

# STRATEGIC DEVELOPMENT COMMITTEE

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**Thursday, 16 February 2017 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 Helal Uddin, Councillor  
Julia Dockerill, Councillor Gulam Robbani and Councillor Shafi Ahmed

**Substitutes:**

Councillor Amina Ali, Councillor Andrew Cregan, Councillor Muhammad Ansar  
Mustaquim, Councillor John Pierce, Councillor Oliur Rahman, Councillor Chris Chapman,  
Councillor Andrew Wood, Councillor Md. Maium Miah, Councillor Shah Alam and  
Councillor Rabina Khan

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Tuesday, 14 February 2017**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Wednesday, 15  
February 2017**

**Contact for further enquiries:**

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

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## Public Information

### **Attendance at meetings.**

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

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

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### **Mobile telephones**

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



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

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

**Tube:** The closest tube stations are Canning Town and Canary Wharf .

**Car Parking:** There is limited visitor pay and

display parking at the Town Hall (free from 6pm)

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### **Fire alarm**

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### **Electronic agendas reports and minutes.**

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QR code for smart phone users

## **APOLOGIES FOR ABSENCE**

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

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

### **2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 12)**

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 19<sup>th</sup> January 2017.

### **3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 13 - 14)**

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>15 - 16</b>	
<b>5 .1</b>	<b>562 Mile End Road &amp; 1a, 1b, 1c Burdett Road (PA/16/00943)</b>	<b>17 - 64</b>	<b>Mile End</b>

Proposal:

Demolition of existing buildings and construction of a mixed use development comprising part 3-storey, part 8-storey and part 15-storey building, 52 residential units, 760sqm (GIA) commercial floorspace (A1, A2 & B1), landscaping, public realm improvements, access and servicing (including 1 disabled car parking space; 107 cycle parking spaces; and associated highway works) and other associated infrastructure.

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.

<b>5 .2</b>	<b>10 Whitechapel High Street, E1 8DX (PA/16/02250)</b>	<b>65 - 96</b>	<b>Whitechapel</b>
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Proposal:

Change of use of part of ground floor, part first floor, Basement 1 and Basement 2 from B1 (including ancillary floorspace), and Professional driver training / testing facility for a vehicle hire company use (D1) to a Sui Generis cultural facility including exhibition space, event space, office, retail and restaurant uses.

Alterations and extension to the existing lean-to element that forms part of the west elevation of the building and works to realign and resurface the existing ramp and stairs in connection with improvements to the access of the basement and all ancillary and associated works.

Minor alterations to north and south elevations of the building including a new access ramp.

Recommendation:

That the Committee resolve to GRANT planning permission subject to any direction by the London Mayor, the prior completion of a S106 legal agreement to secure planning obligations and conditions.

**Next Meeting of the Strategic Development Committee**

Thursday, 23 March 2017 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG



# 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:-

Graham White, Acting Corporate Director of Law Probity and Governance and Monitoring Officer,  
Telephone Number: 020 7364 4801

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 19 JANUARY 2017**

**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 Denise Jones  
Councillor Helal Uddin  
Councillor Julia Dockerill  
Councillor Shafi Ahmed (item 5.1)  
Councillor Gulam Robbani  
Councillor Md. Maium Miah (item 4.1)

**Other Councillors Present:**

Councillor Andrew Wood

**Apologies:**

None

**Officers Present:**

Paul Buckenham	(Development Control Manager, Place)
Jerry Bell	(East Area Manager, Planning Services, Place)
Kirsty Gilmer	(Planning Officer, Place)
Nasser Farooq	(Team Leader, Planning Services, Place)
Marcus Woody	(Legal Advisor, Legal Services, Governance)
Zoe Folley	(Committee Officer, Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of interests were made.

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

The Committee **RESOLVED**

That the minutes of the meetings of the Committee held on 29 November 2016 and 21 December 2016 be agreed as a correct record and signed by the Chair.

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

The Committee **RESOLVED** that:

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

## **4. DEFERRED ITEMS**

### **4.1 The Quay Club, Marine Slab Pontoon to the North of Bank Street, Canary Wharf, London, E14 (PA/16/00899 + PA/16/00900)**

Update report tabled.

Paul Buckenham (Development Control Manager) introduced the application 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 and the erection of a five storey building on the existing marine piles for use as a members club and other associated works incidental to the development.

Jerry Bell (East Area Manager, Planning Services) presented the application. He reported that the application was originally considered by the Committee on 20 October 2016 where Members were minded not to accept the application due to concerns over:

- The loss of open water space and the lack of exceptional circumstances justifying this;
- The adverse impact on the biodiversity of the dock;
- The adverse impact on heritage assets, notably the Grade I listed banana dock wall;
- Inadequate mitigation to address the harm caused by the application.

Since that the meeting, the application had been amended to address the Concerns. Details of the changes made to the application were as follows:

- Alterations to the building at ground floor level which include setting back the central portion of the building to reveal 110sqm of water space along with views of the Grade I listed banana dock wall.
- A reduction in the number of alterations to isolated areas of the coping of the Grade I listed banana dock wall.
- Replacement of the previously proposed £600,000 financial contribution for improvements and enhancements to the natural environment in the borough with an enhanced £800,000 financial contribution towards water space and heritage features improvements and enhancements in the borough
- An additional non-financial obligation to secure public access to the building for local residents on a bi-annual basis, to view art and cultural exhibitions curated by Canary Wharf Group through its Arts and Events programme.

The Committee were reminded of the site location and the surrounds. They also noted that Officers remained of the view that the application should be granted permission. However, should the Committee be minded to refuse the application, they were directed to consider the suggested reasons for refusal set out in the report.

In response to questions from Members about the proposal to hold bi-annual arts events, it was reported that they would be held on a weekend, free of charge, for the lifetime of the development and this requirement would be written in to the S106 agreement. Save for these events, access to the proposed facilities would generally be restricted as reported at the previous meeting. In response to questions about the biodiversity measures, it was noted that the application included a number of biodiversity enhancements. In addition, the alterations to the application should deliver further benefits in this regard by revealing additional water space. The Council's Biodiversity Officer had considered the plans and did not consider that the plans, including the proposed lighting of the underside of the building would have a significant impact. Their comments were set out in the update report.

In response to questions about the interventions to the dock wall, Officers confirmed that the number of which had been reduced to minimise the impact on the wall. The works would enable the installation of the utility services and

other essential works. In discussing these points, the Committee noted images of the plans.

In response to further questions, Officers reported that the plans would allow for the free flow of water under the proposed development. Officers also outlined the contributions for local employment (as set out in the legal agreement) and the contributions towards water space and heritage enhancements in the local area.

Overall Members welcomed the changes and felt they would help minimise the applications impact.

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

1. That the planning permission and listed building consent be **GRANTED** at The Quay Club, Marine Slab Pontoon to the North of Bank Street, Canary Wharf, London, E14 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 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. (PA/16/00899 + PA/16/00900) subject to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the 19 January 2017 Committee update report.
3. That the Corporate Director of Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the 19 January 2017 update report.

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

### **5.1 54 Marsh Wall, London, E14 9TP (PA/16/01637)**

Paul Buckenham introduced the application for the demolition of the existing building and construction of two new linked buildings of 41 and 16 storeys (over double basement) comprising a residential led development.

The Chair then invited registered speakers to address the Committee.

Councillor Andrew Wood addressed the Committee. Whilst noting the merits of the application, he considered that the density of the scheme was too excessive for this site given the public transport rating for the site. He also expressed concern about the cumulative impact of the developments in the area on social infrastructure. He also stated that the proposed land use conflicted with policy given that the site now formed part of the Central



Activities Zone due to recent policy changes. The policy stated that developments in this area should primarily provide commercial units. He also considered that the height of the application conflicted with the provisions in the South Quay Master Plan in respect of building heights. In response to questions, he expressed concern about the lack of green space in the area to cater for new developments, the cumulative impacts of plans on the infrastructure (already at capacity) and the lack of plans to deal with this. He stressed that it was the cumulative impact of schemes as a whole on the area that was the problem rather than this application in isolation. The plans would also result in the loss of affordable business space in the area

Philip Dunphy (Applicant's representative) spoke in support of the application. He drew attention to the merits of the application. The application would deliver good quality new residential units that included a generous amount of affordable units. It would also provide good quality communal and child play space and public realm improvements. The height of the proposal generally followed existing building heights, proving an appropriate transition from Canary Wharf to lower rise developments in the area. Furthermore, given the lack of adverse impacts, it was considered that the density of the application could be accommodated. In response to questions, he reported that the application had been designed to fit in with the nearby Alpha Square development and to ensure that each worked successfully with each other and protect the internal amenity of both. In relation to the child play space, the speaker reported that over a third of the play space would be outdoor play space and the plans had been carefully designed to link the various types of play space and community space and ensure the children were safe and secure. There would be measures to prevent vehicles queuing outside the development. In response to further questions, he also clarified the wheelchair accessible car parking plans.

Kirsty Gilmer (Planning Services) gave a detailed presentation describing the site and its context. She described the key features of the application and the changes to overcome the concerns with the previously withdrawn application in terms of the height of the development amongst other matters. The application would deliver a public walkway connecting Marsh Wall and Byng Street which was welcomed. Furthermore, the application would deliver a generous amount of good quality affordable housing. The housing offer comprised 36% affordable units by habitable room. The child play space and communal amenity space exceeded the policy requirements.

It was also explained that the proposed development had been carefully designed to respond positively to the area including the Alpha Square development. The application would impact on a number of neighbouring properties. However, when taking into account the cumulative impacts of the other nearby schemes, the impact would be less significant. Consequently, it was considered that the impact on neighbouring buildings would be acceptable. The proposal would also preserve strategic views. Consultation had been carried out and no representations had been received.

The Committee were also advised of the highway issues including the wheelchair assessable car parking plans.

In summary, Officers considered that the plans would deliver a range of benefits and on balance complied with policy so were recommending that the application was granted planning permission

Members asked questions about the sunlight and daylight impacts. In response, Officers drew attention to the cumulative impacts from this and neighbouring consents. It was confirmed that when considered in the round, the impacts from this application would be relatively moderate as it would duplicate the impacts from other nearby developments coming forward. In response to further questions, Officers explained in greater detail the findings of the assessment of the properties at Alpha Square, Arrowhead Quay and Phoenix Heights.

Members also asked about the impact on social infrastructure. It was reported that this site did not itself lend itself to the provision of social infrastructure. Nonetheless, it was planned that other application sites nearby, that were more suited to providing such facilities, would deliver such facilities in accordance with their site allocation. There would also be a CIL payment that could be used for social infrastructure. In responses to further questions about this issue, Officers briefly outlined the wider process for securing social infrastructure in the planning system.

Member also enquired about the child play space and sought assurances about the operation of the roof top play area. It was confirmed that the plans had been designed to link together various areas of child play space to facilitate access. This approach was welcomed. A portion of the play space would be roof top play space. The operation of which would be controlled by condition.

Officers also responded to questions about the wheelchair accessible units, the proximity of the site to a nearby school and the entrances to the affordable and private units.

On a vote of 6 in favour and 2 against, the Committee **RESOLVED**:

1. That the planning permission be **GRANTED** at 54 Marsh Wall, London, E14 9TP for the demolition of the existing building and construction of two new linked buildings of 41 and 16 storeys (over double basement) comprising 216 residential units; two ground floor commercial units (Use Classes A1-A3, B1) totalling 174 sq. m GIA fronting on to Marsh Wall; basement car parking and servicing; and landscaped open space including a new pedestrian route linking Marsh Wall and Byng Street. (PA/16/01637)subject to:
2. Any direction by the London Mayor.

3. The prior completion of a Section 106 legal agreement to secure planning obligations set out in the Committee report
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
5. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report

The meeting ended at 8.30 p.m.

Chair, Councillor Marc Francis  
Strategic Development Committee

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

### Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

### What can be circulated?

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

**How will the applications be considered?**

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



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

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

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

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

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

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

# Agenda Item 5

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> February 2017	<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 the previous Agenda Item .

#### **5. RECOMMENDATION**

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



# Agenda Item 5.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> February 2017	<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/16/00943	
		<b>Ward:</b> Mile End

## 1.0 APPLICATION DETAILS

<b>Location:</b>	562 Mile End Road & 1a, 1b, 1c Burdett Road
<b>Existing Use:</b>	Vacant nightclub (sui generis) Existing nightclub (sui generis) 2 retail units (use class A1) Minicab office (sui generis)
<b>Proposal:</b>	Demolition of existing buildings and construction of a mixed use development comprising part 3-storey, part 8-storey and part 15-storey building, 52 residential units, 760sqm (GIA) commercial floorspace (A1, A2 & B1), landscaping, public realm improvements, access and servicing (including 1 disabled car parking space; 107 cycle parking spaces; and associated highway works) and other associated infrastructure.
<b>Drawings:</b>	953 PL 001 953 PL 002 953 PL 003 953 PL 004 953 PL 005  953 PL 099 Rev. A 953 PL 100 Rev. C 953 PL 100(a) 953 PL 101 Rev. C 953 PL 102 Rev. C 953 PL 103 Rev. C 953 PL 104 Rev. B 953 PL 105 Rev. B 953 PL 106 Rev. B 953 PL 107 Rev. B 953 PL 108 Rev. B 953 PL 109 Rev. B 953 PL 110 Rev. B 953 PL 111 Rev. B 953 PL 112 Rev. B

953 PL 113 Rev. B  
953 PL 114 Rev. B  
953 PL 115 Rev. B

953 PL 200 Rev. B  
953 PL 201 Rev. B  
953 PL 202 Rev. B  
953 PL 203 Rev. B

953 PL 300 Rev. B  
953 PL 301 Rev. B  
953 PL 302 Rev. B  
953 PL 303 Rev. B

953 PL 310 Rev. A  
953 PL 311 Rev. A  
953 PL 312 Rev. A  
953 PL 313 Rev. A  
953 PL 314 Rev. A

953 PL 400 Rev. B  
953 PL 401 Rev. A  
953 PL 402 Rev. A  
953 PL 403 Rev. A

14.44.101 Rev. B  
14.44.102 Rev. A  
14.44.103  
14.44.104 Rev. A  
14.44.105 Rev. B  
14.44.106 Rev. C

**Documents:**

Design & Access Statement by BUJ Architects  
Design & Access Addendum Note by BUJ Architects (Dec 2016)  
Daylight & Sunlight by GVA  
Daylight & Sunlight Addendum by GVA (Sept 2016)  
Flood Risk Assessment by Walsh Group  
Transport Statement by Cole Easdon  
Planning Statement by Signet Planning as updated by Letter by WYG dated 22 December 2016  
Heritage Statement, Townscape and Visual Impact Assessment by Stephen Levrant Heritage Architecture  
Air Quality Impact Assessment by Aecom  
Archaeological Desk Based Assessment by CGMS  
Environmental Noise Assessment by Sharps Redmore  
Geotechnical and Geoenvironmental Interpretative Report – Rev. 3 by CGL  
Overheating Assessment Rev. C by BBS  
Retail Impact Assessment by RPS  
Statement of Community Engagement by Bestzone Ltd.  
Structural & Civil Engineering Stage C Report by

Walsh Group  
Sustainability Report by FHP  
Viability Report by Gerald Eve LLP  
AVR/VVM Methodology Statement and Camera  
Record  
Wind Microclimate Study by BMT Fluid Mechanics  
Spatial Planning and Overheating Report by  
FHP

**Applicant:** Bestzone Ltd.  
**Ownership:** Bestzone Ltd.  
**Historic Building:** No listed buildings on site.  
**Conservation Area:** Not in a conservation area but adjacent to Tredegar Square and Clinton Road conservation areas. Also near to Ropery Street conservation area.

## 2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for demolition of the existing buildings and construction of a mixed-use development comprising part 3-storey, part 8-storey and part 15 storey building. The building would provide 52 new homes and 754sqm of high quality flexible commercial space (Use Classes A1, A2 or B1) for Mile End town centre.
- 2.2 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The development would result in the provision of 35.9% affordable housing by habitable room (10 affordable rented units and 5 intermediate units).
- 2.4 The residential quality of the scheme would be high. Out of the 10 affordable rented units 40% would be of a size suitable for families (4 units). All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements. All of the dwellings would meet the Lifetime Homes equivalent standards and 10% would be provided as wheelchair accessible.
- 2.5 The report acknowledges that the height of the building would be significantly taller than those in the surrounding area. However, through the staggered massing and robust materials used in the design it is considered that the proposal would relate well with the local area. The building would be a landmark for a revitalised Mile End town centre that would deliver good quality homes and commercial space at this large junction and transport hub. Officers consider that any adverse heritage impacts are minor and are less than substantial.
- 2.6 There would be some localised amenity impacts from the development but overall the impacts would be acceptable. Officers consider that the design of the development, massing of the site would minimise any adverse amenity implications.

- 2.7 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.8 While the existing nightclub serving a particular part of the gay community can be considered to be of some public value, given that sexual orientation is a protected characteristic under the Equalities Act 2010, and could be held to be local community facility in policy terms, for the reasons set out within the report, the harm resulting from the loss of the facility, to allow for the provision of housing and commercial space in a sustainable location, is justified in planning terms, given the extensive public benefits of the scheme and the high level of regenerative impact the proposal would have. This loss is acceptable only if best endeavours are made to reprovide the facility or if, as the applicant states, there is proof that the operator does not wish to continue running the nightclub.
- 2.9 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

### 3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to any direction by the London Mayor and the prior completion of a legal agreement to secure the following planning obligations:

#### Financial Obligations:

- a) A contribution of **£26,644** towards employment, skills, training for the construction phase
- b) A contribution of **£21,318** towards employment, skills, training for the end user phase
- c) A contribution of **£12,780** towards Carbon Off-Setting.
- d) A contribution of **£13,110** towards play space improvements in Mile End Park
- e) Commuted sum to secure an accessible space on Eric Street should there be demand
- f) **£4,000** monitoring fee (£500 per s106 HoT's)

**Total £77,852**

#### 3.5 Non-financial Obligations:

- a) Affordable housing 35.9% by habitable room (15 units)
  - 69.6% Affordable Rent at Borough affordable rental levels (9 units)
  - 30.4% Intermediate Shared Ownership (5 units)
- b) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction
  - 20% Local Labour in End User Phase
  - 6 Apprenticeships
- c) Car-permit free agreement
- d) Securing public realm as accessible

- e) 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. All lifts operational prior to occupation of the relevant part of the development;
  4. Approval of all external facing materials including brickwork, render, cladding, window reveals, frames and screening, doors and canopies, guttering, post boxes, soffits and all rooftop structures, including flues and satellite dishes; Details of hard and soft landscaping, including boundary treatment and lighting
  5. Hard and soft landscaping details and boundary treatment, child playspace
  6. Approval of details of the wheelchair housing specification/standards
  7. Approval of details of all Secure by Design measures (Part 2 Secure by Design Accreditation in consultation with Metropolitan Police);
  8. Details of biodiversity enhancements including details of green roofs
  9. Detailed specification, tilt angle and location of photovoltaic panels;
  10. Drainage Strategy (including SUDs);
  11. Hours of construction and demolition
  12. Demolition and Construction Management/Logistics Plan
  13. Delivery, Refuse and Servicing Management Plan
  14. Travel Plan
  15. Scheme of ground contamination investigation and remediation
  16. Details of cycle storage;
  17. Details of noise mitigation measures
  18. Details of air quality mitigation measures
  19. Details of piling, all below ground works and mitigation of ground borne noise (Design and method statement in consultation with London Underground)
  20. Scheme of highway improvement works
  21. The accessible parking bay shall only be made available to a resident in possession of a blue badge and should be retained and maintained for the life of the development.
  22. No cranes shall be erected on the site unless construction methodology and details of the use of cranes in relation to location, maximum operating height of crane and start/finish dates during the development has been submitted to London City Airport for approval.
  23. Compliance with submitted Energy & Sustainability Strategy
  24. Final energy calculations to show how the scheme has delivered the carbon emission reductions;
- 3.7 Any other conditions considered necessary by the Director of Place
- 3.8 Informatives:
1. Subject to a S106 agreement
  2. Thames Water informatives

3. Contact London Underground Infrastructure Protection
4. CIL

3.9 Any other informatives considered necessary by the Director of Place.

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

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

- 4.1. The application site is located on the corner of Mile End Road (A11), which bounds the site to the north, and Burdett Road (A1205), which bounds the site to the west. Wentworth Mews, a narrow route between Burdett Road and Eric Street bounds the site to the south. The east of the site is bounded by the Telephone Exchange and 564 Mile End Road.
- 4.2. The site itself is comprised at its north end of 2 and 3 storey buildings with commercial units at ground level facing Mile End Road. Beneath these units runs an underground sewer and railway line. To the south of these extends a long building with a gable pitched roof of 3 storeys in height. The north section and majority of this building was previously used as a nightclub, Boheme, but lost its license in 2011 and has been vacant since. A smaller section to the south, with entrance from Wentworth Mews, is a gay nightclub "The Backstreet" which has been running for around 32 years. Adjoining this building at the south west corner of the site at the corner with Wentworth Mews is 1 Burdett Road, a 3 storey building with 3 commercial units facing Burdett Road (1a, 1b, 1c) and with commercial space in the floors above.
- 4.3. The urban block to the east of the site up to Eric Street is comprised of several commercial units in buildings ranging between 2 and 3 storeys fronting Mile End Road and to the south of these a large inter-war Telephone Exchange building (equivalent of approximately 8 storeys at its highest point).



Figure 1 - Existing Site

- 4.4. To north of the site is the large junction of Mile End Road with Burdett Road from the south and Grove Road from the north. Across Mile End Road there are buildings of between 2 and 4 storeys with a string of commercial units at ground floor that principally extend along the east side of Grove Road. There are also some commercial units opposite on the other side of Mile End Road.
- 4.5. To the west across Burdett Road and to the west of Grove Road is Mile End Park. The park extends over Mile End Road with a green bridge.
- 4.6. Directly to the south across Wentworth Mews is a 4 storey building, Beckett House, with a commercial unit at ground floor with flats above. Further south is a 9 storey residential block, 1-36 Wentworth Mews, that runs parallel with Wentworth Mews. To the south east is a two storey public house, the Wentworth Arms and Butcombe House, another 4 storey estate infill residential block.
- 4.7. Away from the main roads where the retail/commercial is located the surrounding area is residential in character with a few tower blocks interspersed amongst a lower, predominantly 3-5 storey scale. To the north on the opposite side of Mile End Road there are the Clinton Road and Tredegar Square conservation areas. The site is within the Mile End Road neighbourhood centre. It is also designated as a Local Office Location.
- 4.8. The site has excellent transport links reflected in the highest Public Transport Accessibility Level (PTAL) of 6b. Mile End station is located 50 metres to the east of the site along Mile End Road. Bus stops are located on Mile End Road, Burdett Road and Grove Road a few minutes walk away serving 8 different bus routes. Transport

for London have recently completed a large scale upgrade of the cycle infrastructure along Mile End Road providing separated lanes leading in and out of central London and there is a Cycle Hire docking station opposite Burdett Road under the green bridge.

### **Planning History and Project Background**

- 4.9. The planning history indicates that the site suffered damage following World War II. A cinema at 560 Mile End Road was destroyed and the junction was eventually widened in its place. In the 1950s La Boheme Ballroom that existed at the site was reinstated. From this time it can be seen that there were permitted planning applications for new shop fronts, fascia signs, the change of use of some of the site to an employment agency and betting shop respectively, and advertisement applications.
- 4.10. Boheme nightclub's licence was removed in 2011 following a murder. The Backstreet, a gay nightclub on Wentworth Mews has been operating since the mid-1980s.

### **Proposal**

- 4.11. Full planning permission is sought for demolition of existing buildings and erection of a mixed use development comprising part 3 storey, part 8 storey and part 15 storey building to provide 52 residential units (11 x studio, 12 x 1 bed, 23 x 2 bed, 6 x 3 bed) landscaping, public realm improvements, access and servicing (including 1 on-site disabled car parking space; 120 cycle parking spaces; and associated highway works) and other associated infrastructure. Across the ground and some of the first floor would be 4 flexible commercial units (Use Classes A1, A2 and B1) at a range of sizes including 238.3sqm, 102.5sqm, 81sqm and 60.5sqm.
- 4.12. There would have 2 cores with equal sized entrances on Burdett Road. Core A would serve the affordable rented units on floors 1, 2 and 5 in addition to the 5<sup>th</sup> floor communal roof terrace. Core B would serve the intermediate units (3<sup>rd</sup> floor) and the market units on all other floors (4-14) including the basement for access to refuse and cycle stores for this core. The refuse and cycle stores for core A would be on the ground floor.
- 4.13. The building's massing would step down to 3 storeys where it meets Mile End Road in a slightly separate element which addresses the street corner. The central section of the building would rise to a total of 15 storeys stepping down to an 8 storey element at the south of the site. The scheme will be based on a simple palette of high-quality traditional materials.
- 4.14. The proposed development would be car-free. One on-site disabled parking space is proposed on Wentworth Mews and another on-street parking space would be allocated on Eric Street, that would be converted to accessible.

## **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**



**5.3 London Plan FALP 2016**

- 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 - Refocusing on our town centres
- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP06 - Delivering successful employment hubs
- 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)
- Sustainable Design and Construction (2013)
- All London Green Grid (2012)
- Housing (2016)

##### Other

- Planning Obligations SPD (2016)
- Tredegar Square Conservation Area Appraisal (2007)
- Clinton Road Conservation Area Appraisal (2007)
- Ropery Street Conservation Area Appraisal (2007)

## 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**

#### 6.3 London Underground Infrastructure Protection (LUIP)

LUIP object to this development as the site is a TfL asset and permission has not been granted for demolition of existing buildings and construction of a mixed use development. The lease states that the tenant shall not make any application for planning permission without the previous written consent of the Landlord.

6.4 LUIP state that the objection can be lifted once the terms of the lease have been amended and request the tenant to contact us.

6.5 Should planning permission be granted, and these works go ahead, it would need to be demonstrated that suitable precautions have been included in the designs to avert any short or long term risk to London Underground assets. In that instance they request that the grant of planning permission be subject to a condition and informative to secure a design and method statement in consultation with LUIP.

#### Thames Water (TW)

6.6 No objections. Conditions and/or informatives are requested relating to the provision of a piling method statement, public sewers crossing or close to the development, surface water drainage, impact studies on of the existing water supply infrastructure, development near to and future access to large water mains adjacent to the proposed development.

#### Greater London Authority

6.7 The Deputy Mayor considered the application at Stage 1 on 5<sup>th</sup> July 2016. The Council was informed that the application broadly conforms with the London Plan but does not fully comply. Possible amendments could add dress the following deficiencies:

- **Principle of development** - The principle of a residential-led mixed use development is strongly supported in strategic planning terms.
- **Housing** - comments were made on the basis of incorrect information. An increase in the proportion of affordable housing and policy compliant housing mix is generally sought.
- **Residential standards** - All dwellings comply with minimum space standards, 'lifetime homes' and 10% of units would be wheelchair accessible which is

supported in principle. It is advised that a condition securing standards M4(2) and M4(3) of the Building Regulations should be imposed.

Child play space provision would address the needs of under 5s. The Council is encouraged to consider seeking an additional open space contribution for Mile End Park to mitigate the scheme's reliance on it for older children's play space.

The scheme would exceed the London Plan density matrix which is acceptable in the context of its central location and accessibility.

- **Urban design** – although not designated heritage assets the loss of the existing buildings are of some value in townscape terms but the submitted heritage statement is considered to justify the loss citing the wider benefits of the scheme.

Tall building appropriate. Although visible from various conservation areas the proposal would provide an appropriate response in townscape terms.

On ground floor there should be no sizing disparity between the entrances and lobbies for the private and affordable units, maximising active frontages to Burdett Road and allowing cycle storage areas to be accessed from within the building.

- **Inclusive access** – The provision of only one on-site disabled car parking space does not accord with Housing SPG standards. Applicant should identify appropriate on-street provision.
- **Sustainable development** – a number of detailed clarifications are sought with respect to efficiency standards and district networking.

The Council is encouraged to secure detailed approval of the various climate change adaptation measures via condition.

- **Transport** – Swept path analysis is sought to demonstrate that larger vehicles can access the blue badge space.

Applicant should identify more on-street disabled parking spaces.

Transport Statement should be updated to reflect current street conditions.

Trip generation assessment should be based on a larger site sample size.

The applicant should also disaggregate by mode.

The scheme meets cycle parking standards but more spaces are encouraged owing to the proximity of the scheme to new cycling infrastructure.

Location and design of 3 commercial visitor spaces should be confirmed.

Confirmation of whether the visitor spaces are for the residential or commercial elements of the development is requested.

Pedestrian Environment Audit should be submitted. Pedestrian environment on Burdett Road could be improved.

Frequency of deliveries and vehicle size should be assessed to determine the adequacy of the loading bay.

Travel Plan should be submitted.

#### London Fire

- 6.8 The Brigade needs to confirm that the Access and Water Supplies for the proposed development are sufficient and meet the requirements in Approved Document B (B5, Section 15, 16 & 17) and British Standard 9990.
- 6.9 The Brigade is satisfied with the proposals at the initial stage of the planning process.
- 6.10 This Authority strongly recommended that sprinklers are considered for the new development.

#### London City Airport

- 6.11 The proposed development has been examined from an aerodrome safeguarding perspective and from the information given LCY has no safeguarding objection. However please include the following condition:

No cranes shall be erected on the site unless construction methodology and details of the use of cranes in relation to location, maximum operating height of crane and start/finish dates during the development has been submitted to London City Airport for approval.

### **Internal Consultees**

#### Environmental Health – Contamination

- 6.12 A scheme of investigation for contamination is requested as a condition.

#### Environmental Health - Noise and Vibration

- 6.13 No comments received.

#### Air Quality

- 6.14 The air quality assessment shows that the development is located in a highly polluted area. The results show that the NO<sub>2</sub> annual objective will be exceeded at the site up to the 4th floor. Mitigation is proposed in the form of mechanical ventilation for the 1st and second floors only. I would disagree with this and require that mitigation is provided to all facades and floors where the objective is reported to be exceeded. Balconies should be avoided looking over Burdett Road and Mile End Road on the lower floors to reduce residential exposure to and mitigate against the high pollution levels. The proposed CHP plant has a NO<sub>x</sub> emission rate of 100mg/m<sup>3</sup> which is slightly over the GLA's emissions limits of 95mg/m<sup>3</sup> for a development in Band B. Also the Air Quality Neutral Assessment benchmarks are exceeded for the building emissions. Since the development is in an area already exceeding the air quality objectives I would request that they look at this again to reduce the No<sub>x</sub> emission rate and it may also help meet the air quality neutral requirements too.

#### Transportation and Highways

##### Car Parking

- 6.15 Development as car-free is supported. One accessible space is proposed which is accessed from the eastern arm of Wentworth Mews which is broadly supported. Support the GLA's request for further tracking diagrams to show that a larger vehicle can make the required turn. Details also requested for how the parking bay will be managed to stop unauthorised access to this space and details on how the area in front of the bay will be kept clear, particularly from refuse.

##### Bicycle Parking

- 6.16 With regards cycling the applicant is proposing to meet the minimum FALP standards for residential use.
- 6.17 Short term parking is also proposed and more detailed information was requested on this.
- 6.18 With regards servicing the applicant is proposing to utilise an existing servicing bay on Burdett Road. Burdett Road is part of the TLRN however, from an LBTH viewpoint

the bay is existing and anyone carrying out legitimate loading and unloading during the permitted hours is acting lawfully.

- 6.19 A full service plan and CEMP plan should be submitted prior to occupation.
- 6.20 The exact location of the basement should be clarified in relation to the back line of public highway. Any basement built adjacent to the highway will require full AIP and TA from the highways structures team. This approval process is separate to any planning permission which may be granted and the granting of planning permission does not guarantee approval by the highway authority. A plan showing the public highway layout superimposed over the proposed basement is requested.
- 6.21 The applicant will be required to enter into a S278 agreement with the local highway authority.

## **7.0 LOCAL REPRESENTATION**

### Statutory Consultees

- 7.1 Consultation for the proposal was carried out when the application was first submitted in May 2016 and in January 2017 following amendments to the scheme.
- 7.2 Letters were sent to occupiers of neighbouring properties, a total of 1,090 in all, 3 site notices were displayed outside the application site, and a press advert was published in a local newspaper.
- 7.3 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:	Objecting: 88	Supporting: 1
No of petitions received:	0	

This included 3 objections from local community groups: The Geezers Club, Mile End Old Town Residents Association (MEOTRA) and Friends of Mile End Park.

- 7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

### Design/Conservation

Inappropriate height, scale and bulk, development being out of scale with the surroundings

Adverse heritage impacts

Existing buildings should be retained

Adverse impact on local views, including from Mile End Park and the Green Bridge

Poor quality, unremarkable design

### Amenity

Daylight, sunlight and overshadowing impacts

Impact on redevelopment potential of the site to the east

Loss of privacy

Wind tunnel effect

Disruption from construction work

Air pollution is too high at the site for residential development

### Housing

Proposed flats being too small

Housing mix is overwhelmingly for smaller flats rather than family units

Insufficient affordable housing

### Land Use

Shop units likely to be left under-utilised and boarded up, units should be as flexible as possible so they are occupied

Loss of gay nightclub as a community facility

Loss of nightclubs as leisure facilities, impact on evening economy.

Leisure, cultural or community use should be provided.

Residential/commercial development on this site welcome

### Highways

Too few on-site car parking places, increase in parking stress in the area

Increase in public transport demand and overcrowding of Mile End underground station

Access and servicing provision is inadequate

Too many cycle parking spaces for residents

### Other

Lack of community benefits

Increased demand for local services

Insufficient play space

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the Committee are requested to consider are:

- Land Use
- Housing
- Design
- Amenity
- Transport, Access and Servicing
- Sustainability and Environmental Considerations
- Planning Obligations

### **Land Use**

8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles:

- an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure;
- a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and
- an environmental role – protecting and enhancing the natural, built and historic environment.

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

- 8.4 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.5 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.
- 8.6 The site is within the Mile End neighbourhood centre and the place of Mile End as set out in the Core Strategy SP12 Annex which seeks to create a lively and well-connected place with a vibrant town centre complemented by the natural qualities offered by the local open spaces.

#### Principle of residential use

- 8.7 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage within London through provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-2025 is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is addressed by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.8 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 Place of Mile End. The Core Strategy vision for the Place of Mile End specifies that the area is anticipated to undergo housing growth on infill sites.
- 8.9 Given the above and the residential character of surrounding area around the site, the principle of a housing development this brownfield site is strongly supported in policy terms.

#### Loss of Nightclubs

- 8.10 The proposal would remove a vacant nightclub and an existing nightclub. With regards the loss of the vacant nightclub, Boheme, this establishment was stripped of its license in 2011 following a murder at the club and has not been used since. It is considered that reprovision of this club is unviable and the use of the site for the proposed residential led mixed-use scheme is the optimal use of the site.
- 8.11 The existing nightclub to the rear of the site: "The Backstreet" with entrance on Wentworth Mews is a gay nightclub. The nightclub operates a strict dress code specialising in leather and rubber. The website states that it has been running for 32 years, that the club has a large international membership of more than 6,000 members and is unique in Britain for its strict dress code. A number of representations received attest to the fact that it is an important and renowned LGBT venue, both within London and further afield.



- 8.12 Policy 3.1 of the London Plan states that development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Proposals involving loss of these facilities without adequate justification or provision for replacement should be resisted. The supporting text links the policy to the statutory duties under the Equalities Act 2010 which identifies sexual orientation as a protected characteristic.
- 8.13 Policy DM8 of the Managing Development Document states that health, leisure and social and community facilities will be protected where they meet an identified local need and the buildings are considered suitable for their use.
- 8.14 The policy does not provide an exhaustive list of what constitutes community infrastructure, instead the policy lists the types of facilities that can be included.
- 8.15 It is considered that the nightclub could be considered as community infrastructure for the purpose of the aforementioned policies, being a meeting place and a social & leisure facility for a certain section of the LGBT community. From neighbour representations the impression is that it meets a local need in addition to serving a much wider catchment.
- 8.16 Contrary to the justification put forward by the applicant the current location of the backstreet is within an appropriate town centre location and the use has existed in the area with no noise or licensing complaints received by the Council. It is considered that the alternative venues suggested are unsatisfactory as not serving the particular niche that the Backstreet does and no conclusive evidence has been presented to demonstrate that the needs of the community are adequately met elsewhere. However, the applicant has stated that the operator of the nightclub is seeking to cease trading due to age and ill health and is not seeking to relocate irrespective of their impending closure by the freeholder. The applicant has stated that a letter from the operator confirming this will be submitted to the Council before the committee date. Should this not be received it is considered important to secure relocation strategy as part of the S106 agreement.

#### Reprovision of commercial space

- 8.17 In addition to the nightclubs, the scheme would also remove three existing commercial units on Burdett Road, however, in terms of the proposed non-residential uses at the site, the scheme would provide 745sqm for retail (use class A1), financial and professional (A2) and business (B1) floorspace across 4 units. Concern was raised in a representation received that the commercial floorspace would remain vacant. In order to allow flexibility for market conditions to ensure occupation the total commercial space could either be used in combination of these use classes or one of the use classes could be used for all of the commercial units.
- 8.18 Regarding the proposed commercial uses, a reprovision of high quality floorspace and range of units within the designated Mile End neighbourhood centre is supported in accordance with the SP01 (4a) of the Core Strategy which looks to direct additional retail and business uses to town centres.
- 8.19 In terms of employment floorspace, the site is within a local office location. Policy DM16 of the MDD states that the redevelopment of Local Office Locations (LOLs) to include residential uses will be supported if the existing office floor space is re-provided on-site and where it provides separate access and servicing for commercial uses and residential uses, ensures the provision of residential uses does not jeopardise the function and viability of the office uses, provides high quality flexible

working space which is usable and provides a range of flexible units including units less than 250 square metres and less than 100 square metres to meet the needs of Small and Medium Enterprise (SMEs). The four units proposed would comply with this policy providing a range of units at 238.3sqm, 102.5sqm, 81sqm and 60.5.

## **Housing**

- 8.20 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.
- 8.21 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally.

### Residential density

- 8.22 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.
- 8.23 As stated earlier in this report, the site has an excellent public transport accessibility level (PTAL) of 6b, the very highest level. The London Plan defines “Urban” areas as those with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes. The site and surrounding area has a character that fits this definition of an “Urban” area given in the London Plan.
- 8.24 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics and transport accessibility of 200 to 700 habitable rooms per hectare (hr/h) and with an average of just over 3 habitable rooms per unit: 70 to 260 units/hectare (u/h).
- 8.25 The proposed density would be 1,671hrph. It is acknowledged that this is over double the upper end of the density ranges set out in this table, for both hb/h and u/h and as such particular care has been taken to ensure that this density is appropriate.
- 8.26 The Housing SPG (2016) states that “In appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed.” Schemes that exceed the density matrix must be of a high quality design and should be tested against the following considerations:
- the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;

- the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;
- the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with the housing quality standards set out in Part 2 of this S PG;
- a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';
- depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;
- the residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location;
- the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and
- whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (eg. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).

8.27 The following report will go on to demonstrate that the scheme, on balance, meets the above criteria. Officers have sought to weigh up the proposal's impacts against the benefits of the scheme and in particular the significant provision of housing in a highly sustainable location.

Affordable housing

8.28 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.

8.29 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).

8.30 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.

8.31 The scheme that was originally submitted offered a total of 15 of the 52 residential units to be provided as affordable units, which represented a total on-site provision of 35% affordable housing based on habitable rooms. However the tenure split was 40% affordable rent to 60% intermediate which failed to comply with the LBTH policy of 70% affordable rent to 30% intermediate.

8.32 Following negotiations around housing policy a revised tenure split has been put forward of 69.6% affordable rented and 39.4% intermediate which closely aligns with policy. This would be provided in the following mix:

	Units	% Units	Hab Rooms	% Hab Rooms
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LBTH Living Rents	10	19.2%	32	25%
Intermediate	5	9.6%	14	10.9%
<b>Total Affordable</b>	15	28.8%	46	<b>35.9%</b> (at a tenure split of 69.6 : 30.4 Rented: Intermediate)
Market Sale	37	71.2%	82	64.1%
<b>Total</b>	<b>52</b>	<b>100%</b>	<b>128</b>	<b>100%</b>

Table 1 - Affordable Housing Mix

- 8.33 The proposed delivery of 35.9% affordable housing is just above the Council's minimum policy target of 35%. The housing offer has been independently scrutinised by viability consultants appointed by the Council who consider that what is offered is the maximum reasonable amount of affordable housing that can be provided whilst ensuring the scheme remains viable. The profit margin for the applicant has been reduced in order to achieve policy targets.
- 8.34 The affordable accommodation would be provided at Tower Hamlets living rents. The figures were agreed in November so differ slightly from the current rent levels but these levels have been tested as part of the viability assessment.
- 8.35 The agreed affordable rents, inclusive of service charges, are:
- 1 bed £196.73 per week
  - 2 bed £216.40 per week
  - 3 bed £238.04 per week
  - 4 bed £261.85 per week
- 8.36 The applicant tested their ability to provide the family sized units at social target rent level however the viability of the scheme could not justify this and no surplus has been identified by the independent consultants appointed by the Council.
- 8.37 The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.
- 8.38 Overall, the provision of affordable housing has been maximised, the proposal meets policy targets and the overall tenure mix on site would assist in creation of a mixed and balanced community.

#### Dwelling mix

- 8.39 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.
- 8.40 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.
- 8.41 Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes.
- 8.42 The proposed dwelling mix for the revised scheme is set out in the table below:

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	11	0	0	0%	0	0	0%	11	30	0%
1 bed	12	2	20	30%	2	40	25%	8	22	50.00%
2 bed	23	4	40	25%	2	40	50%	17	46	30.00%
3 bed	6	4	40	30%	1	20	25%	1	3	20%
4 bed	0	0	0	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
<b>Total</b>	<b>52</b>	<b>10</b>	<b>100%</b>	<b>100%</b>	<b>5</b>	<b>100%</b>	<b>100%</b>	<b>37</b>	<b>100%</b>	<b>100%</b>

Table 2 - Overall Housing Mix

- 8.43 In terms of affordable Rented Housing:- there are 20% one beds against a policy target of 30%, 40% two beds against a 25% target, a 40% provision of three beds against a 30% target and no provision of 4 beds or larger for which there is a 15% target. It can be seen that there is an under provision of rented family sized units (3 beds and larger), at 40% it falls below slightly below the Council's 45% requirement. This is largely due to the over provision of rented two beds.
- 8.44 In terms of intermediate/shared ownership: - there are 40% provision of one beds against a policy target of 25%, 40% two beds against a target of 50% and 20% provision of three beds against a target of 25% for three beds or larger. The intermediate mix is out of sync with the Council's targets; however it is appreciated that as there are at most 2 units in each size the percentages are too easily skewed.
- 8.45 The rented units would be accessed through their own core (Core A) served by 2 lifts. The intermediate units can be accessed by 2 lifts through a shared core (Core B) with the private sale units.
- 8.46 It can therefore be seen that within the affordable rented and intermediate tenures of the proposed development the dwelling mix generally accords with the policy targets.
- 8.47 Within the private element of the scheme 30% are studio units against no policy target, 22% of one beds are provided against a policy requirement of 50%, 46% of two bed units against our policy requirement of 30%, 3% of three bed units are provided against a policy requirement of 20%.
- 8.48 Within the private element of the scheme it can be seen that there is an overprovision of 1 and 2 bed flats including a large percentage of studio units and an under provision of 3 bedroom units. Family units are considered less appropriate on the upper floors of this tower development which is considered to be a mitigating factor in the mix. This mix also has been designed to maximise the viability of the scheme and

therefore allowed it to provide more affordable housing. It is considered that although there is this divergence from the policy targets, having generally accorded with policy in the other tenures including providing 40% of affordable units as family-sized, it is considered that the housing mix is acceptable.

#### Standard of residential accommodation

- 8.49 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.”
- 8.50 All of the proposed units would meet or exceed the baseline internal floorspace standard. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements.
- 8.51 The vast majority of the proposed units would be at least double aspect (40/52). None of the 10 units that would be single aspect would be north facing. These would either be oriented west or south.
- 8.52 It is considered that the proposal would meet and exceed the relevant design standards and would represent an exemplary standard of living accommodation and amenity to the future occupiers of the scheme.

#### Safety and security

- 8.53 The site has been design to high security standards. The proposed entrances on Burdett Road 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.
- 8.54 A condition would be attached to the permission for secure by design standards to be secured.

#### Inclusive Access

- 8.55 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.
- 8.56 Five wheelchair accessible homes are proposed which amounts to 10% of the total units. These would be spread across all tenures with 1 unit to be located within the affordable rented tenure, 1 within the intermediate tenure and 3 within the private tenure.
- 8.57 The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. One disabled accessible parking space would be provided on Wentworth Mews while one space would be allocated to be converted to accessible spaces should there be demand within the scheme.

8.58 All of the units would meet the new Building Regulations standards which have replaced the Lifetime Homes Standards.

Private, Communal and Child Play Space

8.59 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.

8.60 All of the proposed units would have a private balcony or terrace that is at least 1500mm wide and would meet the minimum space standards set out in the MDD. These would all have level access from the main living space.

8.61 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 92sqm of communal amenity space is required across the development.

8.62 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 child play space within new residential developments. The Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' sets a benchmark of 10sqm of useable child play space per child. The GLA child yield calculator is used to project the number of children for the new development. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within short walking distances. The proposed scheme is anticipated to accommodate 15 children using the GLA yield calculator, translating to a policy requirement of 150sqm.

8.63 The combined total space across the scheme to meet the policy requirement for communal and child play space would therefore be 242sqm. Two communal terraces would be provided, one on the 5<sup>th</sup> floor (119sqm) and one on the 8<sup>th</sup> floor (130sqm) that would combine to provide 249sqm. As such the scheme overall would exceed the policy requirement.

8.64 However, the 5<sup>th</sup> floor terrace would be exclusively for the affordable rented units and the 8<sup>th</sup> floor terrace would be shared between the intermediate and market units. As such it is considered appropriate to calculate the policy requirement for space separately according to the tenures and mix of the units that will be using each terrace.

8.65 To take communal space first, the 5<sup>th</sup> floor terrace would serve 32 habitable rooms (25%) and the 8<sup>th</sup> floor terrace would serve 96 habitable rooms (75%). By dividing the overall policy requirement of 92sqm proportionately by habitable room the 5<sup>th</sup> floor terrace should provide 23sqm and 8<sup>th</sup> floor terrace should provide 69sqm.

8.66 In terms of child play space the 5<sup>th</sup> floor terrace would serve affordable rented units that have a much higher child yield than intermediate and market units.

	GLA Child Yield		Proposed within scheme
Under 5	5	50sqm	90sqm
5-11 year olds	4	40sqm	

12+	3	30sqm	0sqm
Total	12	120sqm	90sqm
Shortfall in play space			30sqm

Table 3 - Child Play Space - 5<sup>th</sup> Floor Terrace

	GLA Child Yield		Proposed within scheme
Under 5	2	20sqm	35sqm
5-11 year olds	1	10sqm	
12+	0	0sqm	0sqm
Total	3	30sqm	35sqm
Excess in play space			5sqm

Table 4 - Child Play Space - 8<sup>th</sup> Floor Terrace

- 8.67 To meet policy the 5<sup>th</sup> floor terrace should provide 23sqm communal amenity space and 120sqm child play space, a total of 143sqm. At a total 119sqm the terrace falls short of this by 24sqm. 19sqm would be provided for communal amenity space, falling marginally short of the policy requirement. 90sqm of child play space would be provided for children under 12 meeting the policy requirement for this age group.
- 8.68 The 5<sup>th</sup> floor terrace would include 2m high timber trellis verticals that would match building cladding to define the space; play equipment such as play panel, climbing frame/slide and soft spheres; wetpour safety surfacing; benches, decking and planting around the edge of the space and in the undercroft area.
- 8.69 The 30sqm shortfall in space for children older than 12 on the 5<sup>th</sup> floor terrace would be mitigated by the proximity of Mile End Park, a high quality and large open space that is less than 30m from the site. London Mayor's Play and Informal Recreation SPG sees 800m as an acceptable distance for young people over the age of 12 to walk for recreation. A S106 contribution has been secured for improvements to Mile End Park to provide improved play space facilities for teenagers.
- 8.70 The 8<sup>th</sup> floor terrace should provide 69sqm of communal amenity space and 30sqm of child play space, a total of 99sqm. At a total of 130sqm this terrace exceeds policy by 31sqm. The space would be divided as 35sqm of child play space, exceeding the policy by 5sqm and the remaining 95sqm would be communal amenity space, exceeding policy by 26sqm.
- 8.71 The 8<sup>th</sup> floor terrace would include a contemporary pergola providing a framework for climbing plants, evergreen planting in contemporary planters, hardwood benches on top of low retaining walls to the edges of the space, slate paving, decking and wetpour safety surfacing. There would also be two play structures provided.
- 8.72 The proposed landscaping is considered to be well thought out and would be of a high quality. Overall, the proposed provision of private, communal and play space would make a significant contribution to the creation of a sustainable, family friendly environment. It is considered that the proposal would provide an acceptable play environment for children.

### Design

- 8.73 The National Planning Policy Framework attaches great importance to the design of the built environment.



- 8.74 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.
- 8.75 Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 8.76 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 sensitive to the context of its surroundings. 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.
- 8.77 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.
- 8.78 The vast majority of the objection letters received have raised the height of the proposal as a problematic issue. The 15 storey height of the building has been carefully considered by Officers and a finely balanced view has been arrived at when taking into account all of the planning gains of the development.
- 8.79 Policies on tall buildings within the London Plan (7.7) and the Local Plan (SP10 of the CS, DM26 of the MDD) have been thoroughly assessed in relation to the scheme.
- 8.80 Given the level of housing and employment growth in Tower Hamlets there is pressure for tall buildings across the borough. DM26 of the MDD provides the basis to manage this pressure by considering tall buildings within the wider Core Strategy objective of refocusing on our town centres and providing detailed criteria to ensure all tall buildings are designed to the highest standards with any negative impacts appropriately mitigated.

#### Mile End Town Centre

- 8.81 The site is within a designated town centre, Mile End, where larger commercial and residential development that takes advantage of higher accessibility is sought to be focused. Policy DM26 states that proposals for tall buildings will be required to be of a height and scale that is proportionate to their location within the town centre hierarchy.
- 8.82 Within the town centre hierarchy Mile End is designated as a neighbourhood centre. Usually neighbourhood centres would tend to have a lower tolerance for tall buildings than the three higher types of town centre. However, the specific characteristics of

the site and Mile End neighbourhood centre are considered to offer the site opportunities that allow greater flexibility for the scale of development than that which would usually be permissible in a neighbourhood centre.

- 8.83 The Mile End neighbourhood centre is a transport hub. The site is located at a prominent corner of the two major roads, Mile End Road and Burdett Road that the Mile End neighbourhood centre is focused around. Mile End Road has recently been redeveloped to provide separate cycle lanes along its length that provide convenient and sustainable access to central London or Stratford. It is also located within 2 minute walk from Mile End Underground station and 6 separate bus routes cross the junction. These attributes give the centre an unusually high transport accessibility for a neighbourhood centre, with the site having a PTAL of 6b, the highest level.
- 8.84 The Mile End neighbourhood centre is also unusual in that it is adjacent to a first class higher education institution (Queen Mary University) and a significant open space (Mile End Park).
- 8.85 The Core Strategy identifies Mile End as a strategic location for intensifying housing growth on infill sites and to support an upgraded mixed-use town centre that supports the university. It is considered that a tall building will optimise the potential of the site to deliver housing growth and a high-quality commercial offer.
- 8.86 The current political direction to address the housing crisis in London is set out by Sadiq Khan in A City for All Londoners (2016), in which he states that “intensifying development around well-connected transport nodes will form an important part of my vision for the city, and I will explore the potential of areas around a number of stations as locations for significant and much higher-density housing development.” The intense pressure for housing in Tower Hamlets must be borne in mind when assessing the proposal.

#### Height, Scale & Massing

- 8.87 Part 2c of DM26 states that tall buildings need to 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 water bodies, or other townscape elements.
- 8.88 Part 2d states that tall buildings should 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.
- 8.89 Part 2e states that tall buildings should not adversely impact on heritage assets or strategic and local views, including their settings and backdrops.
- 8.90 The streetscape around the junction of Mile End Road, Burdett Road and Grove Road is generally between 2-4 storeys in height. There are two larger buildings around the site, the telephone exchange which is adjacent and makes up most of the urban block but is set back from the main roads and 1-36 Wentworth Mews, a 9 storey post-war slab block that is south of the site. On the north side of Mile End Road is the Tredegar Square conservation area and the Clinton Road conservation area. To the east and to the south of the site there are two nearby conservation areas: Tower Hamlets Cemetery conservation area and Ropery Street conservation area. These conservation areas all have a similar Victorian scale of 2-4 storeys and a fine urban grain. Other than 1-36 Wentworth Mews, the post-war development in the

surrounding area and more recent development also maintain this scale, albeit with a more open grain than the Victorian conservation areas.

- 8.91 The proposal would be comprised of three elements, a 3 storey element on Mile End Road, a 15 storey central element and an 8 storey element to the south.
- 8.92 The 3 storey element would be sensitive to the fine grain Victorian scale of the buildings on Mile End Road and Grove Road. It would match the height of the neighbouring 564 Mile End Road completing the street frontage and addressing the corner at this scale. During the course of the application amendments were gained for the building to properly complete this corner, rather than there being a single storey element and terrace at the corner. The resulting scale, form and massing of this 3 storey element is considered a robust and elegant treatment that respects the scale of the adjacent conservation areas.
- 8.93 The 8 storey element to the south of the proposal is considered to relate well with the larger scale presented by the adjacent Telephone Exchange and 1-36 Wentworth Mews to the south, being only slightly higher than these buildings. This element knits with the mid-rise scale in this location and provides a step in height towards the central tower element.
- 8.94 The 15 storey central tower element would be significantly taller and have a greater massing than the surrounding scale of the area. The height of the tallest element would be around double that of 1-36 Wentworth Mews, which itself is one of only two buildings in the immediate vicinity that are of a larger scale and footprint compared to the finer grain of the surrounding areas. As such it would no doubt be a prominent building that would be visible across the surrounding area.
- 8.95 Following discussions with officers the massing of the tower was reduced with the height of the shoulder element on the north side of the tower decreased by 2 storeys. This gave the tower a more slender profile and creates a further mediating step in the height of the building, at 11 storeys, that is approximately midway between the 8 storey element and the 15 storey total.
- 8.96 With regards height, scale and massing it can be seen that the various levels of the building correspond to different heights of surrounding buildings and create a stepped increase in height as you move up the building that allows the building, which is clearly of a larger scale, to nonetheless suitably relate to the immediate surrounding area.
- 8.97 The greater height and massing of the development would provide a landmark building at the location of this town centre, busy road junction and Mile End underground station. It would also provide a visual marker that would help people orientate themselves and navigate in the local area.

#### Elevation Design & Materials

- 8.98 The building has a contemporary appearance achieved with a vertical linear pier grid that is expressed on all elevations. The contemporary lines of the building are combined with a traditional material treatment and high quality detailing and finish.
- 8.99 The proposal would have a simple and high-quality material palette. The building would predominantly be of Mystique or buff brick construction with flush joints in stretched bond. The 8 storey element to the southern half of the site would be finished in a red multi-stock ('Weston Red' Multistock or similar). The sills/coping

would be made from light coloured reconstituted stone. The windows would be quartz grey aluminium. The balconies would be of a simple glass design with grey aluminium railing and boxed frame bases. It is considered that the materials are robust and would age well.

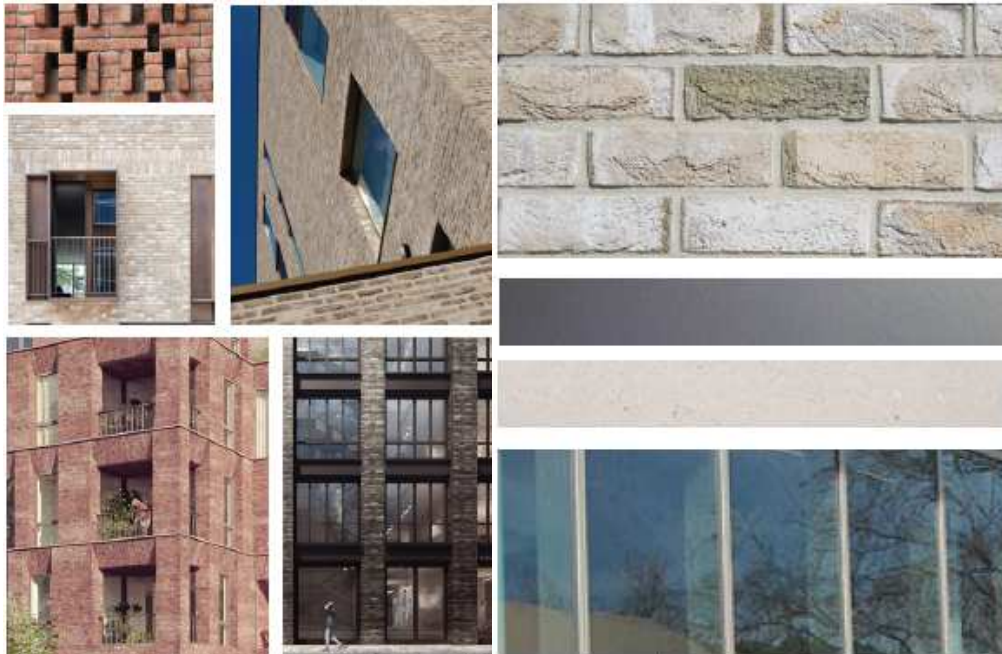


Figure 2 – Precedents (left) & Material Palette (right)

- 8.100 The ground level commercial space provides a 4.5 floor to floor slab height offering commercial units a substantial ceiling height and providing a clear base level to the building that is light and transparent. This commercial part of the building would activate Mile End Road and Burdett Road.
- 8.101 Of the three elements of the building the same architectural style and palette is used albeit with slight variations in the detailing and treatment of the elevations. This will serve to break up the massing and provide visual interest.
- 8.102 The 3 storey block to the north mirrors the proportion of the neighbouring 364 Mile End Road. The fenestration also aligns with this building. The fenestration is articulated with a double storey recessed panels that group the windows vertically.
- 8.103 A strong vertical emphasis would be achieved for the tower element on all elevations, with tall brick piers and recessed panels that run the height of the building. These vertical columns of windows would then be linked more subtly in vertical pairs with stone coping/sill detail at top and bottom. Further interest would be added to the north and west elevations with the position of the windows alternating on which side they are within the columns every two storeys. Corbelled brick design comprised of alternating courses of protruding bricks within the recesses would also be used. The south and east elevations element windows would be simply vertically aligned.
- 8.104 The use of the red brick for the 8 storey southern element would relate to other red brick finishes in the immediate surroundings on Burdett Road and also assist to further the vertical emphasis of the design by breaking up the perceived massing of the western elevation and highlighting the tower as a more slender visual element.
- 8.105 The balconies for the residential units would be inset on the north and west elevations. The southern elevation would have protruding balconies, providing

variation to this elevation and maximising the amenity benefits of a southern orientation. The two roof terrace communal amenity spaces are located to the south side of the building, to maximise daylight and sunlight.

- 8.106 Decorative brickwork, in line with the glazing columns, would appear on the parapets of the 15 storey and 8 storey elements and neatly finish the upper parts of the building.
- 8.107 The simple material palette and ordered vertical pier grid with brick, stone and fenestration detailing is considered to provide the building with a strong and pleasing elevation design befitting a prominent landmark building.
- 8.108 In terms of public realm landscaping, at the front of the development on Burdett Road near to the corner with Mile End Road there would be evergreen tree planting on a raised bed. This would also help to mitigate the impact of wind. On Wentworth Mews, 4 street trees would be planted and there would be granite, concrete and New Yorkstone paving in addition to 3 new stainless steel seats. The trees here would also help to mitigate wind impacts.

#### Heritage

- 8.109 No buildings on the site are listed and the site is not within a conservation area. The buildings on the site have some limited heritage value. As outlined above, the site is adjacent to two conservation areas to the north: Clinton Road and Tredegar Square. The proposal would also be visible from the Ropery Street conservation area. The setting of certain listed buildings within these conservation areas will also be affected by the proposal.

#### *Loss of Existing Buildings*

- 8.110 The existing buildings of 562 Mile End Road is comprised of three parts. Firstly, a 2 and 3 storey Victorian building facing Mile End Road. Secondly, an extension to the rear of these Victorian properties was built in the early 1920s to create La Boheme Dance Hall. Thirdly, next to this is 1 Burdett Road which was built in the early 1930s. These buildings have some local historical value in maintaining the Victorian grain and exhibit some attractive architectural features but are relatively simple in design and appear tired and neglected. A long blank elevation is presented to Burdett Road. They do not make a significant contribution to the townscape of the area. Given their limited heritage value their loss is considered acceptable as an opportunity to enhance the appearance of this prominent corner location.

#### *Impact of Proposed Building*

- 8.111 The applicant submitted a Heritage Statement and Townscape and Visual Impact Assessment with the application. The visual impact assessment provides verified views to consider the proposal's visual impacts on the townscape. A number of the views have been identified as causing a significant visual change where the proposed tower would be highly visible from certain parts of the surrounding Tredegar Square, Clinton Road and Ropery Street conservation areas.
- 8.112 Within the Tredegar Square conservation area the proposal would be readily visible from Aberavon Road, looking south. Only the very top would be visible from Tredegar Square itself and as such would be considered to have negligible impact from the square. The proposal would however be clearly visible from Aberavon Road over the

roofline of a group of Grade II listed buildings on its western side, shown in the photograph below.



Figure 3 – CGI View South on Aberavon Road

- 8.113 Within this conservation area there is a rare quality of uniform rooflines, which requires careful consideration when high rise development is proposed on its periphery. This is also the case for listed terrace groups, in particular the group located on the west side of Aberavon Road. The proposed 15 storey development would rise above the visually unimpeded parapet line of this listed terrace group, creating a prominent addition to the skyline that is considered to cause some harm to the setting of the listed buildings and conservation area.
- 8.114 Clinton Road also includes uniform terraces although these are Victorian and are not listed, and the proposal would be clearly visible when looking south, representing a substantial change to the skyline at the end of the street. From the photo shown below you both the Mile End and Burdett Road elevations would be visible. The building would appear significant in scale and would again be considered to cause some harm to the setting of this conservation area.





Figure 4 - CGI View South on Clinton Road

8.115 Similarly the Ropery Street conservation area is characterised by the horizontal lines of the wide road and low-rise buildings. The proposal would disrupt this horizontal uniformity when looking north from the conservation area again causing some harm to the townscape.



Figure 5 - CGI View North on Burdett Road

8.116 A degree of harm has been identified for the three surrounding conservation areas and a listed terrace group. Notwithstanding the prominence of the building and its vertical emphasis that is a variation to the horizontal emphasis of the surrounding areas, it is considered that the level of harm is mitigated by a number of factors. The robust brick construction is considered to correspond well with the materiality of the conservation areas and the high-quality contemporary architectural design provides a clear distinction between the surrounding historic styles and the proposal. The proposal is located in a town centre where larger development is sought to be located and there are already some larger buildings located there. It also must be noted that the site itself is not within a conservation area and the views of the building, although important, would be in the background from specific parts of the surrounding conservation areas. The building would not be visible from many other parts and approaches within these conservation areas. Given the above, the harm to the significance of these heritage assets is considered to be minor and less than substantial. According to the NPPF less than substantial harm should be weighed against the public benefits of the proposal. The provision of a significant amount of housing and commercial space for the town centre must be weighed in the proposal's favour.

#### Design and Heritage Conclusions

8.117 The site is currently comprised of somewhat neglected buildings with a long blank façade facing Burdett road. The site occupies a highly visible corner location on a wide busy junction and the redevelopment of the site is an opportunity to enhance the visual amenity of the area. The proposed building is significantly larger in scale than anything else in the immediate area and would have harmful impacts on certain background views from surrounding conservation areas. As such, given the prominence of the building, the design of the scheme has been carefully assessed.





Figure 6 - CGI View West on Mile End Road

8.118 The stepped massing allows the building to relate to the different surrounding scales in the immediate context and the central tower also sets its own prominent scale as a landmark building. It is considered that the traditional materiality of brick and stone will relate well to the buildings of the surrounding area. The excellent architectural quality and finish of the proposal would allow the building to be a landmark for Mile End town centre that would be commensurate with the size of the junction and takes advantage of the site's transport accessibility. It is considered that the building will aid in creating a sense of place that signifies the regeneration of the town centre and may stimulate further investment. In addition to this it will aid in the legibility of the city, marking the town centre and Mile End underground and as such helping way-finding. However, the harm to certain sensitive views from conservation areas and to the setting of listed buildings has also been considered and is, on balance, acceptable given the public benefits of the scheme including provision of much needed housing, provision of upgraded commercial space in a town centre location and the potential wider regenerative benefits of the scheme.

### **Amenity**

8.119 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**

8.120 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 lower distances could be acceptable reflecting the existing urban grain and constrained nature of urban sites such as this.

- 8.121 The building would have a close relationship with 564 Mile End Road, a 4 storey building adjacent to the site facing Mile End Road. It is retail on ground floor with flats above. There would be localised inter-visibility impacts between certain windows in the northern part of the development and the windows serving bedrooms on the rear of this building.
- 8.122 There would be oblique views between the first floor bedroom window of 564 Mile End Road and the living room of Unit 4 at a distance of 5.4m. There would be views between the second floor bedroom windows of 564 Mile End Road and the living room of unit 8 at a distance of 8.2m and 8.9m. The views from the third floor bedrooms windows of 564 Mile End Road would have the same relationship as the second floor but with unit 13. Windows on the east of the northern elevation of the development serving the living rooms were removed on the second and third floors over the course of the application in order to reduce the impact. It is considered that the oblique angle of these windows would suitably mitigate privacy impacts.
- 8.123 Directly to the south of the development is Beckett Court on the corner of Wentworth Mews and Burdett Road. This 4 storey property also has commercial on ground floor and residential on the upper floors. On each of the first, second and third floors there would be small secondary windows on the north elevation on Wentworth Mews. These serve the kitchen part of a combined kitchen/dining/living space. The closest separation distance between windows in the proposal and these kitchen windows would be 11m on the lower floors of the development. There would also be a window on the recessed northern elevation facing into the balcony space. These provide a secondary window for bedrooms. These would be set back from the main Wentworth Mews elevation and be heavily shaded by the balconies above. The closest separation distance between windows in the proposal and these windows would be 15m on the lower floors of the development. This is tighter than optimal but it is considered acceptable within this type of urban environment. A relationship of this distance is typical for habitable rooms that face each other across a street. As such the relationship between the proposal and Beckett Court is also considered acceptable.
- 8.124 All other aspects to surrounding residential buildings: 1-36 Wentworth Mews, Butcombe House and buildings on the north side of Mile End Road would comfortably exceed the 18m policy target.

#### Outlook and sense of enclosure

- 8.125 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 on the bedroom windows of 364 Mile End Road is most relevant here. The outlook from these windows would be reduced on the west side creating a somewhat overbearing corridor effect. However, any meaningful development of the site is likely to lead to a similar sense of enclosure and the outlook is already similarly affected by the

telephone exchange building. The impact would also be limited to the rear aspect of the building; there would still be a very good quality outlook from the living space to the front of this building out across Mile End Road, this being the principal aspect of the affected residential accommodation.

#### Daylight, Sunlight and Overshadowing

- 8.126 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.
- 8.127 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur more than 20% of the existing they will be noticeable to occupiers.
- 8.128 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology, which looks at the impact of the development on the neighbouring properties. This has been reviewed by independent consultants appointed by the Council.
- 8.129 Despite its height, the new development would affect daylight to only a limited number of residential properties. The following most sensitive surrounding buildings are discussed in terms of how they would be impacted in terms of daylight, sunlight and overshadowing: Beckett Court to the south, 1-36 Wentworth Mews to the south and 564 Mile End to the east.

#### *Beckett Court, Wentworth Mews*

- 8.130 There are small secondary windows that would directly face the development. These are visible on the left side of the image below. The Council's consultant's review states that there would be a large loss of daylight to these windows but they are secondary windows; the main windows (with balconies in front of them) look out onto Burdett Road and would be scarcely affected by the new development. Accordingly these rooms would retain sufficient daylight with the new development in place.



Figure 7 - Beckett Court

8.131 There would be one more window for which the loss of vertical sky component would be outside the BRE guidelines this is on the top floor looking onto the balcony area. However the same room has another window which is virtually unobstructed so that the overall loss of light from both windows would be acceptable.

*1-36 Wentworth Mews*

8.132 1-36 Wentworth Mews is a 9 storey post-war slab block located further south than Beckett House. The windows on the northern elevation directly face the development. At the time of the site visit the block was undergoing refurbishment and was covered in netting, as can be seen in the image below.





Figure 8 - 1-36 Wentworth Mews

- 8.133 There are residential windows on the first floor and above. The odd numbered floors incorporate an access deck; there are doors to the flats, and a window to each flat that has been taken to light a kitchen. The even numbered floors project outward and have been taken to contain bedrooms (either one or two per flat).
- 8.134 The loss of daylight to all bedrooms would be within the BRE guidelines. The kitchens however would have their vertical sky components reduced by between 20% and 55%. The Council's consultants state that it is clear that the main reason for the large relative loss of light is the projecting elements above the kitchen windows. As such the kitchen windows already do not receive much light. The figures are not given but it follows that the impact without the projecting elements would almost all be policy compliant. Because all of the bedrooms would be within the BRE guidelines, it is deduced that all of the kitchens above 2<sup>nd</sup> floor level would also receive reductions of less than 20%. As such it can be seen that the site has been designed with an over-reliance on light from the development site. The relative loss on the more obstructed first floor might still be greater but these windows receive such a little amount of light at present the figures are easily skewed. It should also be noted that the flats of 1-36 Wentworth Mews are dual aspect with south-facing living rooms which would not be impacted by the development. Lighting would often be used in a kitchen for food preparation most parts of the day. It is considered that the daylight impact to these flats is not substantial given that both bedrooms and living rooms would be unaffected.
- 8.135 Due to the favourable performance of this property it has been taken that the daylight/sunlight impacts of the nearby Butcombe House and Coopers Court to the south east of the development will not have significant negative impacts in this regard. Further testing will be provided before the committee date to confirm this and will be included in the update report.
- 8.136 In terms of sunlight impacts to these above mentioned properties to the south of the proposal site, they would all have windows facing within 90 degrees of due south and therefore loss of sunlight would not be an issue for these units.

*564 Mile End Road*

- 8.137 The rear bedrooms of the three flats of 564 Mile End Road, adjacent to the east, would experience substantial losses in daylight and sunlight.
- 8.138 In terms of daylight, the vertical sky component relative losses would range from 31% for the 1<sup>st</sup> floor windows, to 57% and 58% for the 2<sup>nd</sup> floor windows and 55% for both the 3<sup>rd</sup> floor windows. For context all of the bedrooms would comply with the 1% minimum standard for ADF, a standard usually only applied to new dwellings, and would retain adequate daylight distribution.
- 8.139 In terms of sunlight, the average total loss would range from 41% to 68%. The BRE guidelines place less importance on bedrooms as opposed to living areas and conservatories however this impact is noted.
- 8.140 As the bedrooms still receive the minimum ADF in terms of daylight and there will be good daylight levels to rooms to the front of the property the overall impact from the development to these properties is considered acceptable.
- 8.141 The BRE guidelines state that 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. Officers consider that there are some localised amenity impacts especially to 564 Mile End Road; however the benefits of the scheme outweigh those impacts given the nature of the area.
- 8.142 *Daylight/Sunlight Impacts on Proposed Development*
- 8.143 DM25 of the MDD seeks to ensure that new development optimises the level of daylight and sunlight for the future occupants of new developments.
- 8.144 For calculating daylight to new developments, the BRE Handbook advises that average daylight factor is the most appropriate method of assessment.
- 8.145 The application is supported by a Daylight and Sunlight Assessment (DSA) and subsequent addendums to this. The robustness of the methodology and conclusions has been appraised by the Council's independent daylight and sunlight consultants.
- 8.146 The GVA report provides tables of daylight and sunlight provision on level 1 of the new development. The daylight provision would be good with rooms within the development receiving the required ADF.
- 8.147 In terms of sunlight to the proposed development, again the 1<sup>st</sup> floor has been tested as a worst case scenario. On the 1<sup>st</sup> floor only 1 of 4 living rooms tested would achieve the BS sunlight recommendations. The Council's consultant's state that this is partly due to site constraints with obstruction by surrounding buildings. As you move up the building the sunlight levels would improve, particularly for the rooms at the south of the building which are most affected by surrounding buildings. The Council's consultant's state that overall sunlight provision is expected to be reasonable given the site constraints.
- 8.148 *Sunlight to Gardens and Open Spaces*
- 8.149 The Council's consultant's state there are no existing gardens and open spaces that would experience a significant loss of sunlight as a result of the new development. The nearest open space is Mile End Park. While the new development could cast a

shadow over the park in the morning, there would be enough sunlight at other times of day for the BRE guidelines to be met.

#### Noise and Vibration

- 8.150 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.
- 8.151 The proposed development will experience high levels of noise from local road traffic along Mile End Road and Burdett road which has a significant number of HGV and bus movements. There is also possible vibration from underground trains that run under the north part of the site.
- 8.152 A Noise and Vibration Assessment by Sharps Redmore 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 were determined. In order to mitigate the high levels of noise measures relating to glazing, ventilation, plant noise, building fabric and vibration have been recommended for the proposed building.
- 8.153 All of these specialist mitigation measures 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.
- 8.154 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.

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

- 8.155 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.
- 8.156 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 private vehicle 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.
- 8.157 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.

- 4.15. The site benefits from excellent access to public transport, being located approximately 50 metres to the west of Mile End underground station to the north east. Bus stops are located on Mile End Road, Burdett Road and Grove Road a few minutes walk away serving different 8 routes. The proposed development site has a Public Transport Accessibility Level (PTAL) of 6b, the highest level.
- 4.16. Transport for London have also recently completed a large scale upgrade of the cycle infrastructure along Mile End Road providing separated lanes leading in and out of central London.
- 4.17. The frontage to the majority of the site, Burdett Road and Mile End Road is on the TLRN, for which TfL is the highway authority. Overall, the proposal's likely highways and transport impact are considered to be acceptable to the Transport for London and Council's Transportation & Highways section. The relevant issues are discussed below.

#### Cycle Parking

- 8.158 The London Plan (FALP 2016) cycle parking standards require 91 cycle parking spaces to be provided for use by residents. The development provides 95 covered secure cycle parking spaces in two locations. Core A, serving the affordable rented units would have a store to the east of the building at ground floor level with 19 cycle spaces. Core B would have a basement store accessed by a cycle lift with 76 spaces. Both stores would also include wider spaces. The relative number in each store exceeds the policy target if the affordable rented and intermediate/market aspects are taken separately.
- 8.159 There would also be 16 visitor spaces, 8 to north of the proposal on Mile End and 8 to the south of the development on Wentworth Mews. These would be for use by shoppers and visitors to the homes.
- 8.160 A further 8 covered and secure cycle parking spaces would be provided in the corridor/stairwell to the commercial space in the upper floors of the 3 storey element.

#### Car Parking

- 8.161 The development would be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits.
- 8.162 One accessible space is proposed which is accessed from the eastern arm of Wentworth Mews (the western arm is closed with bollards at either end). Vehicles using this bay will be required to use the existing turning head at Wentworth Mews to allow vehicles to enter and exit the site in forward gear. This road is not heavily trafficked and the movement, utilising an existing space dedicated to turning is considered acceptable by TfL and the Council's Highways team. Further swept path analysis was undertaken to demonstrate that a larger car could safely access the space. This is considered satisfactory. The parking bay will be managed by means of demountable Telescopic bollard which the disabled driver would be able to control to stop unauthorised access to this space.
- 8.163 An additional on-street parking bay is proposed on Eric Street that would be in lieu of a pay and display bay. The Council's Highway team suggest that the applicant enter in a S106 to provide a commuted sum, for a period of three years after occupation, to fund any on street changes which may be required should there be demand for the



accessible space, rather than losing a pay and display bay immediately (which are well used for the local shopping area).

- 8.164 Two accessible spaces would be under the policy target of 5, representing 1 for each accessible unit within the development, however owing to the site constraints the offer of 1 on site and one on-street space is considered acceptable.

#### Servicing and Refuse Storage

- 8.165 Servicing is proposed from an existing bay on Burdett Road, immediately adjacent to the site. TfL have confirmed that this approach is supported however a delivery and servicing plan is requested. Given the proximity to the cycle infrastructure the number of servicing vehicles attending the site must be regulated to ensure the safety of other road users, especially cyclists and pedestrians. A delivery and servicing management plan will be attached to the permission.
- 8.166 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 is in accordance with current waste policy.
- 8.167 The refuse strategy currently aims for the residential recycling and non-recycling refuse to be dropped off by residents in bin stores at ground floor and basement level. A managed system will collect the refuse at one point within the basement to bring the refuse to the collection point at ground floor level via a service lift to allow for easy access during refuse collection days.
- 8.168 All public realm alterations would be secured as part of a wider S.278 agreement reserved by condition.

#### **Sustainability and Environmental Considerations**

##### *Energy efficiency and sustainability standards*

- 8.169 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.
- 8.170 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.
- 8.171 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.
- 8.172 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.

- 8.173 The submitted proposals have followed the energy hierarchy (use less energy- Be Lean; supply energy efficiently - Be Clean; and use renewable energy - Be Green), and seek to minimise CO2 emissions through the implementation of energy efficiency measures, use of a centralised CHP system and a PV array. The CO2 emission reductions proposed are anticipated to result in a circa 35.2% reduction against the Building Regulations falling short of the 45% target.
- 8.174 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2015 which states:
- 8.175 ‘...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.’
- 8.176 It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014).
- 8.177 For the proposed scheme it is recommended that a figure of £12,780 is sought for carbon offset projects as identified in the submitted Energy Statement.
- 8.178 With the shortfall in CO2 emissions met through carbon offsetting S106 contribution, the current proposals are considered appropriate for the development and meet policy requirements for energy and sustainability.

#### Microclimate

- 8.179 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose. DM26 of the Local Plan requires that the microclimate of the new development surrounding areas is not adversely affected by the proposal.
- 8.180 The application is supported by a microclimate study in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting require a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.
- 8.181 The wind conditions in and around the proposed development site, within the context of existing surrounds, are largely suitable, in terms of both safety and comfort, for their intended usage throughout the year. However, there were areas where wind conditions deteriorate, such as along the southern façade of the development, and the southern region of the first floor terrace.

- 8.182 In response to the modelling a new raised planter is proposed for the northern corner of the site to mitigate any wind effects for pedestrians crossing the road and walking along the footways in this location. Similarly, an additional tree has been included to the Wentworth Mews public realm improvements to mitigate effects of wind on pedestrians in that area. At 8th floor level, an additional glazed balustrade has been introduced to the south and west facades to ensure the comfort of users of the amenity space. Minor amendments to the first floor terrace have also been included, making the private terrace more comfortable.
- 8.183 With the inclusion of these further soft landscaping and wind mitigation measures conditions are improved such that all measured locations are considered suitable for their intended use, both in terms of comfort and safety.

#### Biodiversity

- 8.184 Policy DM11 of the MDD requires developments to provide net benefits for biodiversity in accordance with the Local Biodiversity Action Plan (LBAP).
- 8.185 The plans include roof gardens on the 5th and 8th floors. Proposed planting in both of these includes a good diversity of nectar plants, which will contribute to a LBAP objective to provide more forage for bumblebees and other pollinators.
- 8.186 The biggest opportunity for biodiversity enhancement would be biodiverse green roofs on the non-amenity levels. This would be compatible with the proposed photovoltaics (PVs), and would enhance the efficiency of the PVs by lowering ambient temperature. The application will be conditioned to provide green roofs on the roof of the 3 storey element and 15 storey element. designed in accordance with best practice guidance published by Buglife.
- 8.187 Other opportunities to enhance biodiversity would be the inclusion of nest boxes for birds such as swifts, house sparrows and house martins in the fabric of the building. Biodiversity enhancements would be secured by condition.

#### Land Contamination

- 8.188 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 identify potential contamination and remediate the land as appropriate.

#### Flood Risk

- 8.189 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.
- 8.190 The development falls within Flood Risk Zone 1 indicating low risk. The application is supported by a flood risk assessment.
- 8.191 There is no in principle objections to the proposal, subject to the imposition of suitable sustainable urban drainage conditions which would be attached if planning permission was granted. The proposal complies with the NPPF, London Plan policy 5.12 and Core Strategy Policy SP04.

#### **Health Considerations**

8.192 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough 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.

8.193 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.

8.194 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**

8.195 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.

8.196 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.

8.197 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.

8.198 The proposed heads of terms are:

##### Financial Obligations:

- a) A contribution of **£26,644** towards employment, skills, training for construction job opportunities
  - b) A contribution of **£21,318** towards employment, skills, training for unemployed residents
  - c) A contribution of **£12,780** towards Carbon Off-Setting.
  - d) A contribution of **£13,110** towards Mile End Park play space enhancements.
  - e) Commuted sum to secure an accessible space on Eric Street should there be demand
  - f) **£4,000** towards monitoring fee (£500 per s106 HoT's)
- Total £77,852**

8.199 The following non-financial planning obligations would also be secured:

- a) Affordable housing 35.9% by habitable room (15 units)  
69.6% Affordable Rent (10 units)

30.4% Intermediate Shared Ownership (5 units)

- b) Access to employment  
20% Local Procurement  
20% Local Labour in Construction
- c) Car free agreement
- d) Securing public realm as accessible
- e) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

### **Local Finance Considerations**

8.200 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides:  
“In dealing with such an application the authority shall have regard to:

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

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

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

8.201 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 would be the London Mayor’s CIL and Tower Hamlets CIL.

8.202 Using the DCLG’s New Homes Bonus Calculator, this development is estimated to generate approximately £82,396 in the first year and a total payment £494,377 over 6 years.

8.203 Tower Hamlets CIL liability would be £97,843.50 and the London CIL liability would be £81,607.63.

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

### **Human Rights Considerations**

8.205 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:

8.206 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".

8.207 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.

8.208 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.

8.209 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.

8.210 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**

8.211 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.

8.212 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.

8.213 As discussed within the Land Use section above, it is considered that the nightclub could be considered as community infrastructure for the purpose of the aforementioned policies, being a meeting place and a social & leisure facility for a certain section of the LGBT community. No conclusive evidence has been presented to demonstrate that the needs of the community are adequately met elsewhere. However, the applicant has stated that the operator of the nightclub is seeking to cease trading due to age and ill health and is not seeking to relocate irrespective of their impending closure by the freeholder. The applicant has stated that a letter from the operator confirming this will be submitted to the Council before the committee date. Should this not be received it is considered important to secure relocation strategy as part of the S106 agreement.

## **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**



Planning Application Site Map  
PA/16/00943



 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. Ref AF510138PD  
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# Agenda Item 5.2

<b>Committee:</b> Strategic	<b>Date:</b> 16 <sup>th</sup> February 2017	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
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<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Selwyn Atkinson	<b>Title:</b> Application for Planning Permission  <b>Ref No:</b> PA/16/02250  <b>Ward:</b> Whitechapel
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## 1. APPLICATION DETAILS

**Location:** 10 Whitechapel High Street, E1 8DX

**Existing Use:** Office Use (B1a) (4,930 sqm)  
Professional driver training/testing facility (D1) (3,270 sqm)

**Proposal:** Change of use of part of ground floor, part first floor, Basement 1 and Basement 2 from B1 (including ancillary floorspace), and Professional driver training / testing facility for a vehicle hire company use (D1) to a Sui Generis cultural facility including exhibition space, event space, office, retail and restaurant uses.

Alterations and extension to the existing lean-to element that forms part of the west elevation of the building and works to realign and resurface the existing ramp and stairs in connection with improvements to the access of the basement and all ancillary and associated works.

Minor alterations to north and south elevations of the building including a new access ramp.

**Applicant:** Derwent Valley Central Ltd

**Ownership:** Derwent Valley Central Ltd

**Historic Building:** N/A

**Conservation Area:** N/A

## **Drawings and Documents:**

Marketing Evidence (DP9): 06/12/2016  
Marketing Evidence (BNP Paribas): 22/07/2016  
Supporting Note on loss of B1(a) floorspace

Design and Access Statement: 22/07/2016  
Design and Access Statement Addendum: 12/01/2017  
Transport Statement: 07/2016  
Servicing and Delivery Plan: 07/2016  
Employee Travel Plan: 07/2016  
Planning Statement: 07/2016  
Construction Environmental Management Plan  
Energy and Sustainability Statement: 20/07/2016  
SUDS Drainage Statement: 19/07/2016

Location Plan: A 1345 LO 0030

Existing Ground Floor Plan: A 1345 EX 1030  
Existing First Floor Plan: A 1345 EX 1031  
Existing Basement 1: A 1345 EX 1032  
Existing Basement 2: A 1345 EX 1033

Existing North Elevation: A 1345 EX 1130  
Existing South Elevation: A 1345 EX 1131  
Existing West Elevation: A 1345 EX 1132

Location Plan Basement Level 2: A 1345 LO 0031

Proposed Ground Floor: A 1345 PA 2030  
Proposed 1<sup>st</sup> Floor: A 1345 PA 2031  
Proposed Basement 1: A 1345 PA 2032  
Proposed Basement 2: A 1345 PA 2033

Proposed North Elevation: A 1345 PA 2130  
Proposed South Elevation: A 1345 PA 2131  
Proposed West Elevation: A 1345 PA 2132

Proposed Roof Plan: A 1345 PA 3013  
Proposed Section A: A 1345 PA 3210  
Proposed Section B: A 1345 PA 3211

Proposed Enlarged North Elevation: A 1345 PA 3212  
Proposed Enlarged South Elevation: A 1345 PA 3213

Proposed CGI: A 1345 PA 7010  
Proposed CGI: A 1345 PA 7011

## 2. EXECUTIVE SUMMARY:

- 2.1 The application proposes the loss of B1 floorspace within a preferred office location (POL). Local Plan policy (DM16) states that there should be no net loss of office space within a POL. However due to the specific circumstances of the case officers consider this loss to be acceptable in this instance.
- 2.2 The proposal seeks to convert two basement levels of the building to a sui generis mixed use space; basement one was previously occupied by a shopping centre and basement two was the canteen servicing the main RBS (Royal Bank of Scotland) building above. These spaces have no natural light and have been marketed for B1 use but no occupiers have been found. The loss of the B1 space at ground floor and first floor was partly circulation space and its conversion into a sui generis use allows for wheelchair access throughout the use, helps improve legibility to the building and provides activity to the street which is beneficial in placemaking terms.
- 2.3 Officers consider, on balance, that the proposed Cultural Facility (Sui Generis) Use would maintain the employment levels to a degree which would support the role of the Central Activities Zone and would not undermine the function and the role of the Preferred Office Location. It would also help to achieve a sustainable office environment.
- 2.4 Subject to conditions, the proposed uses are unlikely to have any significant adverse impact on public transport or the surrounding highway network, nor would there be any significant impact upon the neighbouring residential amenity. No objections have been received in relation to this proposal.
- 2.5 The scheme fully meets the S106 obligations specified in the draft Planning Obligations SPD, which mitigates the impact of the development on local infrastructure.
- 2.6 This application is reported to the Strategic Development Committee as the proposal is a departure from the Development Plan because it results in the loss of more than 2,500sqm of B1 office floor space in a Preferred Office Location (POL).

## 3. RECOMMENDATION:

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.2 Any **direction** by the **London Mayor**.
- 3.3 The prior completion of a **S106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- (a) Training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development (£18,220)
- (b) End user training and development of unemployed residents in Tower Hamlets (£72,624 contribution) to access jobs or training within employment sectors relating to the final development
- (d) Contribution of £4,000 towards visitor cycle parking along Braham Street
- (e) Monitoring fee of £500 for each one of the Heads of Terms within the S106 Agreement.

Non-Financial Obligations:

- (a) Total of 4 construction phase apprenticeships.
  - (b) Total of 1 apprenticeship to be delivered during the operational phase of the development.
  - (c) Secure a minimum of 20% of the construction phase workforce who are local residents of Tower Hamlets.
  - (d) Procure a minimum of 20% goods/services during the construction phase from local businesses in Tower Hamlets.
- 3.4 That the Corporate Director of Place is the delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5 That the Corporate Director of Place is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions:

1. Time Limit
2. Compliance with the plans
3. Hours of operation
4. Detailed floor plan layouts
5. Design method statement with regard to London Underground Tunnels
6. Construction Management Plan
7. Details of cycle parking
8. Details of refuse and recycling storage
9. Delivery and servicing plan
10. Samples of external materials
11. Details of any landscaping treatments

12. Removal of RBS headstone on Braham Street prior to occupation.

Informatives:

1. In regards to the A1210 road closure TfL request the applicant liaise with TfL as the highways authority before any construction commences.

#### **4 PROPOSAL AND LOCATION DETAIL**

##### **Proposal**

- 4.1 The proposal is for a change of use of part ground floor (548 sqm, of which 348 sqm is useable office space), part 1<sup>st</sup> floor (81 sqm), basement 1 and basement 2 from B1(a) ancillary floorspace and Professional driver training/testing facility for a vehicle hire company use (D1) to a Cultural Facility (Sui Generis Use).
- 4.2 The use would comprise a number of elements, and indicative floorplans for the building show the majority of floorspace given over to exhibition space with office and conference facilities. Also included within this sui generis mixed use would be some areas of retail space, areas for events and restaurant / café uses.
- 4.3 In addition to the change of use there are a number of physical alterations associated with the proposal. The main works are the erection of a new two storey extension fronting Mansell Street. It should be noted that this part of the proposal is identical to the two storey extension that had been previously consented on 09/09/2016 under PA/16/01919 consisting of B1(a) (office) floorspace on the first floor and A1 (retail) floorspace on the ground floor. Where this differs from the consented extension is that this would also incorporate the sui generis use rather than B1 / A1 uses.
- 4.4 The proposals also includes some minor façade alterations and the bringing back into use an existing shelter on the southern side of the building to be used as a terrace with outdoor seating.
- 4.5 The applicant is Derwent Valley Central Ltd who had recently purchased the building from the previous owners and single occupier (Royal Bank of Scotland). It is the applicant's intention to create a multi let building including office use (existing use) on the upper floors.

##### **The Site and Surrounds**

- 4.6 The site covers 0.44 hectares in Aldgate and is located on the south eastern corner of the junction between Mansell Street and Whitechapel High Street. The site is bounded to the south by Braham Street Park (TfL managed highway) and Aldgate Tower to the east. Immediately to the west there is a ramp which used to connect the street to subterranean pedestrian tunnels that have since been closed. The plan below identifies the site within Aldgate



- 4.7 The site is located within the Central Activities Zone (CAZ), the Aldgate Masterplan Area, the Outer Core Area of the City Fringe Opportunity Area and is a London Borough of Tower Hamlets Preferred Office Location (POL). There are no heritage designations at or near the site.
- 4.8 The application site forms levels 1, 0, -1, -2, of the eight storey brown stone building located at the junction of Whitechapel High Street and Mansell Street. The table below summarises the historic uses of the basement levels:

<b>Basement Levels and Uses</b>	
Basement Level 1	Originally occupied by a retail mall (Aldgate Barrs) which connected to nearby subterranean pedestrian tunnels and Aldgate Underground Station. The retail mall has been closed for a number of years and the access tunnels have been blocked off. More recently the space has been used as a professional driver training facility.
Basement Level 2	This served as ancillary office space whilst RBS were the buildings sole occupier. There is no natural light and the space was predominantly occupied by a large canteen and some small adjoining 'break-out' space/meeting rooms.
Basement Level 3	This is entirely occupied by plant and machinery

- 4.9 The rear of the building is bounded by Braham Street Park (figure 1), which is a landscaped pedestrian area and to the east the site adjoins the 19 storey glass building known as Aldgate Tower (see figure 1 on far right).

**Figure 1: View from Braham Street looking towards south elevation of site**



- 4.10 The upper floors of the site contain office floorspace (use class B1a) with ancillary facilities and D1 uses located on basement levels 1 and 2. Basement level 3 does not form part of this application and had been previously used for storing plant equipment for the entire building. Figure 2 shows basement level 3 stripped back and vacant.

**Figure 2 (a): Basement level 3 (historically used for plant equipment for the entire building)**



- 4.11 Basement level 1 is currently in lawful use as a professional driver training/testing facility (904 sqm) and a photography space (638 sqm) (D1 use). The previous tenants (Uber) no longer operate from the site. Basement level 2 contains the ancillary B1(a) uses for the whole building including the central staff canteen and various meeting and conference rooms (see figures 3 and 4).



**Figure 3: Basement level 2 (central staff canteen)**



**Figure 4: Basement levels (offices, meeting and conference areas)**





- 4.12 Figure 5 shows an internal view of the existing lean-to element which has planning permission to be demolished and replaced with a two storey building with glazing along the western elevation. This has not been implemented yet.

**Figure 5 (a): Internal view of lean-to element taken from ground floor level**



## **5. RELEVANT PLANNING HISTORY**

- 5.1 PA/01/01424  
Refurbishment and extension of existing Marsh Centre building, demolition of remaining buildings and redevelopment to provide new office and retail accommodation.  
*Permitted on 20/01/2001*
- 5.2 PA/15/01309  
Change of use of part of the basement floorspace from retail use (Class A1) to a flexible use comprising a professional driver training / testing facility for a vehicle hire company (D1) and / or a photographic studio and / or offices (B1) with associated access arrangements and ancillary facilities'.  
*Permitted on 09/07/2015 subject to the condition that it only be used as a training centre and not as other D1 uses such as educational, as this may not be appropriate at basement level.*
- 5.3 PA/15/03241  
External alterations to the north and south elevation of the building to provide a new entrance and reconfigured reception area.  
*Permitted on 13/01/2016*
- 5.4 PA/16/01154  
Application for advertisement consent for the display of non-illuminated high level signage to the western elevation.

*Permitted on 11/07/2016*

5.5 PA/16/01919

Alterations and extension to the existing lean-to element that forms part of the west elevation of the building, to provide additional B1 and A1 floorspace, and works to realign and resurface the existing ramp and stairs in connection with improvements to the access of the basement and all ancillary and associated works. External alterations to the north elevation of the building, including the creation of a new access ramp and minor alterations to the south elevation of the building.

*Permitted on 09/09/2016*

## **6 POLICY FRAMEWORK**

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

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

6.3 National Planning Policy Framework (2012):

- Para' 11-14: Presumption in Favour of Sustainable Development
- Para' 18-20: Building a Strong, Competitive Economy
- Para' 23, 26: Ensuring the Vitality of the Town Centres
- Para' 29, 32, 35, 36, 37: Promoting Sustainable Transport
- Para' 56, 57, 60, 61, 63, 64: Requiring Good Design

6.4 London Plan (MALP 2016):

- Policy 2.10: Central Activities Zone – Strategic Priorities
- Policy 2.11: Central Activities Zone – Strategic Functions
- Policy 2.12: Central Activities Zone – Predominately Local Activities
- Policy 2.13: Opportunity Areas and Intensification Areas
- Policy 4.1 Developing London's economy
- Policy 4.2 Offices
- Policy 4.3 Mixed use development and offices
- Policy 4.7 Retail and town centre development
- Policy 4.10 New and emerging economic sectors
- Policy 6.3: Assessing Effects of Development on Transport Capacity
- Policy 6.9: Cycling
- Policy 6.10: Walking
- Policy 6.13 Parking
- Policy 7.2: An Inclusive Environment
- Policy 7.3: Designing Out Crime
- Policy 7.4: Local Character
- Policy 7.5: Public Realm
- Policy 7.6: Architecture

#### 6.5 Adopted Core Strategy (2010):

- Policy SP01: Refocusing on Our Town Centres
- Policy SP06: Delivering Successful Employment Hubs
- Policy SP08: Making Connected Places
- Policy SP09: Creating Attractive and Safe Streets and Spaces
- Policy SP10: Creating Distinct and Durable Places
- Policy SP11: Working towards a Zero-carbon Borough
- Policy SP12: Delivering Placemaking

#### 6.6 Adopted Managing Development Document (2013):

- Policy DM0: Delivery Sustainable Development
- Policy DM16: Office Locations
- Policy DM20: Supporting a Sustainable Transport Network
- Policy DM23: Streets and Public Realm
- Policy DM24: Place-sensitive Design

#### 6.7 Supplementary Planning Guidance:

- City Fringe Opportunity Area Planning Framework (Adopted December 2015)
- Central Activities Zone SPG (March 2016)
- Aldgate Masterplan (2007)
- Draft Planning Obligation Supplementary Planning Document (September 2016)
- Community Infrastructure Level (CIL) Charging Schedule (April 2015)

#### 6.8 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

## 7. CONSULTATIONS

7.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application

### **Internal responses**

#### 7.2 LBTH Enterprise & Employment team

Requested that any planning permission be subject to the following planning contributions:

- Total of 4 construction phase apprenticeships
- Contribution of £18,220 towards training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.
- Contribution of £72,624 towards training and development of unemployed residents in Tower Hamlets to access training within employment sectors relating to the final development.
- Total of 1 apprenticeship to be delivered during the operational phase of the development.
- Secure a minimum of 20% of the construction phase workforce locally (required to be local residents of Tower Hamlets). The Economic Development Service will support the developer in achieving this target through providing suitable candidates through the Employment & Skills Job Brokerage Service (Construction).
- Procure a minimum of 20% goods/services during the construction phase from local businesses in Tower Hamlets. The Economic Development Service will support the developer to achieve this target through ensuring they work closely with the council's Enterprise team to access the approved list of local businesses.

*Officer Comments: The above items would be secured through the s106 agreement.*

**7.3 LBTH Sustainable Urban Drainage System (SUDS) Team:** Consulted on 11/08/2016 however no comments have been received. It was noted that the proposals would not result in an increase in the amount of impermeable surfacing.

**7.4 LBTH Biodiversity:** The site is located far from any suitable foraging habitat and therefore was unlikely to be used by roosting bats.

**7.5 LBTH Highways and Transportation:** An objection was raised in relation to the lack of cycle parking.

*Officer Comments: There are numerous long stay cycle parking spaces within the existing building and TfL have agreed that visitor / short stay cycle parking can be accommodated along Braham Street at the applicants expense. This will be secured through the s106 agreement.*

## **External Consultation Responses**

7.6 Transport for London:

- (i) Cycle Parking Provision: TfL accepts the proposed 16 long stay cycle parking spaces within the basement and accepts the methodology for calculating the requirements based on 1 space per 8 staff members (based on 250 full time staff working in shift

patterns). The applicant has proposed a financial contribution towards cycle stands on Braham Street in lieu of visitor cycle parking which TfL accepts subject to consultation with TfL Urban Design Team. This financial contribution will be secured by through a legal agreement.

- (ii) Delivery and Servicing: TfL accepts the details of vehicles accessing the TLRN in forward gear and welcomes details of pre-arranged deliveries.
- (iii) TfL accepts blue badge holder visitors to park on-street within existing parking opportunities.
- (iv) Construction Environment Management Plan to be secured by condition. This should include details of vehicle routing (vehicles should avoid peak hours on the TLRN). The number of freight movements expected on site. Mandatory wheel washing for all vehicles exiting the site during **all** phases of the development. All contractors should be FORS certified. TfL forbids cranes over sailing the highway at any point. If this is not possible, the applicant should liaise with the relevant authority. The CEMP must demonstrate that no trees would be harmed or lost during construction.
- (v) The applicant proposes to periodically close lanes of the A1210 during construction. TfL therefore request the applicant liaise with TfL as the highways authority before any construction commence. TfL request an informative be attached requiring the applicant to consult with TfL in regards to the road closure.

*Officer Comments: Relevant conditions and an informative will be attached to the planning permission covering the above.*

#### **7.7 Greater London Authority:**

Stage 1 response confirms the applications compliance with the London Plan. Overall the modernisation of the existing office building, the provision of lettable office floorspace and supporting uses within Aldgate is supported. The replacement of ancillary B1(a) floorspace with sui-generis use is considered appropriate given the lack of natural daylight within the basement levels. The loss of B1(a) floorspace on the ground and the first floor level is considered acceptable and necessary to allow for a means of escape via the existing building core and the provision of DDA compliant access and servicing. The proposals would result in an increase in overlooking of Braham Street Park as a result of the reactivation of the south and south east elevations at ground floor level, new entrances and the refurbishment of the existing terrace which would operate as an outdoor seating area for visitors, staff and office workers.

*Officer Comments: The proposals compliance with the Local Plan is discussed in the Material Planning Consideration section below. A draft decision notice will be sent to the GLA in accordance with Article 5(2) of the T&C Planning (Mayor of London) Order 2008.*

**7.8 Greater London Archaeological Advisory Service:** Concluded that the proposal was unlikely to have a significant effect on heritage assets of archaeological interest.

**7.9 City of London Corporation:** Consulted on 11/08/16 however no response in connection with the application has been received.

## **8.0 LOCAL REPRESENTATION**

8.1 A total of 39 planning notification letters were sent to nearby properties on 11/08/2016 as detailed on the attached site plan. A site notice was also displayed on 16/08/2016. The application would represent a departure from the Development Plan and therefore the application was advertised in East End Life on 18/08/2016.

8.2 No letters of representation have been received in support/ objection.

## **9. MATERIAL PLANNING CONSIDERATIONS**

- Land Use
- Design
- Transport, Connectivity and Accessibility
- Amenity
- Human Rights
- Equalities

### **Land Use - Introduction**

9.1 The existing building is an eight storey building with three basement levels, which is predominantly in B1 use within the Preferred Office Location (POL) where loss of B1 space is not supported by policy.

9.2 The proposal seeks to convert two basement levels of the building to a sui generis mixed use space, basement one was previously occupied by a shopping centre called Aldgate Barrs and basement two was the canteen and meeting rooms servicing the main RBS (Royal Bank of Scotland) building above, there is no 'desk space' within basement 2, which is essentially an ancillary element to the main office use on upper floors.

9.3 RBS moved out of the building in 2015 and since this time the upper floors of the building are operating on a multi-let basis for which there has been no requirement for a large canteen and meeting spaces found within basement 2. As such this space has been marketed for B1 tenants, however due to the lack of natural light no occupiers have been found.

9.4 The loss of the B1 space at ground floor and first floor was partly circulation space and its conversion into a sui generis use allows for wheelchair access throughout the use, helps improve legibility to the building and provides

activity to the street which is beneficial in placemaking terms which will be explained in greater detail below and within the design section of the report.

### Loss of Office Use

- 9.5 The table below sets out the existing total floorspace and existing B1(a) floorspace to be lost as a result of the application.

<b>Table 2: total floorspace to be lost to proposed uses</b>			
<b>Floor</b>	<b>Use Class</b>	<b>Loss (m<sup>2</sup>)</b>	<b>Existing Function</b>
1 <sup>st</sup> Floor	B1(a)	81	Office floorspace
Ground Floor	B1(a)	548	Office floorspace
Basement 1	D1 (non-resi)	3,270	Driver training and testing facility
Basement 2	B1(a)	4,301	Ancillary office canteen and meeting rooms
<b>TOTAL</b>		<b>8,200</b>	
<b>LOST B1(a)</b>		<b>4,930</b>	

- 9.6 Policy 2.11 of the London Plan (MALP 2016) seeks to increase office floorspace within the CAZ. Policy SP06 of the Core Strategy focuses on investment and job creation through the intensification of office floorspace with particular emphasis on large floor-plate offices within the POL. Policy DM16 of the Managing Development Document states that development resulting in the net loss of office floorspace will not be supported. As the table shows the application would result in the loss of 4,930 sqm of B1(a) office floorspace within basement 2, ground and first floor.
- 9.7 The applicant states that attempts to let the basement floors of the building to a B1(a) occupier have failed owing to a lack of natural daylight and outlook on these levels. The marketing report states that the amount of subterranean ancillary floorspace on offer is of a size that would be surplus to the needs of most businesses given the office building will operate on a multi-let basis. The details of 12 enquiries of interest were submitted to the council spanning the period from August 2015 to July 2016. It was suggested by the applicant that the majority of the enquiries were not pursued by the prospective tenants given the subterranean floors which have no access to natural daylight or outlook. The unsuitability of the lower floors in terms of their amenity, specifically the lack in provision of natural daylight and outlook for occupiers was confirmed by officers during a site visit.
- 9.8 Paragraph 16.3 of the supporting text to policy DM16 mentions that supporting uses such as gyms, hotels, restaurants, and retail uses help support a sustainable office environment within the POL and are therefore considered acceptable. The London Plan (2016, **Policy 2.10**) seeks to enhance and promote the international, national and Londonwide roles of the CAZ in particular supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses. The mix of uses can include 'Cultural

facilities' such as those proposed including event, conference and exhibition space as well as education and training facilities. Policy 2.11 states that the inclusion of a mix of uses may be considered acceptable where such a mix does not demonstrably conflict with other policies or prejudices the main function of the CAZ as a centre for business uses. The loss of ancillary B1(a) floorspace on basement level 2 would result in 4,301 sqm of supporting office use. It is considered that the proposed cultural facility (sui-generis use) would enhance and complement the existing office floorspace located on the upper floors of the office building.

- 9.9 The application would result in the loss of 81 sqm of B1(a) on the first floor level and 548 sqm of B1(a) on the ground floor. Any justification for the loss of B1(a) on ground and upper floors would have to be particularly robust given the fact that these levels should be providing satisfactory amenity for office tenants in terms of outlook and access to natural daylight. The reason for this loss is partly to accommodate a fully accessible entrance and escape route from the building. It was also considered necessary to 'signpost' the sui-generis uses in order to improve the cultural facility's visibility and legibility from the high street.
- 9.10 The loss of 629 sqm of B1(a) floorspace at ground and first floor level should therefore be considered within the context of the proposal to bring back basements 1 and 2 into use and their function as supporting uses for the wider office environment. It should also be noted that at ground floor a proportion of the B1 space at ground floor (200sqm) is not let-able area as it is circulation space.
- 9.11 The loss of space at first floor level is an area at the western side of the building located between the access core and the western external wall of the building. Whilst this would have been used as 'desk space' and so this would be a net loss of usable office space, it is being converted into sui generis space only to allow access into the new build extension directly from the access core. This is the smallest area possible for conversion into the sui generis use to allow access from the lift core into the first floor of the extension block, which allows disabled access into the first floor.
- 9.12 The table below calculates the existing and proposed employment density as defined as the average floorspace (in sqm) per full-time equivalent (FTE) member of staff (HCA Employment Density Guide – 3<sup>rd</sup> edition November 2015). HCA guidance states that only occupied floorspace should be used in the evaluation. The entire building is currently undergoing refurbishment and therefore is unoccupied. The calculation performed in Table 3 does not include the vacant floorspace on basement level 2.

<b>Employment Density: existing and proposed (Full Time Equivalent) jobs</b>						
<b>Level</b>	<b>Existing Use</b>	<b>Lettable (m<sup>2</sup>)</b>	<b>FTE</b>	<b>Proposed Use</b>	<b>Lettable (m<sup>2</sup>)</b>	<b>FTE</b>
1	B1(a)	81	6	Visitor & Cultural	81	3



				Attraction		
G	B1(a)	548	42	Visitor & Cultural Attraction	548	18
-1	D1*	3,270	47	Visitor & Cultural Attraction	3,270	109
-2	B1(a)	0**	0	Visitor & Cultural Attraction	4,301	143
<b>Total</b>			<b>95</b>			<b>273</b>

*\*No density benchmark exists for D1 (training) uses therefore the applicant notes that this facility had previously supported a total of 47 jobs.*

*\*\*Not considered lettable B1 space as it was ancillary to the main office use.*

- 9.13 The proposals would result in a loss of office floorspace within the Preferred Office Location and is a departure from the adopted Local Plan (Policy DM16). The applicant has demonstrated to the satisfaction of the council that there would be little prospect of attracting office tenant(s) to basements 1 and 2 considering the total lack of natural daylight and outlook. The loss of the B1(a) floorspace at the ground and 1<sup>st</sup> floor is considered acceptable and necessary in bringing the existing floorspace back into employment use (albeit supporting employment use). The application would also result in an increase of 178 FTE jobs. The sui-generis (cultural facility) use is considered more suited to the basement levels as offices require natural daylight and outlook. Under the circumstances the loss of B1(a) floorspace is considered acceptable.

### **Proposed Uses**

#### **Sui-generis Use (cultural facility)**

- 9.14 The sui generis use is described as a cultural facility where a mix of activities would occur. A large proportion of the basement space would be used for exhibition space for example containing a photographic exhibition. Other areas of the basements are proposed to be used for events and conference spaces with the ground and first floor being used more as restaurant and retail space to support the exhibition / conference facilities. This mix of uses does not fall within any specific use class, hence why it has been considered a sui generis use.
- 9.15 This use will bring activity into the building during the day and into the night and will provide a mix of uses which generate employment and visitor footfall to the area. It is considered that this accords with policy 2.10 of the London Plan which seeks to promote and enhance the unique, national and international and Londonwide role of the CAZ, in supporting the distinct offer of the CAZ based on a rich mix of local and strategic uses.

- 9.16 In terms of Local Plan policies SP06 seeks to ensure that investment and job creation is maximised in employment areas such as the POL and this is done through supporting the vibrancy and creativity of the Tower Hamlets economy and promoting a sustainable, diversified and balanced economy. This sui generis use would provide a different type of use to that which is currently on offer in the Aldgate area and whilst there is some loss of office floorspace to enable this space to work efficiently, this unique offer would help to support a sustainable and diversified range of activities to support the POL.
- 9.17 DM16 identifies that gyms, hotels, restaurants and retail uses can all help to support the POL's within the borough and help to achieve a sustainable office environment. It is considered that the sui generis use proposed under this application would also achieve the same aims of supporting the office environment.
- 9.18 In order to ensure the sui generis uses are controlled the following condition would be added to the consent:

*No development in respect of the Sui-Generis use shall take place until a detail plan of the floorspace has been submitted to and approved in writing by the Local Planning Authority. Plans shall include a detailed breakdown of the different operations and uses for the entire floorspace and should have reference to the approved Design and Access Statement and subsequent addendums prepared by Fletcher Priest Architects. The development should be implemented in accordance with the approved details.*

## **Urban Design**

- 9.19 Policy SP10 of the Core Strategy seeks to ensure that buildings promote good design principles and create spaces that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. This will be achieved through a number of key considerations including creating well-connected public realm that is easy and safe to navigate.
- 9.20 Policy DM24 states that all development must take into account its context, the surrounding scale, height and its mass as well as consist of high quality materials and finishes. Policy DM23 promotes the successful integration of development within the wider urban context. Specifically the policy seeks to improve safety and security within the public realm by creating opportunities for natural surveillance, avoiding the creation of concealment points and improving the legibility of the surrounding area.
- 9.21 The site lies within a prominent position in Aldgate and forms part of the gateway into Tower Hamlets from the City of London. The building originally only had one entrance along its northern elevation and was not well signposted from the street. The entrance was positioned under an overhang of the first floor and behind a brick wall with stairs to access it:



9.22 This did not provide a very positive relationship with the street. Works have already begun on providing a better entrance to the office building as can be seen from the image below, this was granted planning permission in 2015:



9.23 To the western side of the site there is a lean-to extension which provides very little activation to the street which can be seen in this image.



9.24 Permission has been granted to replace this lean-to with a two storey extension which would be full glazed and provide more visual interest into the street and overlooking to Braham Street Park to the south. As this has not been constructed yet, it is applied for again within this application. Below is an image of what this extension would look like.



9.25 Braham Street Open Space is a space to the rear (south) of the existing site which was originally part of the Aldgate gyratory. After a change to the road layout, this was laid out as piece of open space. However, due to the lack of natural surveillance from the surrounding office buildings (including the application site) it has suffered from issues of anti-social behaviour. Below is an image of the rear elevation of the building currently, which creates a hostile environment to the public park:





- 9.26 A raised terrace area with seating would be provided in this location, overlooking the park. This would form an extension to the office lobby which stretches through from Whitechapel High Street enabling views through from north to south. This new terrace and seating area provided at the centre of the ground floor would ensure constant surveillance of Braham Street Park during opening hours.
- 9.27 The application would also remove the existing headstone and frosted film at ground floor level providing enhanced views from within building towards the park. The already consented entrance to the two storey glazed extension would be accessed from Mansell Street and would result in a footfall increase. The applicant would also be introducing a front access ramp to the main building entrance and a new access ramp to the two storey glazed extension.
- 9.28 The proposed alterations to the building are considered minor in scale but would amount to significant improvements to the public realm and the legibility of the building and wider area. The alterations are acceptable and comply with Policies DM24 and DM23 of the Managing Development Document (2013).

### **Amenity**

- 9.29 Policy DM25 states that development should seek to protect and where possible improve the amenity of surrounding existing and future residents as well as building occupants. Development should not result in an unacceptable loss of privacy nor enable an unreasonable level of overlooking, specifically of nearby residential uses. Development should

not result in an unacceptable loss of outlook or an increased sense of enclosure and should ensure adequate levels of daylight and sunlight to existing residential developments. The protection of amenity by way of preventing unacceptable levels of noise, artificial light or odours is a consideration of this application.

- 9.30 The application includes the change of use of an existing building along with minor alterations to the building façade. The application therefore would not increase the existing building envelope and therefore there would be no significant loss of daylight/sunlight or outlook.
- 9.31 The cultural facility would operate from 9am to 1am Monday to Sunday including bank holidays. The site is located adjacent to a heavily trafficked highway and is located within a predominately commercial area, The site is also highly accessible for a number of London Underground Stations as Aldgate Station is essentially below the subject site and Liverpool St Station is 900m from the site which operates the night-tube service at weekends and will also be a future Crossrail station. The site is also served by 11 bus routes with stops directly outside the site, which would be able to take customers and staff to a range of locations across London including Oxford Circus, Cannon Street, Old Street, Stratford, Canary Wharf and Euston.
- 9.32 There are very few residential occupiers in close proximity to the site and the few that are, are separated by Whitechapel High Street which experiences high levels of traffic. The proposed opening hours of the venue are considered appropriate given the central location of the site, within the CAZ, where evening and night-time activities are directed to. Officers consider that the proposed opening hours would not have adversely impact on neighbouring amenity and complies with Policy DM25 of the Managing Development Document. No signage (illuminated or otherwise) or kitchen extraction equipment has been proposed with this application. It is also worthy of note that no objections have been received in relation to the proposal.

### **Transport, Connectivity and Accessibility**

- 9.33 Policy 6.3 of the London Plan requires new developments to ensure that the impacts upon the transport network are full assessed and they should not have an adverse impact upon safety. Policy SP09 of the Core Strategy also seeks to ensure that new development has no adverse impact on the safety and capacity of the road network.
- 9.34 Policy DM20 of the MDD provides more detailed advice in requiring development to be located appropriately depending on its type and scale within developments generating a higher number of trips to be located in town centres and areas well served by public transport.

### Trip generation

- 9.35 In this case, the site has a PTAL of 6b which is the highest. It is an existing office building which had a shopping centre in the basement so footfall would historically have been reasonably high for this site under its original use. The transport assessment has identified that there could be up to 8,750 visitors a day (this is a worse case scenario as it represents the busiest month of operation and ignores opening hours of Monday to Thursday so in all likelihood some of these visitors would be spread out throughout the week). However, whilst this appears to be a large number of trips for the site, it is estimated that 95 percent of these would be by foot or public transport and given that the travel demands of the site would likely be outside of the main peak periods of the day, the existing transport network would be sufficient to cope with this demand. This has also been verified by Transport for London.

### Car Parking

- 9.36 Policy SP09(4) of the adopted Core Strategy (2010) and Policy DM22 of the Managing Development Document (2013) seeks to promote car free developments which minimise on-site and off-site car parking, particularly in areas with good access to public transport.
- 9.37 The site is located in an area with an 'excellent' PTAL and therefore no additional on-site parking has been proposed. There are 5 blue badge parking bays located within 250 metres of the site. This includes 3 bays on Old Castle Street and 2 on Pomell Way. In addition, there are numerous on-street pay & display parking facilities on Camperdown Street and Alie Street (circa 250m distance from the site) which can accommodate blue badge holders free of charge. Blue badge holders are also permitted to park on single or double yellow lines (except where there is a ban on loading or unloading) for up to 3 hours and there are a number of these opportunities in the nearby area. TfL accepts the accommodation of blue badge holders within existing on-street provision.

### Cycle Parking

- 9.38 The applicant has stated that as part of the wider refurbishment of the office building 187 on-site cycle parking spaces will be made available to the office tenants located on the upper floors.
- 9.39 The London Plan contains the most up to date cycle parking standards. The proposed 16 long stay cycle parking spaces based on 1 space per 8 staff members (based on 250 full time staff working in shift patterns) is considered acceptable by Transport for London. These spaces are located at basement level and would details would be required by condition.
- 9.40 There are no standards set out in the London Plan for visitor cycle parking for the sui generis land use, however it has been agreed with TfL that 40 cycle parking spaces would be appropriate and these could be located

within the public realm on Braham Street. As this area is owned by TfL the applicant has agreed a financial contribution towards the costs of providing cycle stands, through a s106 agreement, which TfL has agreed to.

#### Servicing

- 9.41 Policy SP09 of the Core Strategy (2010) and Policy DM20 of the Managing Development Document (2013) seeks to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network.
- 9.42 The site benefits from an existing servicing area which is accessed through Aldgate Tower to the west. The two buildings are connected at basement level and all servicing would continue to enter the site through the servicing entrance on Leman Street.
- 9.43 The principal or continuing to service the site from the basement is considered acceptable by TfL and the Council. A condition requiring a details delivery and servicing plan would be secured by condition.

#### Refuse and Recycling Storage

- 9.44 Policy SP05 and Policy DM14 seeks to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 9.45 The applicant has committed to providing a dedicated refuse and recycling store for the sole use of the sui generis use and details of the location of this space will be secured by condition. In general the refuse is collected from the loading bay in the basement on a daily basis and this would continue as part of the latest proposal. Subject to condition, the refuse and recycling arrangements are considered acceptable.

### **10. Planning Contributions and Community Infrastructure Levy**

- 10.1 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- 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.
- 10.2 This is further supported by Policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impact of a development.
- 10.3 The planning obligations SPD was adopted on 11 January 2012 and amended on 6 September 2016. The SPD explains the council's approach



to planning obligations and aims to clarify the types of planning obligations that may be sought and the methodology for calculating the amount of these obligations. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy.

10.4 The document also sets out the Borough's key priorities being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

10.5 The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

10.6. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured. In the case of the proposed development, visitors and employees are very likely to add pressure to the local services such as open spaces; community facilities; leisure facilities and general public realm.

10.7 Maximising employment for local people is a major priority for the Council, and employment opportunities arising from development in the borough must be accessible to its residents to increase employment levels and help to tackle poverty and social exclusion. That relies on a healthy and growing economy for Tower Hamlets which in turn means that the borough must support and retain a wide mix of enterprise and commercial spaces.

10.8 Tower Hamlets has an above average unemployment level within Greater London, with a low proportion of Tower Hamlets' residents finding employment within the borough. Currently, of those residents in work only 15% are working within Tower Hamlets. There is also a skills mis-match, with many new employment opportunities demanding skills which few people who live in the borough currently have. Employment opportunities from new developments must be accompanied by training to up skill residents so that they can compete for the jobs.

10.9 In order to support local businesses to benefit from new development within the borough, the Council will require a commitment from developments to engage local businesses through the supply chain. This

will allow local businesses to compete in the local market and also encourage sustainable supply systems.

10.10 Contributions will be sought for the provision of employment and enterprise within the borough is considered a priority provision of employment opportunities.

10.11 Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development appropriately would be £96,344. The requested financial heads of terms have been broken down as follows:

Financial Contributions:

*Employment/Enterprise*

- 4 Construction Phase Apprenticeships
- Contribution of £18,220 towards training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.
- Contribution of £72,624 towards training and development of unemployed residents in Tower Hamlets to access to jobs or training within employment sectors relating to the final development.

*Transport and Highways*

- The applicant has agreed a financial contribution of £4,000 towards the costs of providing cycle stands on Braham Street in lieu of visitor cycle parking which Transport for London accepts.

*Monitoring*

- £1500 for monitoring of the obligations (£500 per clause).

Non-Financial Contributions:

- Employment/Enterprise
- Total of 1 apprenticeship to be delivered during the operational phase of the development
- Secure a minimum of 20% of the construction phase workforce are local residents of Tower Hamlets. The Economic Development Service will support the developer in achieving this target through providing suitable candidates through the Employment & Skills Job Brokerage Service (Construction).
- Procure a minimum of 20% goods/services during the construction phase from local businesses in Tower Hamlets. The Economic Development Service will support the developer to achieve this target through ensuring they work closely with the council's Enterprise team to access the approved list of local businesses.

- 10.12 The above contributions have been secured and negotiated in line with the S106 SPD (2016) and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.
- 10.13 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:
- 10.14 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.
- 10.15 Section 70(2) 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.
- 10.16 These issues are material planning considerations when determining planning applications or planning appeals.
- 10.17 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory test, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 10.18 The proposed development would result in 357 sqm of net additional floorspace. There is no LBTH CIL liability for Sui-generis uses. In the event the Sui-generis (cultural facility) use is not implemented the applicant will be charged according to the resulting flexible use (April 2015) which is £70 /sqm for retail, with no charge for A3 restaurant uses.
- 10.19 The likely Mayoral CIL payment associated with this development would be in the region of £12,495.

## **11. HUMAN RIGHTS**

- 11.1 Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, 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 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;
- Right to respect for private and family life and home. Such rights may have been 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 from the date of validation and the opportunities for people to make representations to the Council as the local planning authority.
- 11.4 Members need to satisfy themselves that the measures which are proposed to be taken minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.
- 11.5 Both the 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.
- 11.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 11.7 As set out above, it is necessary, having regards 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.
- 11.8 In this context, the balance to be struck between individual and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Offices have also taken into account the mitigation measures governed by planning conditions and obligations to be entered into.

## **12. EQUALITIES**

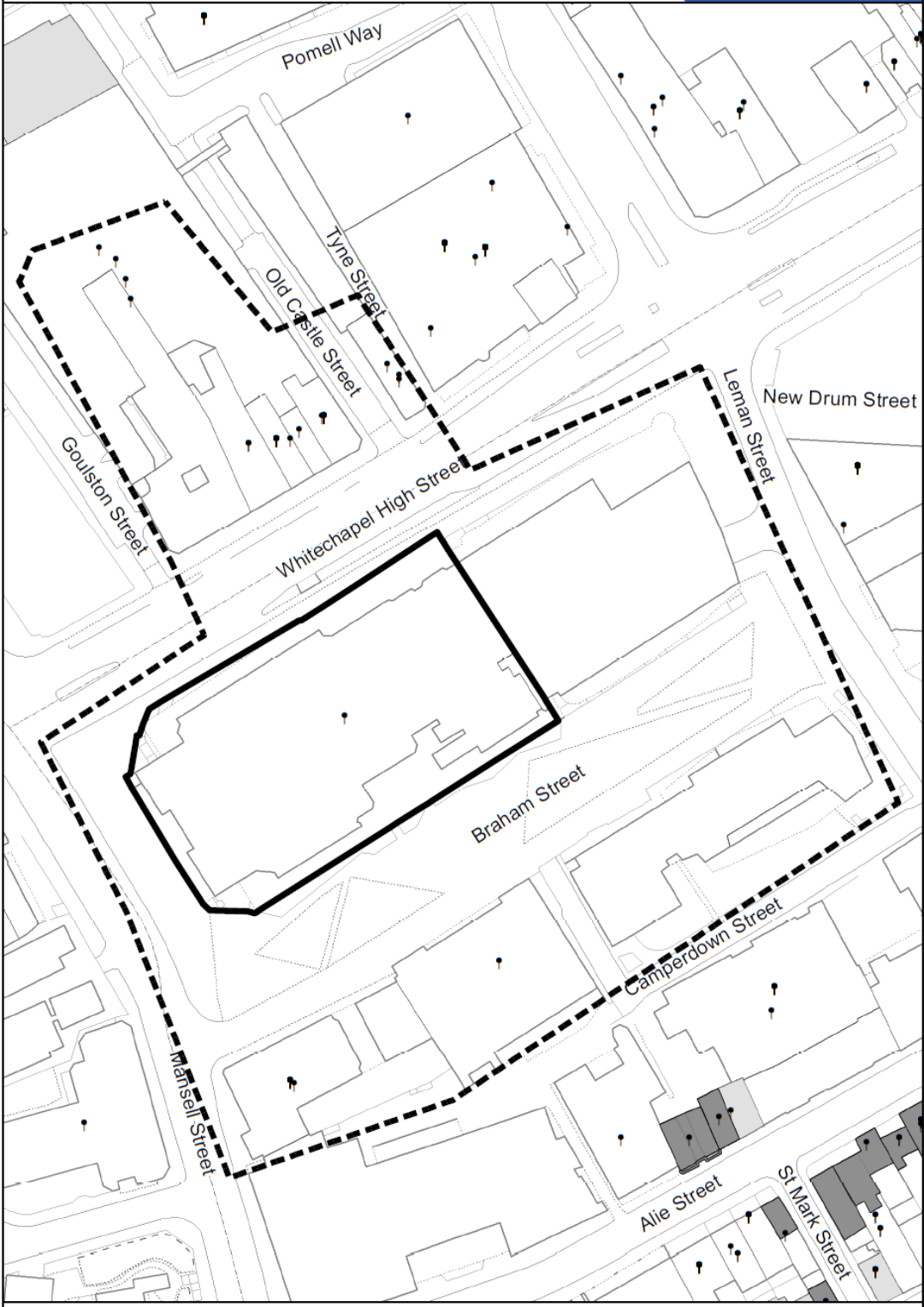
- 12.1 The Equalities Act 2010 states that in exercising its function (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to:
- (a) Eliminate discrimination, harassment, victimisation 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.
- 12.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 12.3 With regards to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation there are no identified conflicts with equality considerations.
- 12.4 The scheme would be socially inclusive through the provisions such as through much enhanced public realm that would be step free improving pedestrian mobility for all to each of the entrances of the building. Wheelchair accessible parking has been considered and the nearby locations are considered acceptable in terms of providing an accessible route to the site for those with mobility difficulties.

## **13 CONCLUSION**

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



Planning Application Site Map  
PA/16/02250



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. Ref AF510138PD  
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