall and the dock itself and would therefore need to be justified in accordance with policies set out within the NPPF and the perceived public benefits of the proposals.

#### **Historic England Archaeology**

6.18 No objection.

#### **LBTH SUDS Team**

6.19 The proposed drainage strategy is accepted. The applicant should consult with the canal and river trust to ensure that the runoff discharge into the docks is acceptable. A condition requiring details of the agreed adoption, monitoring and maintenance of the drainage and suds features should be imposed.

#### **Thames Water**

6.20 Informative requested.

#### **Transport for London**

6.21 The car-free nature of the scheme is welcomed and TFL welcome the use of valet services to provide for blue badge holders. Due to the exceptional circumstances unique to this site – in particular, the unique site location within the dock (surrounded by water on three sides), and the lack of a basement level – TFL are willing to accept the proposed cycle parking arrangements. The methodology used to calculate the trip generation for the proposed development is acceptable and due to the low number of trips anticipated to be generated by the development, TFL do not expect any site specific mitigation to be required from this site. TFL are content with the updated CLP and a condition requiring that the development is carried out in accordance with this document should be secured.

#### **LBTH Transport and Highways**

6.22 The proposed development is car-free which is welcomed, however accessible parking will need to be provided. LBTH highways accept TFL's position on cycle parking, however all long stay cycle parking should be accessible, secure and weather proof. The anticipated delivery and servicing trips are low and thus are unlikely to adversely impact upon the local highway network. A full travel plan, demolition and construction management plan, and an updated delivery and servicing plan should be secured via condition.

#### **LBTH Waste Policy and Development**

6.23 No comments received.

### **7.0 LOCAL REPRESENTATION**

7.1 A total of 41 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in the local press.

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. Loss of water space / Biodiversity
3. Design
4. Transport and Highways
5. Amenity
6. Refuse
7. Energy and Sustainability
8. Environmental Considerations
9. Planning Contributions
10. Conclusion

### Land Use

#### Policy Context

- 8.2 The application site is located within the Canary Wharf Major Town Centre and a Preferred Office Location (POL) as designated by the Local Plan (Core Strategy (2010) and Managing Development Document (2013)). The application site also sits within the Isle of Dogs Opportunity Area (IoDOA) as designated within the London Plan (2016).
- 8.3 Policy 2.1 of the London Plan (2016) seeks to retain and extend London's *"global role as a sustainable centre for business [and] innovation"*. Policy 4.1 aims to *"support and promote the distinctive and crucial contribution to London's economic success made by central London and its specialist clusters of economic activity"* and *"promote London as a suitable location for European and other international agencies and businesses"*. Policy 4.2 seeks to *"meet the distinct needs of the central London office market, including the north of the Isle of Dogs, by sustaining and developing its unique and dynamic clusters of 'world city' and other specialist functions and business environments"*. Policy 4.5 seeks to *"support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors"*. Finally policy 4.6 seeks to enhance the economic contribution of entertainment facilities and policy 4.7 seeks to focus leisure development on sites within town centres.
- 8.4 The Council's Core Strategy policy SP01 seeks to *"maintain and enhance Canary Wharf as an important major centre in the borough through, improving its local accessibility and supporting its continued growth"*. Policy SP06 seeks to *"maximise and deliver investment and job creation in the borough, by: supporting, maximising and promoting the competitiveness, vibrancy and creativity of the Tower Hamlets economy"*.
- 8.5 The Council's Managing Development Document policy DM1 seeks to support the vitality and viability of major centres by *"supporting development that strengthens the mix and diversity of town centre uses (including employment and social / community*

uses)". Policy DM16 identifies Canary Wharf as a Preferred Office Location (POL) and seeks to support "*major office development as the focus, with supporting uses such as gyms, hotels, restaurants and retail uses helping to achieve a sustainable office environment*".

#### Loss of Existing Office Floor Space

- 8.6 The site is currently vacant and was last in use in 2003 when the former buildings on the site were removed. Therefore the proposal would not result in the net loss of office floor space.

#### Principle of Members Club Use

- 8.7 The proposed development would result in the creation of 6536sqm of sui generis use class floor space to accommodate a members club on the site.
- 8.8 The proposed members club is to feature restaurant and bar facilities, a gym and spa, sleeping accommodation for club members, as well as an extensive roof terrace and is to be operated by an established member's club owner in the West End. Given the proposed nature of the members club which is similar in nature to a hotel use (use class C1), a use directed to major and district town centre locations by Core Strategy policy SP06, officers consider that the proposed use can be considered acceptable in this location.
- 8.9 The applicant has stated that in order for the Canary Wharf estate to continue to compete with the West End and the City of London, and to remain attractive to major office tenants and occupiers, a higher calibre of ancillary facilities such as the proposed members club are required to support its role as a global economic centre. It should be noted that such a position is supported by both London Plan and the Council's Local Plan policies.

#### Conclusion

- 8.10 Officers consider that the introduction of a members club in this location is acceptable as the proposed use is compatible with its town centre location, will provide a supporting function to the POL and will further strengthen Canary Wharf's position as a global economic centre.

#### **Loss of Water Space / Biodiversity**

##### Policy Context

- 8.11 The application site is located within Middle Dock which is a designated Site of Importance for Nature Conservation (SINC), forms part of the Blue Ribbon Network, and is also designated as water space (a form of open space).
- 8.12 Policy 2.18 of the London Plan (2016) seeks to "*encourage the linkage of green infrastructure including the Blue Ribbon Network, to the wider public realm to improve accessibility for all and develop new links*". Policy 7.18 states that "*the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area*". Policy 7.19 states that "*development proposals should: wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity*". Policy 7.27 states that "*development proposals should enhance the use of the Blue Ribbon Network*". Policy 7.28 states that "*development proposals should restore and enhance the Blue Ribbon*

*Network by increasing habitat value*". Finally policy 7.30 states that "development within or alongside London's docks should protect and promote the vitality, attractiveness and historical interest of London's remaining dock areas by: preventing their partial or complete in-filling".

- 8.13 The Council's Core Strategy policy SP04 seeks to "deliver a network of high quality, usable and accessible water spaces, through: protecting and safeguarding all existing water spaces from inappropriate development [and] improving the quality, usability, accessibility of the environment of water spaces including the immediate area and water quality".
- 8.14 The Council's Managing Development Document policy DM10 states that "development on areas of open space will only be allowed in exceptional circumstances where: it provides essential facilities to ensure the function, use and enjoyment of the open space; or as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved". 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". Policy DM12 states that "development within or adjacent to the Blue Ribbon Network will need to identify how it will improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space".

#### Principle of Infilling Middle Dock

- 8.15 The proposed development involves the partial infilling of Middle Dock (353sqm) and as such raises potential conflicts with a number of London Plan policies relating to the Blue Ribbon Network and Council policy regarding water space (a form of open space).
- 8.16 The proposed area of Middle Dock which is to be in-filled comprises of a narrow strip of water (6.5m in width) which sits in between the existing vacant deck and the edge of the dock, which was previously partially covered by the former office building which was removed in 2003, and a small area (15sqm) to the east of the existing deck.
- 8.17 Whilst the infilling of dock areas is generally not considered acceptable, in this instance officers consider that the area of dock being covered by the proposed development does not provide opportunities for play, recreation and sport and is also considered to be of limited amenity value, due to its size and shape and the fact that it is wedged between the dock edge and the existing deck, constitutes poor quality open space (when assessed against the definition of open space within the Core Strategy (2010)).
- 8.18 The proposed development would not result in the loss of existing facilities for waterborne sport and leisure, would not adversely impact upon any existing access points to the water, and also would not adversely impact upon any existing waterway support infrastructure such as boatyards, moorings and jetties in accordance with policy 7.27 of the London Plan (2016). Officers also consider that the proposed development by virtue of its scale and siting would not adversely impact upon the openness of the Blue Ribbon Network in accordance with policy 7.28 of the London Plan (2016). Furthermore officers also consider that the proposed development respects the local character and also helps to enhance the vitality and attractiveness of the dock in line with policy 7.30 of the London Plan (2016).



- 8.19 In accordance with policy SP04 of the Core Strategy (2010) the development would not adversely impact upon the accessibility of the water space, promotes this location for leisure activities by introducing a use on this site which is analogous to a leisure use, and also does not result in adverse biodiversity or flood risk impacts.
- 8.20 The area of dock being covered by the proposed development would not affect the navigability of the dock (as it is currently not navigable), the habitat quality (due to the mitigation measures being proposed), and the hydrology or water quality of the dock (due to the nature of the development) which is in accordance with policy DM12 (1) of the Managing Development Document (2013). Officers also consider that the nature in which the building is elevated from the water line allows it to respect any existing ecosystems within the dock in accordance with part (2) of DM12 which requires suitable setbacks from the water. The existing deck is also currently not accessible and as such the proposed development which would introduce a new use for this space would increase access to, and increase interaction with the water space (albeit for private use only) in accordance with part (3) of DM12.
- 8.21 Whilst the infilling of this area of dock is broadly considered acceptable as discussed above, as the proposed development would result in a net loss of water space (a form of open space), the proposal technically constitutes a departure from the local plan.
- 8.22 The implications of the proposed net loss of water space would also be mitigated by a 'Natural Environment Improvement and Enhancement Contribution' of £600,000 which would be used towards improvements and enhancements to the natural environment elsewhere in the Borough. Such a contribution would ensure that the proposed development meets the exceptional circumstances test within policy DM10 of the Managing Development Document (2013) which states that development on areas of open space may be acceptable where *"as part of a wider development proposal [...] a higher quality open space outcome is achieved"*, an objective which otherwise could not be achieved through a physical intervention within the red line boundary in this instance.
- 8.23 Given the above policy considerations, combined with the fact that the water space is considered to be of poor quality (due to its shape, size and location), financial contributions to Natural Environments would be secured via a s106, economic benefits would arise from direct employment generation and Canary Wharf will remain a globally competitive centre, officers consider that in this instance the partial infilling of the Middle Dock would be acceptable.

#### Biodiversity Implications

- 8.24 The application site sits within a designated Site of Importance for Nature Conservation (SINC) and it has been noted by the Council's biodiversity officer that the small reduction in water space as a result of this proposal will result in a minor adverse impact on the SINC which will require suitable mitigation.
- 8.25 In order to mitigate the minor adverse impact on the SINC, the applicant has proposed that some form of floating marsh containing wetland habitat is to be erected along with the installation of a chainmail mesh curtain around the underside edge of the building which could provide habitat for juvenile fish and invertebrate. The biodiversity officer is content that such measures could suitably mitigate the minor adverse impact on the SINC and will require further details of these mitigation measures as part of a wider biodiversity condition which will need to be satisfied prior to the commencement of works.

- 8.26 In accordance with policy DM11 of the Managing Development Document (2013), development is required to provide elements of a 'living building'. The proposed new building includes the provision of 120sqm of biodiverse roof, bird nest boxes and planters which could be filled with a range of nectar-rich flowers, all of which can potentially contribute towards targets contained within the Local Biodiversity Action Plan (LBAP). The biodiversity officer is content that such measures will meet the necessary biodiversity requirements as set out in policy DM11 and will require further details of these mitigation measures as part of a wider biodiversity condition which will need to be satisfied prior to the commencement of works.

### Conclusion

- 8.27 Officers consider that the mitigation measures proposed in order to offset the impacts of the proposal in biodiversity terms are acceptable and whilst the proposal does raise some conflicts with policy, on balance officers are content that the proposal can broadly be seen to be in line with the overall aims of the relevant policies.

### **Design**

#### Policy Context

- 8.28 The application site includes a portion of the Grade I listed 'banana dock wall', however the site does not sit within or adjacent to any designated conservation areas.
- 8.29 Policy 7.1 of the London Plan (2016) seeks to ensure that *"the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood"*. Policy 7.2 seeks to ensure *"the principles of inclusive design [...] have been integrated into the proposed development"*. Policy 7.3 seeks to ensure that development reduces *"the opportunities for criminal behaviour and contributes to a sense of security"*. Policy 7.4 seeks to ensure that *"buildings, streets and open spaces should provide a high quality design response that contributes to a positive relationship between the urban structure and natural landscape features"*. Policy 7.5 seeks to ensure that *"development should make the public realm comprehensible at a human scale"*. Finally policy 7.6 seeks to ensure that *"buildings and structures should be of the highest architectural quality"* and policy 7.8 seeks to ensure that *"development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate"*.
- 8.30 The Council's Core Strategy policy SP10 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"*.
- 8.31 The Council's Managing Development Document policy DM23 states that *"development should be well-connected with the surrounding area and should be easily accessible for all people by: ensuring design of the public realm is integral to development proposals and takes into consideration the design of the surrounding public realm [and] incorporating the principles of inclusive design"*. DM24 states that *"development will be required to be designed to the highest quality standards, incorporating principles of good design, including: ensuring design is sensitive to and enhances the local character and setting of the development"*. Policy DM27 states that *"development will be 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'"*.

### Height, Massing, Layout and Access

- 8.32 The proposed building is 5 storeys in height and extends to a height of 28.5m above Bank Street (inclusive of the roof top plant enclosure). Considering the scale of a number of existing and proposed buildings within the immediate context of the site, officers consider that the proposed height of the building is acceptable. It is also considered that due to the low scale of the building its impact on the overall sense of openness of Middle Dock is acceptable.
- 8.33 The proposed building will cover the entirety of the site and includes a one and a half storey 5.5m deep recess along its Bank Street frontage which enables it to create a generous entrance space and high quality public realm along Bank Street. The simple form of the building is punctuated by a number of terraces and openings on the rear elevation which give the form of the building a degree of visual interest.
- 8.34 The proposed building has been designed with access and inclusivity in mind, meeting relevant standards and providing flush thresholds and step free access throughout the building. Of the 17 guest rooms being provided, 2 of these are to be provided as wheelchair accessible rooms meaning that 10% of the proposed guest rooms are to be wheelchair accessible in accordance with the London Plan (2016).
- 8.35 In light of the above officers consider that the height, massing, layout and access of the building is acceptable as it accords with the relevant policies.

### Architecture

- 8.36 The design of the building has been heavily influenced by its immediate context, in particular the texture and appearance of the water which surrounds the site. The proposed undulating reflective aluminium façade panels which clad the building have been designed to recreate the visual effect of wavelets on water and will reflect the light in a similar fashion to water.
- 8.37 The building is raised above the water line by 1m and is supported by the existing marine piles which are set back from the building's edge giving the illusion that the building is floating above the dock. This visual effect will be further enhanced by lighting on the underside of the building. The proposed location of terraces and windows has been carefully considered and are considered to complement the architectural treatment of the façade.
- 8.38 Officers consider that the architectural treatment of the building has the potential to create a building of the highest architectural quality which will be an asset to the area and enhance the overall built environment of this part of the Canary Wharf estate. As such the proposed development can be considered to be acceptable in architectural terms.

### Heritage

- 8.39 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".

- 8.40 Policy 7.8 of the London Plan (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 (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.
- 8.41 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.
- 8.42 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'.
- 8.43 As set out in Section 12 of the NPPF, 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 NPPF emphasises that the weight given should be proportionate to the asset's significance and, states that *any* harm to, or loss of, a heritage asset should be accompanied by a clear and convincing justification. 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. Substantial harm to Grade I listed structures should be wholly exceptional and substantial public benefits which outweigh that harm or loss should be sought. Where LPA's consider that a proposal will lead to '*less than substantial harm*' then this harm should be weighed up against the public benefits of the proposal. In undertaking that balancing exercise, considerable weight and importance should be applied to the statutory duty under section 61 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) referred to above.
- 8.44 In order to facilitate the proposed development, alterations to small isolated areas of the coping of the Grade I listed 'banana dock wall' will be required in 17 locations. These alterations comprise of the temporary removal of some coping stones and the creation of small cut out areas in them to enable the installation of utilities services and structural steel beams. The majority of coping stones above the 'banana dock wall' are not original granite coping stones and are instead more modern concrete coping stones. Where possible the applicant has therefore sought to position utilities services and structural steel beams in locations where there are modern concrete coping stones, and where this isn't possible the existing granite coping stones will be relocated to replace existing concrete coping stones. It should also be noted that the application does not result in any physical interventions to the 'banana dock wall' below. In light of the above and on the advice of both Historic England and the Council's heritage officers, officers, having given very special weight to the desirability of preserving (i.e. causing no harm) to the wall and its setting, are content with the proposal in terms of its physical impact on the Grade I listed 'banana dock wall' and any harm caused is outweighed by the public benefits of the scheme (which are explained in more detail below).
- 8.45 The proposed building will sit directly above the existing Grade I listed 'banana dock wall' and as such will hide a portion of it (55m in length) from view, however it is appreciated that the existing deck structure which currently sits within Middle Dock does already obscure views of the existing dock wall from the opposite side of Middle

Dock. Both Historic England and the Council's heritage officers have raised concerns with this aspect of the proposal, with Historic England considering that the covering of this portion of the existing dock wall could be seen to amount to 'significant harm' to the character and setting of the Grade I listed dock wall and the dock itself and would therefore need to be justified in accordance with policies set out within the NPPF and the perceived public benefits of the proposals. It should be noted however that Historic England have not sought to formally object to the application despite these concerns and have also stated that it is for the LPA to ultimately decide upon the degree of harm to the Grade I listed 'banana dock wall' in this instance.

- 8.46 It is considered that the existing deck structure is unsightly and does not positively contribute towards the setting of the Grade I listed 'banana dock wall', furthermore this structure also currently obscures views of this section of the dock wall, and as such its removal is supported. The proposed new building is considered to be of a very high architectural quality and whilst this will continue to obscure this portion of the dock wall, it is considered it will improve the setting of the adjacent portions of the dock wall. It is also considered that the gap between the underside of the new building and the water will mean that the new building will appear to float above the water, thus still allowing the overall outline of the dock to be read. This effect will be further enhanced by a well-considered lighting strategy on the underside of the building which will be secured by condition. Whilst the proposal does not fully comply with relevant policy with regard to heritage assets, officers do consider that the proposed development is sympathetic to the dock wall and the form of the dock in accordance with policy 7.8 of the London Plan (2016), helps to enhance the setting of the adjacent dock wall in accordance with policy SP04 of the Core Strategy (2010) and will also help to develop a 'sense of place' in line with the aspirations of policy DM27 of the Managing Development Document (2013). For the above reasons officers have therefore concluded that the proposed development does not result in 'substantial harm' and instead results in 'less than substantial harm' to the character and setting of the Grade I listed dock wall and the dock itself.
- 8.47 Given that officers consider the proposed development to result in 'less than substantial harm' special weight has been given to the desirability of avoiding that harm and an assessment of the public benefits and mitigation proposed has been undertaken in order to conclude whether the proposed development would be seen to be acceptable in heritage terms. At present the existing Grade I listed 'banana dock wall' is considered to be an underappreciated heritage asset, largely due to the fact that its significance is largely not apparent when walking along Bank Street, a busy thoroughfare within, and important entrance point to, the Canary Wharf estate. In order to address this point, the applicant is proposing to install a number of 'interpretation boards' along Bank Street which will bring attention to and enhance visitors' understanding of the dock wall structure and its history as part of this proposal which is welcomed by officers. Details of the number and nature of these 'interpretation boards' will be secured by s106. In addition to this mitigation intervention officers have also considered the public benefits of the proposed development which include the direct creation of 400 new jobs on site, and the fact that the development will enhance the overall offer of the Canary Wharf estate which will further help it to compete as a global economic centre which has far reaching benefits for the Borough as a whole. Given the proposed mitigation measures and the public benefits of the proposal, officers therefore conclude that the public benefits from the scheme outweigh the 'less than substantial harm' to the Grade I listed 'banana dock wall'. As such officers consider the application to be acceptable in heritage terms.

## Conclusion

- 8.48 Officers consider that the proposed design of the new building is of a very high standard and will have a positive impact on the surrounding built environment. Whilst although the proposal would result in a degree of harm to the existing Grade I listed 'banana dock wall', as it is considered to be 'less than substantial' and outweighed by public benefits, it is considered that the application is acceptable in design terms.

## **Transportation & Highways**

### Policy Context

- 8.49 The application site does not sit adjacent to or within close proximity to the public highway network and instead sits adjacent to a road in private ownership on the Canary Wharf estate.
- 8.50 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. 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 standards [...] and the guidance set out in the London Cycle Design Standards". Policy 6.13 states that "in locations with high public transport accessibility, car-free developments should be promoted (while still provided for disabled people)". Finally policy 6.14 states that "development proposals that increase the use of the Blue Ribbon Network for freight transport will be encouraged".
- 8.51 The Council's Core Strategy policy SP08 seeks to "promote the sustainable transportation of freight [...] by: promoting and maximising the movement of freight by water and rail to take the load off the strategic road network". Policy SP09 seeks to "ensure new development has no adverse impact on the safety and capacity of the road network [and promotes] car free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport".
- 8.52 The Council's Managing Development Document policy DM20 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". Policy DM21 states that "development that generates a significant number of vehicular trips for goods or materials during its construction and operational phases will need to demonstrate how: movement by water and/or rail, the use of low emission vehicles, electric vehicles and bicycles has been prioritised". Policy DM22 states that "in order to ensure suitable provision for cyclists, development will be required to: meet, and preferably exceed, the minimum standards for cycle parking".

### Traffic and Highway Assessment

- 8.53 The application site has a PTAL rating of 5 meaning that it is in an area of very good public transport accessibility and is in close proximity to Canary Wharf Jubilee line station, Heron Quays DLR station, a number of bus routes and the future Canary Wharf Crossrail station which opens in 2018. No car parking for the development has been proposed which is welcomed by officers given its highly accessible location and

this will help encourage employees and visitors to use the wide range of sustainable transport modes available.

- 8.54 In terms of the trip generation levels of the proposed development, it is envisaged that as the proposed development is an ancillary and complementary use for the wider Canary Wharf estate, the majority of trips generated will be linked to other uses on the site, i.e. office workers using the facilities at the proposed development after work. This therefore means that the proposed development is unlikely to generate a significant number of trips from outside the Canary Wharf estate meaning that the development's impact on the local highway and public transport network is envisaged to be negligible.
- 8.55 In light of the above officers therefore consider that the proposed development can be seen to be acceptable in terms of its impacts upon the local highway and public transport in accordance with policy SP09 of the Core Strategy (2010) and policy DM20 of the Managing Development Document (2013).

#### Parking

- 8.56 The applicant has proposed to provide a total of 68 cycle parking spaces to service the proposed development, of which 28 will be 'long stay' spaces for the use of staff, and 40 will be 'short stay' spaces for the use of visitors. Both TFL and LBTH highways officers are content with the quantum of cycle parking spaces proposed. No car parking is to be provided on site and a blue badge valet parking service for motorists with accessibility requirements will be provided, which will be secured via condition.
- 8.57 Due to the constraints of the site, which include its unique location within the dock (surrounded by water on three sides), and the lack of a basement level, the development has been unable to accommodate all of the proposed cycle parking on site, and has instead provided 6 of the 'long stay' spaces on site (in the form of Brompton cycle lockers) and the remaining 22 of the 'long stay' spaces within the Jubilee Place car park which is 350m walking distance from the site. Due to the fact that both of these locations are secure and offer relative convenience for future staff members, officers consider that the proposed 'long stay' cycle parking provision for the development is acceptable. With respect to the remaining 40 'short stay' spaces for the use of visitors, these are to be provided in the form of on street 'Sheffield stands' in two locations which are sited 60m and 140m walking distance from the site. Due to the fact that both these locations are in close proximity to the site and are thus convenient to use for visitors to the Quay Club, officers are content to accept this provision. The installation of the cycle parking provisions would be secured by s106. It should also be noted that locker and shower facilities for staff will be provided in the staff changing room located on level 4 of the proposed building which is welcomed.
- 8.58 In light of the above officers consider that the proposed development can be considered to be acceptable in terms of its proposed parking provision in accordance with policies 6.9 and 6.13 of the London Plan (2016), policy SP09 of the Core Strategy (2010) and policy DM22 of the Managing Development Document (2013).

#### Servicing and Deliveries

- 8.59 The applicant has submitted a servicing and delivery plan which outlines how servicing and delivery trips to the site will be managed. The proposed development incorporates an inset layby on the northern side of Bank Street directly outside the

main entrance to the Quay Club which will be used by servicing and delivery vehicles as well as taxis and vehicles dropping people off at the building.

- 8.60 The submitted servicing and delivery plan outlines a provisional schedule for deliveries to the site and has been designed to ensure that only one delivery vehicle is on site at any given time, and that where possible deliveries take place outside of peak periods. It is envisaged that up to 24 deliveries a day will take place with all of the vehicles expected to be in the form of small to medium sized parcel vans. Targets to keep the number of deliveries to the site to a minimum will be employed in order to ensure that the site is serviced in a sustainable manner. The servicing and delivery trips to the site will be carefully monitored and coordinated with other developments within the Canary Wharf estate.
- 8.61 The applicant has investigated the possibility of moving construction materials and waste to and from site by water during the construction phase of the development and has concluded that this is not possible due to the fact that the sole link to Middle Dock is currently closed as it forms a part of the 10 Bank Street construction area, and this link is not anticipated to re-open to vessels until at least 2020. As the applicant has explored this option and has proved that it is not viable, officers are content that the applicant has met the requirements of policy 6.14 (part B, paragraph C) which states that developments should increase the use of the Blue Ribbon Network for the transportation of freight.
- 8.62 Both LBTH highways officers and TFL have reviewed the submitted servicing and delivery plan and have raised no objections to its contents. As such officers are content that the proposal is in accordance with policy 6.14 of the London Plan (2016), policy SP08 of the Core Strategy (2010), and policy DM21 of the Managing Development Document (2013).
- 8.63 Conclusion
- 8.64 Officers consider that as the proposal would not have a significant adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network, the proposal on balance is acceptable in transport and highways terms.

## **Amenity**

### Policy Context

- 8.65 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.
- 8.66 The Council's Core Strategy policy SP10 (4) seeks to ensure that development "protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight)".
- 8.67 The Council's Managing Development Document policy DM25 states that "development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm".



### Assessment

- 8.68 The proposed development is surrounded on three sides by water and on its south side by Bank Street, and the currently under construction 10 Bank Street on the south side of Bank Street. The buildings on the north side of Middle Dock are located approximately 45m from the proposed building and due to its scale officers do not consider that the proposed development would result in any adverse impacts on the privacy, outlook or daylight and sunlight levels experienced by the occupiers of these buildings. The currently under construction 10 Bank Street on the south side of Bank Street is located approximately 20m from the proposed building and due to its scale and location to the north of the affected property, officers do not consider that the proposed development would adversely impact upon the amenity of the future occupiers of this building.
- 8.69 The proposed hours of operation for the proposed development have not been specified by the applicant, however given the nature of the proposed use which includes accommodation, the building will be in use 24 hours a day. Considering that the surrounding buildings are all currently in office use, with the exception of the currently under construction Newfoundland development which is residential and is sited approximately 90m from the site, officers consider that the proposed members club (sui generis) use is therefore compatible with the surrounding existing and proposed uses, as there are no residents within close proximity to the proposed development.
- 8.70 In terms of the level of amenity afforded to future users of the proposed development, it should be noted that all 17 bedrooms benefit from windows/Juliet balconies or full balconies overlooking the dock, as well as a large communal terrace on the roof level of the building. Furthermore the façade of the building has been acoustically designed, including the use of hermetically sealed glazing to ensure that suitable internal noise levels are achieved.

### Conclusion

- 8.71 Officers consider that as the proposal would not adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the building a suitable level of amenity, the proposed development can be seen to be in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.

### **Refuse**

#### Policy Context

- 8.72 Policy 5.17 of the London Plan (2016) states that development proposals should be “minimising waste and achieving high reuse and recycling performance”.
- 8.73 The Council’s Core Strategy policy SP05 (1) states that development should “implement the waste management hierarchy of reduce, reuse and recycle”.
- 8.74 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”.

## Assessment

- 8.75 The proposed development includes a large bin store in the south west corner of the ground floor of the building which is located directly adjacent to both the servicing bay to the front of the building and the internal servicing core of the building, and is considered to be in an acceptable location. The overall quantum of refuse storage proposed has been calculated using British Standards guidance on the level of waste generated by various uses and is considered to be an acceptable way to calculate the necessary size of the refuse store. The proposed refuse store includes a compactor to minimise the number of bins required for the building, and as a result 5 x 660l Eurobins and 3 x 330l Eurobins have been proposed in order to allow for the segregation of general waste and recyclables which is supported. Refuse will be collected every 2 days by a range of commercial waste collection service providers.

## Conclusion

- 8.76 Officers consider that the proposed refuse strategy for the site is acceptable as the refuse store is located in a convenient location, is of a suitable size and has been designed with the Council's waste management hierarchy of reduce, reuse and recycle in mind, in accordance with policy SP05 (1) of the Core Strategy (2010) and policy DM14 (2) of the Managing Development Document (2013).

## **Energy and Sustainability**

### Policy Context

- 8.77 Policy 5.2 of the London Plan (2016) states that "development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy: 1) be lean: use less energy, 2) be clean: supply energy efficiently, 3) be green: use renewable energy". Policy 5.3 states that "the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime". Policy 5.6 states that "development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites". Policy 5.7 states that "within the framework of the energy hierarchy, major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible". Finally policy 5.9 states that "major development proposals should reduce potential overheating and reliance on air conditioning systems".
- 8.78 The Council's Core Strategy policy SP11 seeks to ensure that development helps "implement a borough-wide carbon emissions target of 60% below 1990 levels by 2025".
- 8.79 The Council's Managing Development Document policy DM29 details the necessary carbon reductions over and above the building regulations requirements and states that "development will be required to connect to or demonstrate a potential connection to a decentralised energy system unless it can be demonstrated that this is not feasible or viable" and that "sustainable design assessment tools will be used to ensure climate change mitigation measures are maximised within development".

## Assessment

- 8.80 The applicant has submitted an energy statement which details how the London Plan energy hierarchy of 'be lean, be clean and be green' has been adhered to in the design of the proposed building. All reasonable endeavours have been made to reduce the amount of energy required by the building and supply it in the most efficient method possible which has led to the scheme achieving a 40.7% CO2 emission reduction over and above the building regulations requirements. An assessment identifying a range of renewable energy technologies which could be used within the development has also been made by the applicant, however it has been concluded that none of the technologies assessed are appropriate for the development due to either size constraints or site location constraints. In this instance the Council's energy efficiency officer is content to accept this position and as such a carbon offsetting payment of £27,900 will be secured through a S.106 agreement to cover the shortfall between the anticipated CO2 emission reductions and the Council's current 45% target.
- 8.81 Part (4) of policy DM29 in the Managing Development Document states that sustainable design assessment tools will be used to ensure that development achieves the highest levels of sustainable design and construction. As this proposal is a non-residential scheme, and in order for the proposal to meet the requirements of this policy, it must be designed to achieve a BREEAM 'Excellent' assessment rating. The applicant has submitted a sustainability statement which shows that the scheme is designed to achieve a BREEAM 'Excellent' rating with a score of 72.85% which is welcomed. In order to ensure that the development achieves this target a condition requiring the final certificates to be submitted within 6 months of completion of the development will be imposed.

## Conclusion

- 8.82 Officers consider that the proposed energy strategy for the site is acceptable as the proposal has been designed in compliance with the London Plan energy hierarchy, is to provide a carbon offsetting payment to cover the CO2 emission reduction shortfall, and has been designed to be BREEAM 'Excellent' in accordance with policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development Document (2013).

## **Environmental Considerations**

### Policy Context

- 8.83 Policy 5.12 of the London Plan states that "*development proposals must comply with the flood risk assessment and management requirements set out in the NPPF*". Policy 5.13 states that "*development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for doing so*". Policy 5.21 states that "*appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination*". Policy 7.14 states that "*development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality*".
- 8.84 The Council's Core Strategy policy SP04 states that "*all new development that has to be located in a high risk flood zone must demonstrate that it is safe [and] that all new development across the borough does not increase the risk and impact of flooding*".

- 8.85 The Council's Managing Development Document policy DM9 states that "major development will be required to submit an Air Quality Assessment *demonstrating how it will prevent or reduce associated air pollution during construction or demolition*". Policy DM13 states that "*development will be required to show how it reduces the amount of water usage, runoff and discharge from the site, through the use of appropriate water reuse and Sustainable Urban Drainage (SUD) techniques*". 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 before planning permission is granted*".

#### Air Quality

- 8.86 The applicant has submitted an air quality assessment which assesses the level of emissions from transport generated by the proposed use and the building itself. This assessment concludes that in this instance emissions are below the benchmarks detailed in relevant policy and therefore the development meets the requirement to be 'Air Quality Neutral', and as such no mitigation measures are required in this instance.
- 8.87 The submitted construction environmental management plan contained within the construction statement covers the generation of dust and air quality during the construction process and sets out a range of mitigation/management measures which will be used to ensure that there is no significant impact on air quality during the demolition and construction phases of the development.
- 8.88 Both of these documents have been reviewed by the Council's air quality officers who have concurred with the results of the submitted reports and have thus raised no objections to the development. As such officers consider that the proposed development is acceptable in air quality terms.

#### Contaminated Land

- 8.89 The majority of the development is to be constructed on a man-made deck which sits over the existing dock and as such it would not be expected that any contaminated land issues would arise from such a development. The proposed development does however include a small strip of land on its western side which will be disturbed during the build process, and whilst previous efforts to clean up this land as part of other developments have been made, there is still a small possibility that this land could be contaminated. In order to ensure that any contaminated land is suitably remediated in the unlikely event that contamination is found, a compliance condition has been proposed by the Council's contaminated land officers which will state that if during development, contamination is found to be present at the site then no further development shall be carried out until the applicant has submitted and obtained written approval from the LPA for an investigation and risk assessment, and where necessary a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. In light of the above details and subject to the above compliance condition officers are content that the proposed development is acceptable in contaminated land terms.

#### Flood Risk

- 8.90 The application site is located within Flood Zone 3 which indicates that the site is located within an area which is at a 'high probability' of flooding, and as the proposal includes uses (such as accommodation) which fall within the 'more vulnerable' use category, the applicant is required to apply an 'Exception Test' to demonstrate that

the development is appropriate (as set out within the NPPF), by showing that the development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime. In this instance officers consider that the proposed development is appropriate as it does provide wider sustainability benefits through its biodiversity enhancements on site and associated S.106 contributions towards natural environmental enhancements, and also can be considered safe for its lifetime due to the fact that the proposed levels of the building are set above the predicted extreme flood levels provided by the Environment Agency. In light of the above both the Environment Agency and the Council's own officers are therefore content to conclude that the proposed development is acceptable in flood risk terms.

### SUDS

- 8.91 The proposed flood risk assessment also includes details of how SUD (Sustainable Urban Drainage) features have been incorporated into the development, mainly through the inclusion of extensive green roof coverage on the building. The Council's SUDS team are content with the proposed strategy for this site and have requested a condition which will detail its agreed adoption, monitoring and maintenance of the drainage and SUDS features.
- 8.92 The remaining surface water is anticipated to be discharged directly into the docks as it will not be contaminated, and in order to ensure that this is the case a compliance condition will be imposed (as requested by the Canal and River Trust) which will state that no chemical cleaning products can be used on the terrace areas which could otherwise be discharged into the dock. Both the Canal and River Trust and the Local Authority are content that there are suitable measures in place to monitor this and thus enforce against this if there is any breach of this condition.

### Conclusion

- 8.93 Officers consider that the proposal is acceptable in air quality, contaminated land, flood risk and SUDS terms and can thus be considered to be in accordance with the relevant policies of the London Plan, Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

### **Planning Contributions**

- 8.94 The Council's 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 recently adopted 'Planning Obligations' SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation secured.
- 8.95 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and,
  - Are fairly and reasonably related in scale and kind to the development.
- 8.96 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.

- 8.97 This is further supported by policy SP13 of the Core Strategy (2010) which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.98 The Council's current Supplementary Planning Document on Planning Obligations was adopted in September 2016. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the Core Strategy (2010).
- 8.99 The general purpose of S.106 contributions are to ensure that development is appropriately mitigated in terms of impacts.
- 8.100 The development proposed does not fall within any defined use class and is thus considered to be 'Sui Generis' which is not liable for Tower Hamlets CIL payments. In order to further mitigate the proposed development, in particular the loss of water space as a result of the development, the applicant has therefore proposed a "Natural Environment Improvement and Enhancement Contribution" of £600,000 which totals a similar scale of contribution had the development been liable for borough CIL based on the rate applicable to a combined retail/hotel use. Officers consider that to be an appropriate approach given that the proposed scheme shares similar characteristics with that type of use.
- 8.101 The following is a complete list of the financial obligation to be secured in accordance with LBTH and GLA guidance:

8.102

<b>Heads of Terms</b>	<b>Planning obligation financial contribution</b>
Improvements and enhancements to the natural environment in the borough.	£600,000
Construction phase skills and training.	£26,144
Access employment and end user	£41,026
Carbon off set initiatives	£27,900
Monitoring	£2,000
<b>Total</b>	<b>£697,070</b>

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

## **9.0 FINANCIAL CONSIDERATIONS**

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

- 9.1 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.
- 9.2 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

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

9.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £228,760.

9.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. As discussed previously, in this instance the proposal would not be liable for Borough CIL as the proposed development includes the creation of ‘Sui Generis’ floor space which is afforded a nil rate in the borough’s CIL charging schedule.

## **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 HUMAN RIGHTS CONSIDERATIONS**

11.1 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:

11.2 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".

11.3 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.

11.4 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.

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

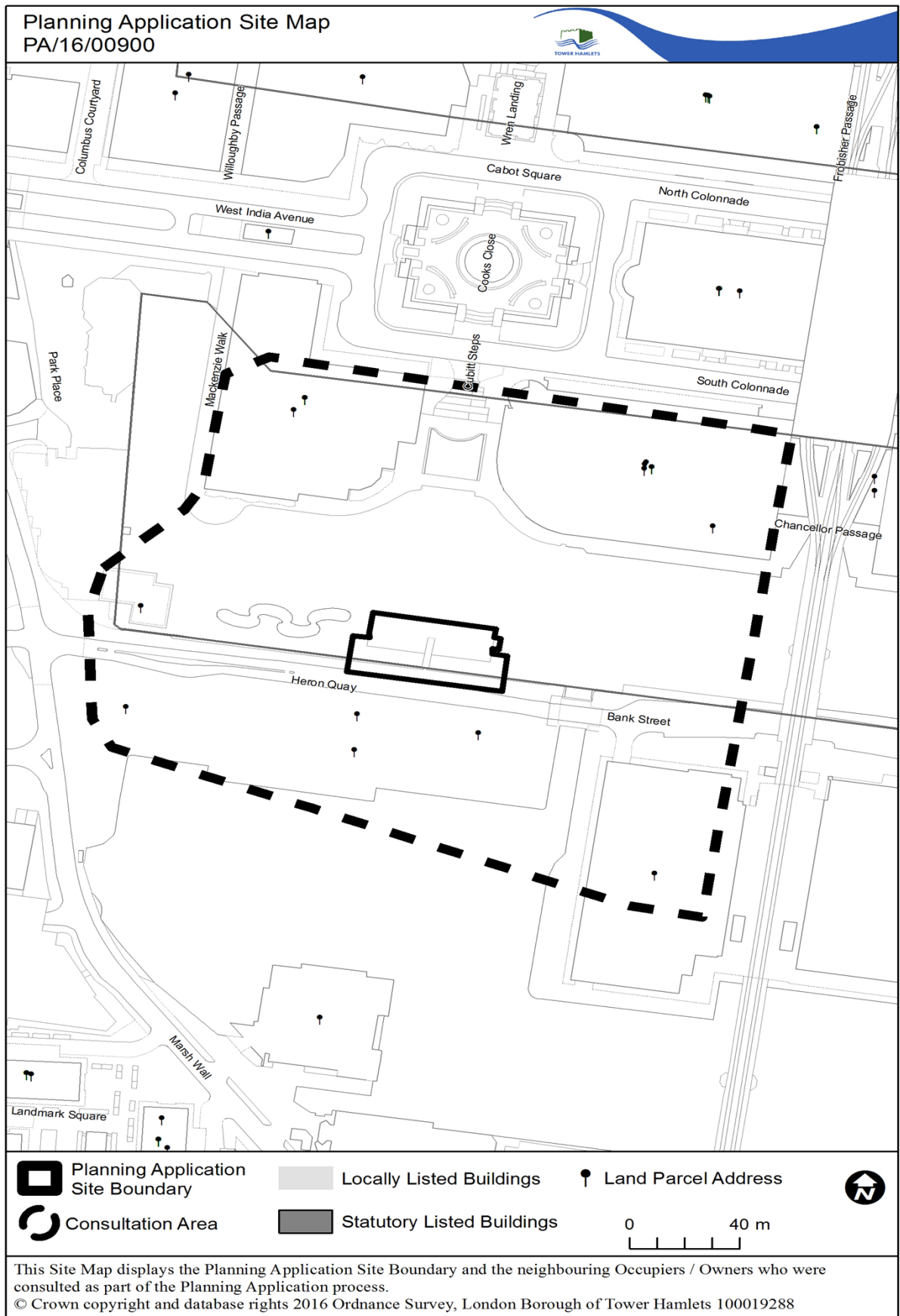
11.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

## **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



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# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 20 <sup>th</sup> October 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Other Planning Matters	
<b>Originating Officer:</b>		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 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.

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

## 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.<sup>1</sup>
- 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,

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<sup>1</sup> 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.

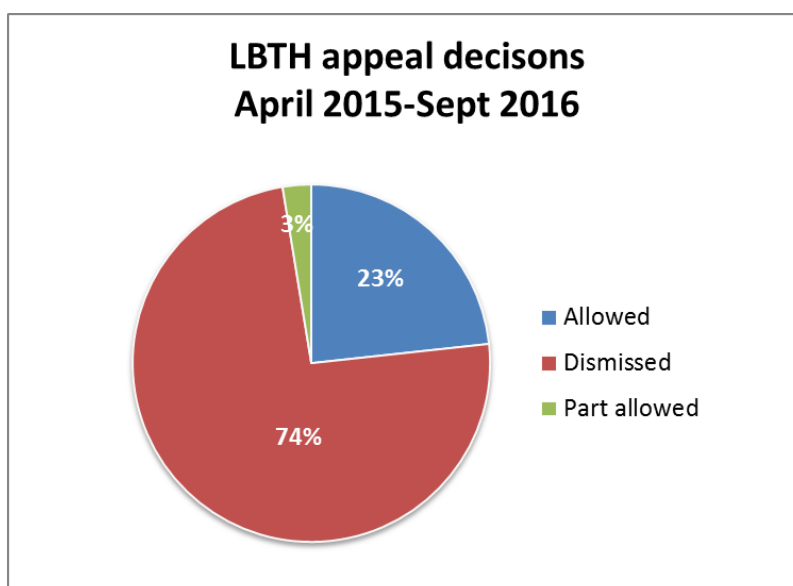
- 2.2 When planning permission (or other consent) is refused, the reasons need to be clear, evidence based and robust, otherwise there is a risk that the decision could be overturned on appeal. If the Council is deemed to have acted unreasonably, there is also a risk of an award of costs.
- 2.3 Whilst 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](http://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

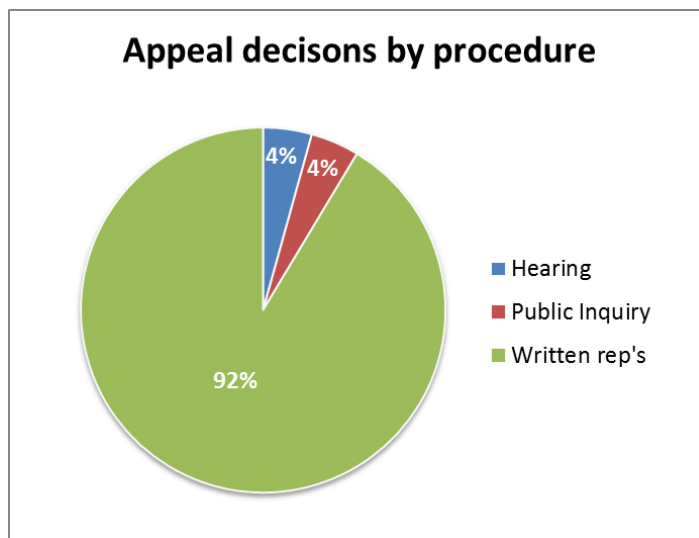


Hammersmith and Fulham	4,417	193	66	34.2
Kensington and Chelsea	5,601	328	116	35.4
Camden	3,925	237	86	36.3
Hackney	2,824	172	65	37.8
Islington	3,013	227	88	38.8
Lambeth	3,937	229	91	39.7
City of London	535	0	0	0

## 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 185m<sup>2</sup> 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 (lounge, 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 Hertsmeare 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 accom	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