

DEVELOPMENT COMMITTEE

Wednesday, 11 October 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 John Pierce
Councillor Helal Uddin, Councillor Suluk Ahmed, Councillor Chris Chapman, Councillor Andrew Cregan and Councillor Sabina Akhtar

Substitutes:

Councillor Danny Hassell, Councillor Ayas Miah, Councillor Clare Harrisson, Councillor Harun Miah, Councillor Mahbub Alam, Councillor Gulam Kibria Choudhury and Councillor Julia Dockerill

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 9 October 2017**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 10 October 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
Web: <http://www.towerhamlets.gov.uk/committee>

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Public Information

Attendance at meetings.

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Mobile telephones

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APOLOGIES FOR ABSENCE

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

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

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

To confirm as a correct record the minutes of the meeting of the Development Committee held on 6th September 2017

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 11 - 12)

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Place 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 Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

		PAGE NUMBER	WARD(S) AFFECTED
4.	DEFERRED ITEMS	13 - 14	
4 .1	114 -150 Hackney Road, London, E2 7QL (PA/17/00250)	15 - 92	Weavers

Proposal:

Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four storeys to six storeys above a shared basement, to house a maximum of 9 residential units (Class C3), 12,600 sqm (GEA) of employment floorspace (Class B1), 1,340 sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1-A5) and provision of 316 sqm (GEA) of Public House (Class A4), along with associated landscaping and public realm improvements, cycle parking provision, plant and storage

Recommendation:

That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement, conditions and informatives.

5.	PLANNING APPLICATIONS FOR DECISION	93 - 94	
5 .1	(Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London (PA/17/01618)	95 - 136	Mile End

Proposal:

Residential development comprising 17,one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five to eight storeys.

Recommendation:

That the Committee resolve to GRANT planning permission subject to conditions and informatives

**5 .2 Land bounded by Watts Grove and Gale Street,
London, E3 3RE (PA/17/00732)**

137 - 184

**Bromley
South**

Proposal:

Redevelopment to provide three residential blocks ranging from 3-7 storeys to provide 65 dwellings, plus bicycle parking, together with landscaping including public, communal and private amenity space. Creation of a new north-south link from Compton Close, a new east-west pedestrian between Watts Grove and Gale Street, and two disabled parking spaces on Gale Street.

Recommendation:

That the Committee resolve to GRANT planning permission subject to the prior completion of a Section 106 legal agreement, conditions and informatives.

**5 .3 The Royal London Hospital, Whitechapel Road,
London, E1 1BB (PA/17/02088)**

185 - 196

Whitechapel

Proposal:

Soft-strip works involving removal of fixtures, fittings and partitions associated with the former hospital; and limited works of structural investigation and materials testing.

Recommendation:

That the Committee resolve to GRANT Listed Building Consent subject to conditions and informatives.

6. OTHER PLANNING MATTERS

None

Next Meeting of the Development Committee

Wednesday, 8 November 2017 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Asmat Hussain Corporate Director of Law Probitity and Governance and Monitoring Officer,
Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 6 SEPTEMBER 2017

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Helal Uddin
Councillor Suluk Ahmed
Councillor Sabina Akhtar

Other Councillors Present:

None

Apologies:

Councillor John Pierce
Councillor Chris Chapman
Councillor Andrew Cregan

Officers Present:

Paul Buckenham	(Development Manager, Planning Services, Place)
Angelina Eke	(Planning Officer, Place)
Gareth Gwynne	(Team Leader, Planning Services, Place)
Kamlesh Harris	(Planning Officer, Place)
Kevin Chadd	(Legal Services, Governance)
Zoe Folley	(Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillor Sabina Akhtar declared an interest in item 5.1 Flat 59, Meridian Place, London E14 (PA/14/02209) as the application was within her ward.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 9 August 2017 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, Place 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, Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

4. DEFERRED ITEMS

None

5. PLANNING APPLICATIONS FOR DECISION

5.1 Flat 59, Meridian Place, London E14 (PA/14/02209)

Angelina Eke (Planning Services) presented the report for an infill development underneath the existing Flat at 59 Meridian Place to create a duplex unit and enlarge the existing accommodation. She explained the site location near to the Meridian Gate Development and 225 Marsh Wall, the nature of the subject building and the key features of the application, (spanning the width of the entrance to the development) including the changes to the layout and the proposed elevation. Consultation had been carried out and objections had been received about the land use, poor design, amenity impact, construction impacts and highway issues that were set out in the report. The Committee were advised that the proposal could be considered acceptable in terms of its bulk, massing, scale design and appearance subject to the conditions. It would also retain a generous amount of the entrance way to the development. It was also considered that the plans would have no undue impact on neighbouring amenity subject to the conditions to secure a Construction Management Plan. Officers were recommending that the application was granted planning permission.

The Committee asked questions about the impact of the development on the neighbouring properties, given their proximity to the development and the mitigation to minimise this. The Committee also asked questions about disturbance from the construction phase and about the impact on access to

the development given the lack of lighting along the perimeter of the building. Officers advised that any impact from the development could be mitigated through the conditions and the Construction Management Plan. Furthermore, an additional condition could be imposed requiring that suitable sound proofing be installed to prevent noise transition during the construction phase and beyond. Whilst not a planning matter, the applicant would also be required to enter into a party wall agreement with the occupants above the development.

Councillor Marc Francis proposed and Councillor Sabina Akhtar seconded that an additional condition be added to the permission requiring submission of sound proofing measures. This was agreed.

Regarding the access issues, Officers were mindful of the concerns about the poor lighting around the perimeter of the building. To address this, it was suggested that additional measures could be added to the management plan to improve lighting along the route.

The Committee also asked questions about the cumulative impact from the construction traffic and easements rights given the Highway Services comments about the lack of information on this.

Officers confirmed that these issues had now been addressed through the requirement to submit a Construction Management Plan. The plan would have to take into account the cumulative impact of construction traffic from nearby schemes. It was also pointed out that given the scale of the development (compared to the scale of the nearby developments underway) it would be disproportionate to state that it would significantly contribute to any construction impact from the developments. The applicant would also be required to enter into an agreement to secure access along land outside the boundary.

The Committee also asked questions about the planning history and the incremental development of the site. Officers advised that the floor layout of the apartment did not lend itself to its conversion to two separate apartments. Any further subdivision of the flat would require a separate planning consent and would need to be considered on its own merits. However to prevent this, a further condition could be added to state that the development be build out in accordance with the planning permission and be retained as a three bedroom apartment thereafter. Accordingly, Councillor Marc Francis proposed that an additional condition be added to the permission to reflect this.

In response to further questions, officers provided reassurances about the fire access arrangements, that would be regulated by building control and the party wall agreement.

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

That the planning permission at Flat 59, Meridian Place, London E14 be **GRANTED** for Infill below Flat 59 to create a duplex unit and enlarge the

existing accommodation (PA/14/02209) subject to the conditions and informatives set out in the Committee report and the following additional conditions requiring:

- Details of the sound proofing measures
- That the development be built out in accordance with the planning permission and that the subject flat be retained as a three bedroom flat thereafter.

5.2 Marion Richardson School, 71 Senrab Street, E1 0Q (FPA/17/01715)

Paul Buckenham (Development Manager) introduced the listed building application for the internal and external alteration works and other minor associated works to the building.

Kamlesh Harris (Planning Services) presented the report explaining the site location and the key features of the works proposed on the ground floor, the first floor, the second floor and the external works to install a ventilation grill and provide obscure glazing. Officers considered that the proposed refurbishment works have been sensitively designed to preserve the special character of the Grade II listed building. Historic England and the 20th Century and Victorian Society had been consulted and no objections had been received. Historic England had directed the Council to determine the listed building application and that should it be minded to grant permission, it should do so. Officers were recommending that the application was granted permission.

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

That the Listed Building Consent be **GRANTED** at the Marion Richardson School, 71 Senrab Street, E1 0Q (PA/17/01715) for the following works:

Internal and external alteration works and other minor associated works consisting of the

- 1) Refurbishment works to existing toilets and creation of 2 additional toilets on ground floor; conversion of existing boys' toilets to a staff/toilet/shower area.
- 2) On the first floor, refurbishment works to existing toilets and store room to create 2 individual staff toilets and a unisex toilet; integration of existing semi-circular fanlight to the corridor and removal of non-original partition and replacement with new partition plus the inclusion of 2 new doors.
- 3) On second floor, works consist of the conversion of existing toilet and store room into a unisex toilet with 4 cubicles together with the inclusion of original semi-circular glazed fanlight and door frames. Removal of existing doors and internal partition and replacement with moisture resistant plasterboard lining.

4) Externally the works would consist of replacement of glazing to match existing and installation of an extract grille for ventilation at first floor level and obscure glazing on lower window pane both on first and second floors window.

Subject to the conditions set out in the committee report

6. OTHER PLANNING MATTERS

None

The meeting ended at 7.45 p.m.

Chair, Councillor Marc Francis
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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

Agenda Item 4

Committee: Development	Date: 11 October 2017	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place		Title: Deferred Items	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following item is in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
9 th August 2017	PA/17/00250	114 -150 Hackney Road, London, E2 7QL	Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four storeys to six storeys above a shared basement, to house a maximum of 9 residential units (Class C3), 12,600 sqm (GEA) of employment floorspace (Class B1), 1,340 sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1-A5) and provision of 316 sqm (GEA) of Public House (Class A4), along with associated landscaping and public realm improvements, cycle parking provision, plant and storage	<p>The Committee were minded to defer the application for the following reasons:</p> <p>To undertake a Committee site visit</p> <p>To receive further information about:</p> <p>The future viability of the A4 use that could be used as a LGBT+ venue.</p> <p>The fit out of the unit and the applicant's contribution to this</p> <p>The daylight impacts to neighbouring properties.</p>

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

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

3. CONSIDERATION OF DEFERRED ITEMS

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

4. 114 -150 Hackney Road, London, E2 7QL

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

5. PUBLIC SPEAKING

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

6. RECOMMENDATION

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

Agenda Item 4.1

Committee: Development Committee	Date: 11 th October 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Place	Title: Planning Application
Case Officer: Gareth Gwynne	Ref No: PA/17/00250
	Ward: Weavers

1. APPLICATION DETAILS

Location: 114 -150 Hackney Road, London, E2 7QL

Proposal: Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four storeys to six storeys above a shared basement, to house a maximum of 9 residential units (Class C3), 12,600 sqm (GEA) of employment floorspace (Class B1), 1,340 sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1-A5) and provision of 316 sqm (GEA) of Public House (Class A4), along with associated landscaping and public realm improvements, cycle parking provision, plant and storage

Additional Drawings and Documents:

- Drawing 16091 (00)P100 Rev P04 (*Ground Floor Plan*), replacing Drawing 16091 (00)P100 Rev P02 (
- Noise Attenuation Note prepared by Sharps Gayle, dated 8th September:
- Initial Estimate Cost Plan for Fit Out of A4 Unit (prepared by Rosewood)
- GVA Daylight Analysis - Additional Information (23 August 2017)
- Outdoor Screening Options

2 Background

2.1 The application for planning permission for the proposed development was considered by the Development Committee on 9th August 2017. The original report incorporating the 9th August Update report is attached and an Equality Analysis has been prepared to accompany this report (Appendix 1)

2.2 Following consideration of the application at the 9th August Development Committee, the Committee resolved to defer the application to undertake a site visit and to receive further information about:

- (a) the future viability of the Public House (A4 Venue) serving the LGBT+ venue,
- (b) the fit out of the A4 unit and the applicants contribution towards that; and

- (c) the daylight impact to neighbouring properties, specifically upon homes at No 1-14 Vaughan Estate.
- 2.2 Following the resolution to defer the application, officers convened a round table meeting on 4th September between the applicant, representatives of Friends of the Joiners Arms, the New Joiners Arms, Officers of the Council and the Culture at Risk Officer from Greater London Authority.
- 2.3 This meeting gave a further opportunity for the Friends of the Joiners Arms and New Joiners Arms to set out their outstanding concerns with the proposed A4 unit within the scheme. Discussions were wide ranging but included:
- a) the applicant's amended offer (as set out later in this report), in respect of a financial contribution to the Public House fit out costs;
 - b) the choice of location within the scheme of the replacement Public House;
 - c) design measures to contain noise from the A4 unit;
 - d) steps to create enhanced noise attenuation and sense of defensible space to the pub/ bar outside forecourt area; and
 - e) securing the Public House as a venue with late night opening hours to serve the LGBT+ community.
- 2.4 Following the meeting both the Friends of the Joiners Arms and the New Joiners Arms were invited to provide written representations on the physical amendments to the scheme discussed at the meeting and to comment on the revised Heads of Terms to the Section 106 legal agreement, were consent granted for the scheme. No comments to date have been received from New Joiners. The Friends of the Joiners (a) welcomed the £130, 000 contribution from the developer to help meet fit out costs, (b) commented on the new configuration and size of the A4 unit as a definite positive step, (c) also stated the proposed interior acoustic breakout measures were a very positive step forward and (d) in principle were positive about the acoustic and landscaping measures to the proposed Public House A4 front forecourt in terms of: helping to control noise; enhance customer security, with a sense of the creation of a stand-off space from Hackney Road itself.
- 2.5 The Friends sought more clarity on the costs of the acoustic breakout measures and whether this was included within the developers agreed fit out cost contribution. They also raised concerns regarding the acoustic consultant's report and whether the noise control measures would be comparable with a late night license nightclub.
- 2.6 In summary Friends of the Joiners have, in the round, positively received the changes made and additional detail provided for the scheme since the 9th August Development Committee. However, the Friends of the Joiners maintain an objection to the scheme if a planning condition is imposed in respect of opening hours of the A4 as they feel it curbs the opportunity for the Public House to serve as a late venue for the LGBT+ community – the late night aspect, reflecting in their group's views, is a key attribute to the community infrastructure value of the now closed Joiners Arms.
- 2.7 Separately the Friends of the Joiners Arms have written to officers in respect of the Equality Assessment (EA) in regards to:
- a) lack of due acknowledgement of the impacts of the development upon the trans community;

- b) the conclusions reached within the EA on the impacts upon protected characteristic groups; and
- c) the EA failure to have regard to the equality impacts that the Friends consider follows from the scheme not being secured as a late night venue.

(Officer Comment: An amended Equality Assessment has been prepared. The EA acknowledges the significance and impact of the Joiners Arms as an LGBT+ late night venue and the degree of adverse impacts the control of opening hours has in that regard).

3. REVISED OFFER / AMENDMENTS TO SCHEME

- 3.1 Following discussions with officers the applicant has submitted a series of amendments to the scheme and provided additional supplementary information which is considered below in detail.

Planning Obligations

- 3.2 With respect to the Section 106 legal agreement the main change set out in the Head of Terms prepared by the Borough and agreed by the applicant, is
 - (a) An agreement to make a financial contribution towards fit out cost for the A4 Unit, set up to a maximum of £130,000, standing alongside an existing agreed obligation to provide 12 months' rent free from the lease commencement date (to allow the LGBT+ lessee to complete their fit out costs).
 - (b) In addition the applicant has set out in fuller detail what completion of the A4 Unit to a "shell and core: specification means namely the structure and building envelope will be completed to relevant building regulations with capped mains services for gas, electricity, water and provision of duct for telecommunications. This detail would be captured within a schedule to the s106 Agreement, were consent granted.
 - (c) The applicant has also agreed, which would be secured within the s106 legal agreement, that the minimum lease length for a future LGBT+ operator for the A4 Unit should be increased from 12 to 15 years. Furthermore should an LGBT+ operator terminate the lease within those 15 years, the applicant is required to repeat the Right of First Refusal procedure in the legal agreement to allow for another LGBT+ operator to seek to take up the A4 unit.

Amended Layouts

- 3.4 The planning application has been amended to enlarge the internal floor area to the defined A4 Unit within the scheme from 262sq.m to 348sq.m (all located at ground level).

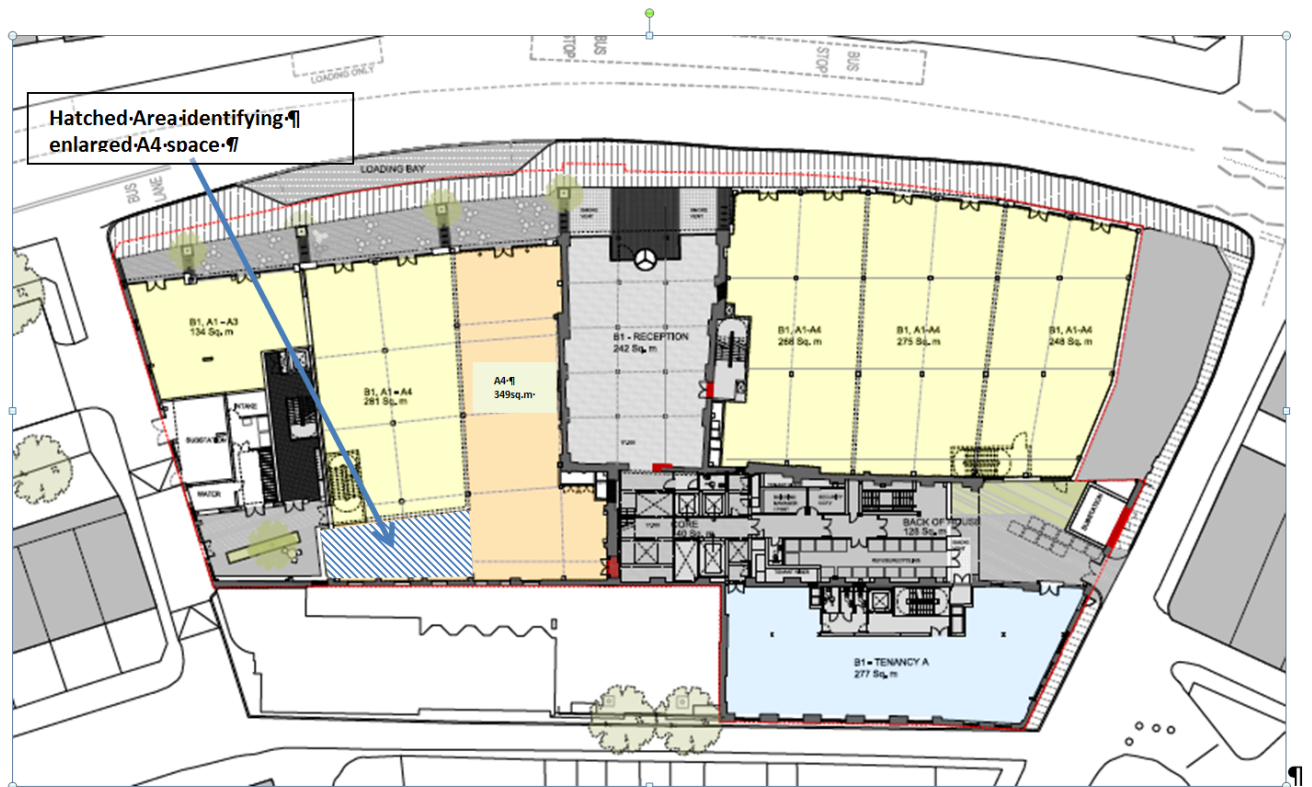


Figure 1: Amended Ground Floor Plan with enlarged Public House (A4 Unit)

4 OFFICER'S RESPONSE to ISSUES RAISED BY MEMBERS

Fit Out Costs

- 4.1 Members expressed concerns that the fit out costs associated with re-providing the Public House use may place its viability at risk and therefore the delivery of a replacement LGBT+ venue. The applicant has prepared an initial cost plan for fit out costs and has agreed (secured within the confines of the legal agreement) to meet any fit out costs incurred by a future LGBT+ operator, up to a maximum £130,000.
- 4.2 Officers consider this obligation represents a substantive and positive material change to the scheme since 9th August Development Committee to address Members concerns that fit out costs could imperil the delivery of the replacement Public House intended to serve the LGBT+ community. This amendment is considered to better serve the planning objective of the Borough's Managing Development Document Policy DM8 (3) – *Community Infrastructure* by ensuring the fit out costs do not act as a financial drag on re-provision of the Public House as a community facility and would pay due regard to the Equalities Act and the promotion of equality of opportunity by assisting the practical implementation of the right of first refusal of the A4 unit to a LGBT+ operator.
- 4.3 Officers also consider the applicant's willingness to extend the lease to an LGBT+ operator to 15 years, secured within the s106 legal agreement, would provide: (a) further comfort that long term business plans for the A4 Unit can be made by a prospective LGBT+ operator, and; (b) underlines the applicant's commitment to such a venture within their wider vision for the future occupancy of the regeneration scheme post completion.

Design and Layout of the A4 Unit

- 4.4 In terms of the future viability of the proposed A4 unit, Members expressed concerns about the size of the proposed A4 unit - echoing concerns raised by CAMRA, New Joiners and Friends of the Joiners Arms amongst others. In particular, concerns were raised about adequate space for storage (e.g. beer barrels and other drink supplies in particular) and the lack of a contained private external smoking area set away from Hackney Road.
- 4.5 During the round table meeting the applicant set out that the need for large storage space within public houses is less pressing than it once was as breweries and other drink suppliers are now much more comfortable making once or twice weekly deliveries when in yesteryears fortnightly deliveries may have been more the norm.
- 4.6 The amended plan increases the floor area of proposed A4 Unit by 22%. This is achieved by the proposed A4 unit occupying an area previously serving the neighbouring flexible use commercial unit. Officers consider the expanded floor area a welcomed development. The alteration increases the internal ground floor area of the premises significantly above that of the former Joiners Arms which provides greater flexibility on how an operator might use and sub-divide the internal space. The increased floor area provides opportunities to improve total customer capacity and with it the reasonable prospect of greater sales and improved turnover, improving the potential viability of the Public House.

Possible Relocation of Proposed Public House

- 4.7 Both heard at the 9th August Development Committee and set out in representations received before the Committee there were calls for more radical alterations to the proposed scheme including moving the proposed Public House to the ground floor commercial unit occupying the corner with Strout's Place and/or to relocate the replacement A4 unit within the footprint of the closed Joiners Arms. Officers remain of the considered opinion this would not represent a positive change as it would only bring the proposed Public House closer to residential properties (both within the development and elsewhere) and with it introduce a greater potential degree of conflict, in amenity terms, between these two land uses. Whilst the Mayor of London's 'Agent for Change' principles of imposing upon the development '*sensitivity testing*' for the new residential units proposed within the scheme is recommended, such Agent for Change principles/ reverse sensitivity obligations cannot be imposed upon existing homes and already consented residential schemes.

Residential Amenity – noise breakout and disturbance.

- 4.8 Officers acknowledge that the opening hours of the proposed A4 unit remains a key point of discussion. Given the surrounding context Officers are recommending a planning condition limiting the opening hours to no later than midnight (with an additional half an hour 'drinking' up time). It has been suggested by the Friends of the Joiners Arms that such a limit of opening hours would render a future LGBT+ venue unviable. Furthermore the GLA's 'Agent of Change' agenda seeks to protect the closure of late night venues which make a positive contribution to the late night economy and also acknowledges the specific need to resist the closure of LGBT+ venues in light of a significant loss of such venues across London in recent years.

Noise breakout from the proposed A4 unit (e.g. from amplified music within the venue)

- 4.9 Since the deferral of the application, Officers have explored the possibility of noise mitigation, and other measures to allow a late night music venue to be compatible, in land use terms, with the changing and existing context of the local area. The following measures are now proposed:
- internal independent wall and ceiling linings if necessary (although the concrete shell of the building is likely to provide adequate sound break-out control),
 - enhanced acoustic glazing
 - A lobby door system to minimise openings in the façade.
 - Music noise limiters to a set decibel level
 - compliance testing is also undertaken to demonstrate that the actual situation achieves the required limits levels.
- 4.10 Subject to securing the above mitigation, Officers do not consider that noise from within the A4 unit would have an undesirable effect on the residences within the development itself or existing of future residents. The proposed residential units are well separated from and do not share a common structure with the A4 unit (i.e. the proposed homes are not above or adjacent to the A4 unit).

Noise breakout from the proposed external smoking area on Hackney Road

- 4.11 To minimise noise breakout, localised acoustic screening around this external area, such as framed or frameless glass balustrading, or more solid timber screening can be included. If the smoking area is to operate beyond midnight, it is recommended that a noise management plan is provided which will include a risk based approach to the control of patron noise. It is important to note that Hackney Road is a busy route at all times of day and night and the noise surveys show typically high sound level as a result. The properties on the opposite side of the road (part of a new development in Hackney, No 96-137 Hackney Road) have been designed with a high specification of acoustic glazing and ventilation for that reason.

Proposed opening hours

- 4.12 Notwithstanding the above, to protect residential amenity a planning condition is recommended to restrict the hours of operation of the proposed A4 unit to open no later than midnight on Friday and Saturday night and 23:00 hours for the remaining days of the week, allowing for an additional half an hour to close and clear the Public House of customers. The London Borough of Hackney have imposed a planning condition limiting opening hours to no later than 23:00 hours for any A3/A4 unit occupied within the mixed use scheme located opposite at No 96-137 Hackney Road.
- 4.10 Officers have and continue to recognise this proposed restriction of hours of opening by planning condition restricts the ability of the proposed A4 Unit to serve as a late night venue and this needs to be given weight in respect of giving due regard to the Council's equality duty set within a broader context of a sustained trend of LGBT+ night time venues closing in London.
- 4.11 Officers remain of the considered view it is important to distinguish between the proposed A4 being able to operate as a viable Public House serving the LGBT+ community and the separate material consideration of whether, in light of the changing site context, the Public House can benefit with opening hours consistent

with the previous licensing hours of the closed Joiners Arms and, as such, function on first opening following completion of the development as a late night Public House venue serving the LGBT+ community.

- 4.12 In terms of breakout noise from amplified music within the A4 unit, the acoustic reports confirmed that this would be adequately dealt with by conditions; however, the proposal still has the potential to create noise disturbance. Indeed, once patrons leave the site it is out of the control of the applicant/ operator to monitor or supervise. It is however acknowledged that, in this specific location, Hackney Road is a busy and relatively noisy route at all times,
- 4.13 Given the capacity of the venue, a significant number of visitors could be both arriving and leaving the site late at night which could give rise to unacceptable noise and disturbance to neighbouring residents throughout the night that cannot be controlled through conditions or through the management of the site. Conversely, it acknowledged that there is cross over with the Licensing regulatory regime in terms of protecting nearby residents from disturbance and anti-social behaviour associated with the operation of a drinking establishment and night-time venue. Notwithstanding this, officers maintain the previous recommendation to impose a control of opening hours within the confines of the planning system.
- 4.14 Officers acknowledge it is Members prerogative to remove or amend this recommended planning condition. Should Members wish to remove or amend the recommended restrictions of open hours of the A4 unit, it is recommended that a noise management scheme is secured by planning condition. An example of such a condition would be as follows:

A Noise Management Plan (NMP) shall be submitted to and approved by the Local Planning Authority four weeks prior to the venue to which the application refers opening. The NMP shall include as a minimum, written details of the following information;

i. Statement of Intent

ii. Organisational responsibility for noise control

iii. Hours of operation and music production

iv. Imposed planning conditions controlling noise/disturbance

v. Physical and managerial noise controls processes and procedures

vi. Music noise level controls including music noise limiter settings and any external noise limits and monitoring locations.

vii. Patron noise controls including management and physical controls such as modular screening.

viii. Details of how compliance with control limits is achieved and procedure to address non-compliance

ix. Details of review of NMP

x. Details of community liaison and complaints logging and investigation

Daylight Impacts

- 4.15 As set out in the original 9th August Development Committee, officers acknowledge there are a significant set of major and moderate adverse impacts upon 1-14 Vaughan Estate. Following a request from Members for a fuller understanding of the implications of these impacts, notably in terms of the layouts of the maisonettes at 1-14 Vaughan Estate. The applicant has provided additional information that illustrates the maisonettes are dual aspect with the primary living room and indeed the main bedroom within these properties set away from the development and those facing Diss Street are set dual aspect. Further photographs were provided showing how the existing architectural features on the properties act as a significant constraint on rooms achieving good natural light, especially to rear windows (facing the development) at ground floor with proximity of the properties boundary walls, overhanging platform, raised external staircase and solid balustrade.
- 4.16 Officers, on balance, consider these impacts are acceptable when due weight is given to the public and regeneration benefits of the scheme and consideration is given that the adverse daylight impacts do not impact upon the main living rooms or master bedrooms of the affected homes.

5 RECOMMENDATION

- 5.1 As per previous recommendation planning permission should be **approved**.

That the Committee resolve to GRANT planning permission subject to:

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

5.2 Financial Obligations:

- a) A £130,000 capped financial contribution to help meet the fit out costs of an A4 Unit operated by an LGBT+ operator
- b) A contribution of £57,444 towards employment, skills, training for construction job opportunities;
- c) A contribution of £339,680 towards employment, skills, training for end phase job opportunities;
- d) Monitoring fee £1,500 (£500 per 106 Head of Terms)

Total: £528,624

5.3 Non-financial Obligations:

- e) Right of First Refusal Option for LGBT+ operator to take up a commercial lease upon the consented Public House (A4 Use Class) unit including provision for a 15 year lease for such an Operator
- f) Owner agreeing to enter into a Section 278 Highways Agreement to gain improvements for pedestrians on footways surrounding site, and highway reconstruction.

- g) Owner ceding for highway adoption under Section 72 of the Highways Act
- h) Access to employment, involving:-
 - Reasonable endeavours to gain minimum 20% local procurement.
 - Reasonable endeavours to gain minimum 20% local labour in Construction.
- i) Delivery of 7 newly created apprenticeships on-site during construction phase.
- j) Delivery of 3 newly created on site apprenticeships at end phase
- k) Reasonable endeavours to keep existing architects as project architects through to building completion; and
- k) Car Free Agreement

5.4 That the Corporate Director of Place is delegated authority to negotiate and approve the legal agreement indicated above.

5.5 That the Corporate Director of Place is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

5.6 **Conditions**

Compliance Conditions

1. Three year time limit
2. Development to be built in accordance with approved plans
3. Requirement to maintain a Public House (A4 Land Use) at ground floor.
4. Limits on total quantum of A1 operation on site, A2, A3, and A4 and cap on maximum size of any individual A1, A3 or A4 and total number of A3 and A4 units
5. Flexible Use (B1/A1-A4) shall be closed and cleared of customers by 23:30 (except for 23:00 on Sundays and bank holidays) and shall not open before 7:00 every day. The A4 use class unit shall be closed and cleared of customers by 00:30 on Fridays and Saturdays and 23:30 on all other days.
6. No rooftop plant shall be visible from ground level
7. Noise limit on plant
8. Noise Breakout maximum limits and music noise limiters (compliance to noise rating NR40 (Leq, linear) outside affected neighbouring residential dwellings)
9. No mechanical externally ventilated extract system for A3 or A4 units without prior submission of details and written agreement
10. During hours of daylight, all occupants of the consented B1 spaces shall have access to Level 5 roof top terrace
11. Compliance with GLA Non Road Mobile Machinery Requirements
12. Bin Storage Areas to be designed in accordance with BS5906:2005 and Bins to BS EN 840
13. Flexible Use (B1/A1-A4) units to store all refuse within units and only present bins to pavement at time of collection
14. Maintain a minimum 60% of the approved glazed frontage with unobstructed views into the individual flexible use units

Pre-commencement

15. Land contamination investigations study
16. Piling Method Statement
17. Construction Environmental Management Plan, including details of opportunities for a co-ordinated approach to CEMP strategies in relation to the scheme at No 96-137 Hackney Road
18. Recording and salvage of materials / features for reuse
19. Building Historic Recording Survey including photographic survey

Pre-commencement excluding demolition phase

20. Impact studies upon existing water supply
21. Details of drainage and sustainable water management strategy
22. Landscaping including details of all external lighting, CCTV, external street furniture, samples of all public realm hard landscaping materials
23. Detail of Clean Air Mechanical Ventilation to residential Units
24. Safe storage of historic directors Board Room panelling

Prior to commencement of relevant works

25. Details of secure cycle stands, changing room/shower and locker facilities for cyclists
26. Samples of all external materials and (1:20 minimum) façade detail construction level drawings including detail of the junction of materials
27. Noise Mitigation Implementation Strategy

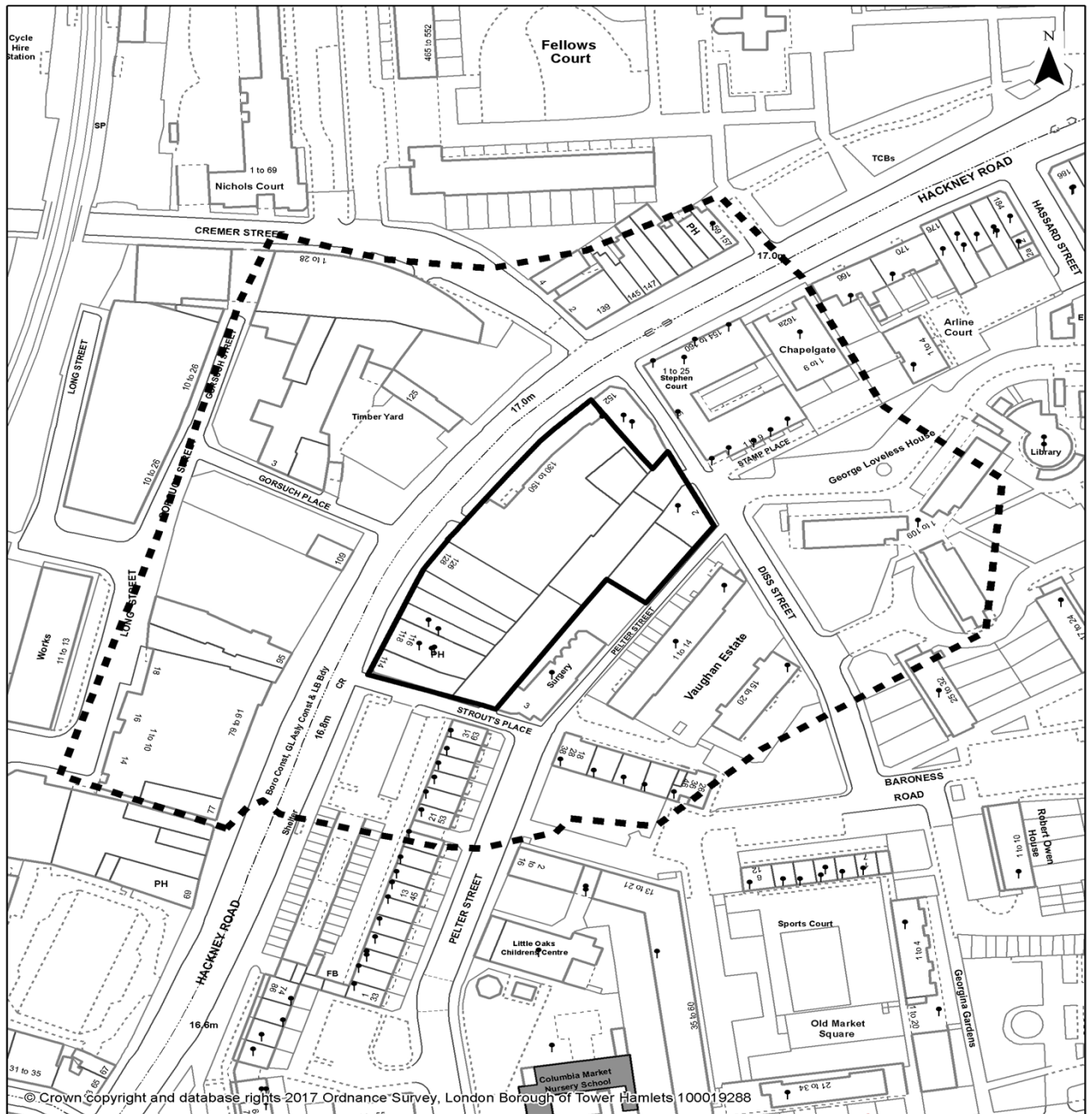
Pre-Occupation

28. Achievement of BREEAM Excellence rating
29. Details of residential privacy design measures
30. Management Plan for roof top terraces including control on hours
31. Facsimile copies or return of Joiners Arm decorative panel to front façade
32. Achievement of Secure by Design Accreditation for all residential units, to the commercial units and A4 Public House
33. Prior to occupation of each of the ground floor flexible use units details of 'shopfront' strategy and signage
34. Prior to occupation of each of the ground floor flexible use units Delivery and Service Management Plan (including waste collection)
35. Operational Management Plan for A4 including noise breakout mitigation strategy and A4 customer management plan
36. Travel Plan for B1 spaces
37. Delivery and Service Management Plan (including waste collection) for the B1 office spaces
38. All residential units shall be built in accordance BS 8233 (2014) acoustic and noise insulation standard, with results of compliance testing provided pre-occupation
39. Evidence the wheelchair adapted residential unit has achieved Building Regulations M4 (2) and the communal lift is also fully consistent with wheelchair accessibility, prior to occupation of residential units
40. Approval of Public Art commission for site with art installation installed prior to occupation of site

Post Completion

41. Submission of 'as built' calculations for energy reduction
42. Submission of an acoustic compliance assessment

Site Location Map



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- ↑ Land Parcel Address
- ▣ Consultation Area
- ▭ Planning Application Site Boundary
- Statutory Listed Buildings
- ▨ Locally Listed Buildings

Scale @ 1:1,250
 10 5 0 10 20 30 Meters

Planning Application Site Map PA/17/00250

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



GIS for Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 28/07/2017



Appendix 1

Approved Drawings:

16091_(00)_P001	Rev P01
16091_(00)_P099	Rev P02
16091_(00)_P100	Rev P02
16091_(00)_P101	Rev P01
16091_(00)_P102	Rev P01
16091_(00)_P103	Rev P02
16091_(00)_P104	Rev P02
16091_(00)_P105	Rev P02
16091_(00)_P106	Rev P03
16091_(00)_P200	Rev P02
16091_(00)_P201	Rev P02
16091_(00)_P202	Rev P02
16091_(00)_P203	Rev P02
16091_(00)_P300	Rev P01
16091_(00)_P301	Rev P01
16091_(00)_P302	Rev P01
16091_(00)_P303	Rev P02
16091_(00)_P304	Rev P01
16091_(00)_P305	Rev P01
16091_(00)_P306	Rev P02
16091_(01)_P099	Rev P01
16091_(01)_P100	Rev P01
16091_(01)_P101	Rev P01
16091_(01)_P102	Rev P01
16091_(01)_P103	Rev P01
16091_(01)_P104	Rev P01
16091_(01)_P200	Rev P01
16091_(01)_P201	Rev P01
16091_(01)_P202	Rev P01
16091_(01)_P203	Rev P01

Documents

- Transport Assessment (January, 2017)
- Geo-Environmental Investigation (January, 2017)
- Noise and Vibration Impact Assessment (January, 2017)
- Air Quality Assessment (January, 2017)
- Design & Access Statement (January, 2017)
- SuDS Strategy (January, 2017)
- Energy Statement, Issue 5 (July 2017)
- Typical Facade Treatments Drawing (received 11 July 2017)

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Committee: Development Committee	Date: 9 August 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Place	Title: Planning Application
Case Officer: Gareth Gwynne	Ref No: PA/17/00250
	Ward: Weavers

1. **APPLICATION DETAILS**

Location:	114 -150 Hackney Road, London, E2 7QL
Existing Use:	Primarily warehouse/ light manufacturing employment space (B1/B8 Use Class), a single 3 bedroom residential unit and vacant Public House (A4 Use Class) and retail shop (A1 Use Class)
Proposal:	Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four storeys to six storeys above a shared basement, to house a maximum of 9 residential units (Class C3), 12,600 sqm (GEA) of employment floorspace (Class B1), 1,340 sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1-A5) and provision of 316 sqm (GEA) of Public House (Class A4), along with associated landscaping and public realm improvements, cycle parking provision, plant and storage
Drawing and documents:	Refer to Appendix 1
Applicant:	Tower Hackney Developments Limited
Ownership:	D & J Simons Ltd, Robobond Ltd, London Power Networks PLC
Historic Building:	N/A
Conservation Area:	Hackney Road

2. EXECUTIVE SUMMARY

- 2.1 Officers have considered the particular circumstances of this application against the provisions of the development plan and other material considerations including the Equalities Act as set out in this report, and recommend approval of planning permission.
- 2.2 In land use terms the principle of an office-led redevelopment of the site is consistent with development plan policies with the scheme providing the potential to bring net increase of 1,073 FTE jobs on site, as well as optimising the scale of development on the site in a manner that it enhances the retained heritage assets on the site and preserves the character and appearance of the Hackney Road Conservation Area. The heritage design outcome before Members is the product of lengthy negotiations between the developer and Officers resulting considerable design amendments compared to the earlier pre-application residential-led proposal.
- 2.3 The vacant Joiners Arms public house is recognised as a community infrastructure facility. The proposed provision of a new Public House (A4) within the scheme is considered to meet the requirements of Policy DM8 *Community Infrastructure* and promote equality of opportunity pursuant to the Equalities Act, subject to a planning obligation to secure a first right of refusal upon the lease of the A4 unit to a LGBT+ operator. The ground floor area of the proposed A4 unit equals the total floorspace of the primary operational ground floor and basement storage area within the vacant Joiners Arms. Furthermore the general ground floor layout of the scheme as a whole also provides an opportunity for a lease on a larger unit should an LGBT+ or other A4 operator seek a larger Public House.
- 2.4 The proposed ground floor flexible use retail/office spaces would provide public realm and streetscape improvements to Hackney Road, consistent with this street's historic function as a commercially edged street frontage into the City. The scheme as a whole would meet the Mayor of London's City Fringe Opportunity Area objectives of bringing both office employment floorspace to the Shoreditch area (to meet the demand from the Tech City sector) and provide complementary flexible use spaces that lend themselves for occupation by cafes, bars and small retail outlets or by small and medium sized business enterprises. Given the low vacancy rate within the Columbia Road shopping centre and the flourishing state of its street market it is not considered the proposed retail spaces would threaten town centre hierarchies subject to limits to overall quantum and individual floorspace sized of A1-A4 flexible use retail spaces.
- 2.5 In broad urban design, urban regeneration, place-making and heritage safeguarding terms the scheme is considered to respond well in architecturally. It draws and builds upon the existing built character and urban grain of the site and the Hackney Road Conservation Area more generally, notwithstanding the scheme would mark a significant increase in overall massing upon the site.
- 2.6 It is acknowledged there are daylight impacts to a neighbouring terrace of 14 houses located to the rear of the site. However, on balance, officers consider these impacts are acceptable when due weight is given to the public and regeneration benefits of the scheme. Furthermore the adverse daylight impacts do not impact upon the main living room spaces to the affected homes (being limited to impacts to kitchen and bedrooms).

2.7 The scheme provides satisfactory new residential accommodation and raises no central concerns in respect of highways, transportation, sustainability agenda, principles of inclusive design and environmental health concerns.

3 RECOMMENDATION

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

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

3.2 Financial Obligations:

a) A contribution of £57,444 towards employment, skills, training for construction job opportunities;

b) A contribution of £339,680 towards employment, skills, training for end phase job opportunities;

c) Monitoring fee £1,500 (£500 per 106 Head of Terms requiring monitoring)

Total: £398,624

3.3 Non-financial Obligations:

d) Right of First Refusal Option for LGBT+ operator to take up a commercial lease upon the consented Public House (A4 Use Class) unit

e) Owner agreeing to enter into a Section 278 Highways Agreement to gain improvements for pedestrians on footways surrounding site, and highway reconstruction.

f) Owner ceding for highway adoption under Section 72 of the Highways Act

g) Access to employment, involving:-

- Reasonable endeavours to gain minimum 20% local procurement.
- Reasonable endeavours to gain minimum 20% local labour in Construction.

h) Delivery of 7 newly created apprenticeships on-site during construction phase.

i) Delivery of 3 newly created on site apprenticeships at end phase

j) Reasonable endeavours to keep existing architects as project architects through to building completion; and

k) Owner to enter into a Car Free Agreement

3.4 That the Corporate Director of Place is delegated authority to negotiate and approve the legal agreement indicated above.

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:

3.6 Conditions

Compliance Conditions

1. Three year time limit
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3. Requirement to maintain a Public House (A4 Land Use) at ground floor.
4. Limits on total quantum of A1 operation on site, A2, A3, and A4 and cap on maximum size of any individual A1, A3 or A4 and total number of A3 and A4 units
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6. No rooftop plant shall be visible from ground level
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9. During hours of daylight, all occupants of the consented B1 spaces shall have access to Level 5 roof top terrace
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13. Maintain a minimum 60% of the approved glazed frontage with unobstructed views into the individual flexible use units

Pre-commencement

14. Land contamination investigations study
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17. Recording and salvage of materials / features for reuse
18. Building Historic Recording Survey including photographic survey

Pre-commencement excluding demolition phase

19. Impact studies upon existing water supply
20. Details of drainage and sustainable water management strategy
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22. Detail of Clean Air Mechanical Ventilation to residential Units
23. Safe storage of historic directors Board Room panelling

Prior to commencement of relevant works

24. Details of secure cycle stands, changing room/shower and locker facilities for cyclists
25. Samples of all external materials and (1:20 minimum) façade detail construction level drawings including detail of the junction of materials
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Pre-Occupation

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37. All residential units shall be built in accordance BS 8233 (2014) acoustic and noise insulation standard, with results of compliance testing provided pre-occupation
38. Evidence the wheelchair adapted residential unit has achieved Building Regulations M4 (2) and the communal lift is also fully consistent with wheelchair accessibility, prior to occupation of residential units
39. Approval of Public Art commission for site with art installation installed prior to occupation of site

Post Completion

40. Submission of 'as built calculations for energy reduction
41. Submission of an acoustic compliance assessment

3. PROPOSAL AND LOCATION DETAILS

Site, Surroundings and Designations

- 3.1. The site occupies the bulk of an urban block which is bounded to the west/northwest by Hackney Road, bounded to the south east by Pelter Street, bounded to the northeast by Diss Street and bounded to the south by Strout's Place. The urban block in its entirety occupies an area of approximately 4,100sq.m with the development site itself occupying an area of approximately 3,400sq.m. The development site excludes two building plots within the urban block namely a GP surgery that occupies the corner of Strout's Place and Pelter Street and No. 152 Hackney Road on the corner with Diss Street.
- 3.2. The buildings on site are a mix of 2, 3 and 4 storey buildings. The upper storey frontages on Hackney Road follow the historic Georgian building line, set in front of this historic building line are a set of single storey retail/commercial frontages.
- 3.3. The buildings on site are predominantly a mix of industrial buildings and domestic buildings (the latter re-used for industrial/warehousing purposes). D J Simon's Ltd a manufacturer and supplier of picture frames, mirrors and mouldings that occupies Nos. 130-150 and this forms the largest single plot within the block. No. 116 - 118 Hackney Road is the Joiner's Arms Public House, an A4 Use establishment that closed down in January 2015.



Figure 1: Aerial photograph with site (set within a shaded area) looking south

- 3.4. The site falls within the 'Place' of Shoreditch, as designated by the Local Plan. The Core Strategy vision for Shoreditch is for it to reinforce and reflect the historic qualities of Shoreditch to shape future growth. Principles of development for Shoreditch include protecting heritage in conservation areas, retaining and enhancing the traditional street pattern and medium-rise character of the area and retaining and encouraging the vibrant mix of uses of small shops, businesses and enterprise spaces along major routes.

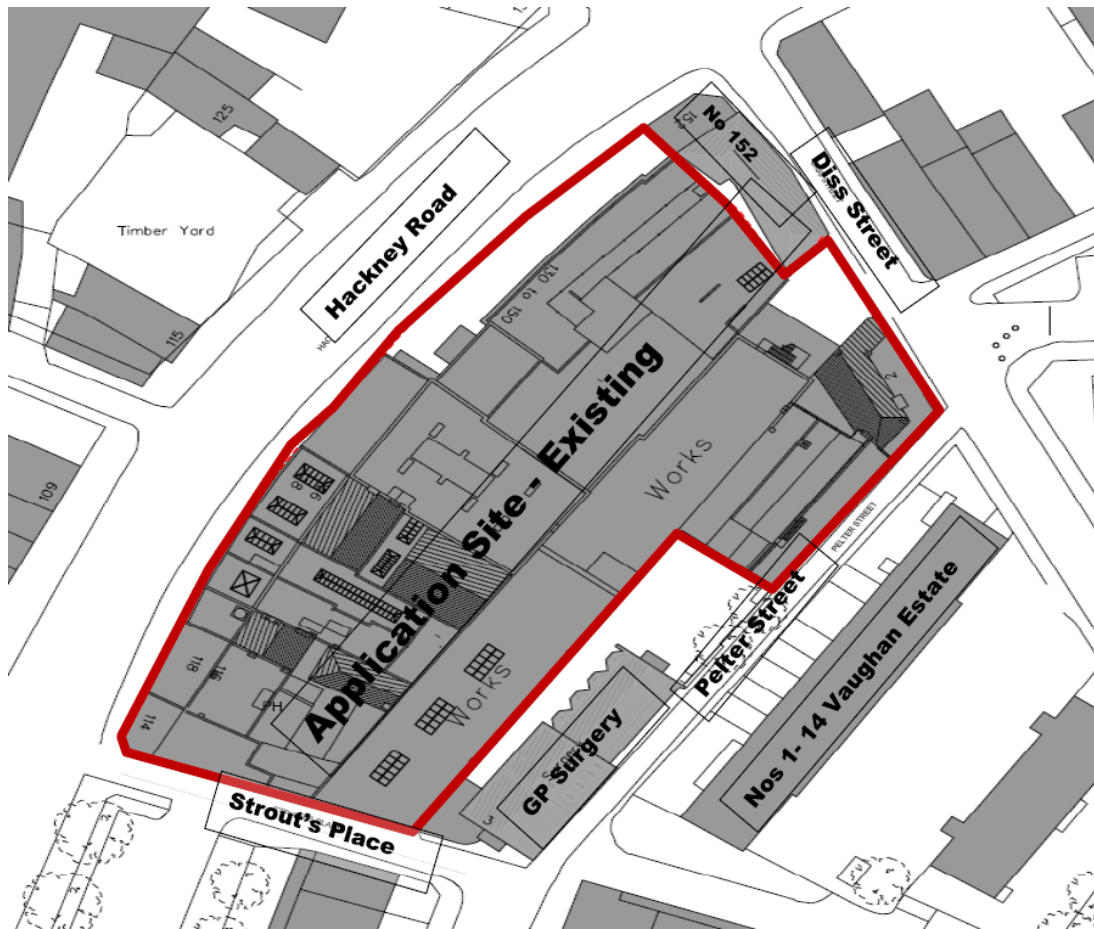


Figure 2: Location Plan - Site edged in thick outline.

- 3.5. The whole of the site is located within the Borough's Hackney Road Conservation Area and stands opposite the London Borough of Hackney, Hackney Road Conservation Area. The nearest statutory listed building is the recently listed Ye Olde Axe situated less than 75m to the south west of the site which fronts onto the north side of Hackney Road.
- 3.6. The Joiner's Arms Public House was designated in March 2015 an Asset of Community Value (ACV) by the Borough, following an application submitted by the Friends of the Joiners Arms and it remains on the Council's list of ACVs. An ACV designation is not a planning designation but is capable of being a material planning consideration and the National Planning Policy Framework paragraph 70 considers the need to avoid the loss of community assets.
- 3.7. Most of the site is classified as having a Public Transport Accessibility Level (PTAL) of 6. With the remaining section a PTAL rating of 5. Hoxton Overground Station is approximately 250m walking distance from the site. The site lies within the defined inner core of Mayor of London's City Fringe Opportunity Framework Area. The site is exempt from Class J GPDO conversion to residential.
- 3.8. The site is not in the Central Activity Zone (CAZ) or a designated town centre. Within the Borough the nearest designated town centre is Columbia Road, that also supports a popular street market. The next nearest is Hoxton Street Local Shopping Centre approximately 400m to the northwest of the site, located in London Borough of Hackney.

PROPOSAL

3.9. The proposal involves:-

- a. Part demolition, part retention of existing buildings on site, the construction of a series of vertical extensions set over and to the rear of existing buildings and the construction of new buildings. The tallest building rises to 6 storeys which is equal to a maximum height of 25.3m (compared to existing tallest building on-site rising to 14m);
- b. The loss of 1 existing 3 bedroom unit and provision of 9 new residential flats consisting of 3 x1 bedroom flats, 5 x2 bedroom flats and 1 x3 bedroom flat;
- c. Formation of 11,397sq.m (GIA) of B1 office employment office floorspace (primarily located above ground floor leading to a minimum net uplift of 3,281sq.m employment space on-site compared to as existing).
- d. Provision of a new A4 (Public House) unit of 286sq.m (GIA).
- e. Formation of 1,296sq.m of ground floor flexible use office/ retail space (A1/A2/A3/A4/B1 Use Classes) with floor area maximum caps (secured by planning condition) to limit at any one time the total quantum of shops (A1 use class) floor space to 650sq.m, Professional services (A2 use class) to 650sq.m, restaurant/ cafe (A3 use class) floor space to 500sq.m, and drinking establishments (A4 use class) floor space to 500sq.m. The maximum size of any single A1/A2/A3 unit will be no greater than 300sq.m and no individual A3 or A4 unit to be greater than 400sq.m.



Figure 3: CGI of Proposal (looking northeast along Hackney Road with Strout's Place frontage on right side of image)

RELEVANT PLANNING HISTORY

On site

- 3.10 None relevant to the current planning application. Other than extensive series of pre-application discussions were held between applicant and their design team and LBTH planning officers (beginning in autumn 2014) culminating in the planning application that is the subject of this report.

Neighbouring Sites

97-137 Hackney Road (opposite the site)

- 3.11 London Borough of Hackney granted planning permission (Ref 2015/3455) on 24th April 2017 for erection of 3 buildings ranging in height from 5 storeys to 9 storeys set above shared basement with a mix of uses including 184 residential units (Class C3), 13,334 sqm (GIA) of employment floorspace (Use Class B1), and 4,243 sqm (GIA) of flexible commercial/retail space at basement and ground floor levels (falling within Use Classes A1-A4, and B1) which can comprise no more than 1,500 sqm (GIA) of A1 floorspace, no more than 500 sqm (GIA) of A2 floorspace, no more than 1,500 sqm (GIA) of A3 floorspace, no more than 1,000 sqm (GIA) of A4 floorspace, and no more than 1,400 sqm (GIA) of B1 floorspace. The applicant was Regal Homes who are joint venture partners to the planning application that is the subject of this report.

4. POLICY FRAMEWORK

- 4.1. The Council in determining this application has the following main statutory duties to perform:
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
 - To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
 - Pay special attention to the desirability of preserving or enhancing the character or appearance of the Hackney Road Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990);
 - To discharge the public sector equality duty.
- 4.2. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:
- 4.3. **Central Government Policy/Guidance**
- National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance
- 4.4. **The London Plan – (March 2016)**

- 2.9: Inner London
- 2.13: Opportunity Areas and Intensification Areas
- 2.18: Green Infrastructure
- 3.1: Ensuring Equal Life Chances for All
- 3.3: Increasing Housing Supply
- 3.4: Optimising Housing Supply
- 3.5: Quality and Design of Housing Developments
- 3.16: Protection and Enhancement of Social Infrastructure
- 4.1: Developing London's Economy
- 4.2: Offices
- 4.3: Mixed Use development and offices
- 4.7: Retail and Town Centre Development
- 4.8: Supporting a successful and diverse retail sector
- 4.9: Small Shops
- 4.10: New and Emerging Economic Sectors
- 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
- 5.17: Waste Capacity
- 5.18: Construction, Excavation and Demolition Waste
- 5.19: Hazardous Waste
- 5.21: Contaminated Land
- 6.3: Assessing the Effects of Development on Transport Capacity
- 6.9: Cycling
- 6.10: Walking
- 6.11: Congestion and traffic flow
- 6.12: Road Network Capacity
- 6.13: Parking
- 7.1: Lifetime Neighbourhood
- 7.2: An Inclusive Environment
- 7.3: Designing Out Crime
- 7.4: Local Character
- 7.5: Public Realm
- 7.6: Architecture
- 7.8: Heritage Assets and archaeology
- 7.9: Access to Nature and Biodiversity
- 7.14: Improving Air Quality
- 7.15: Reducing Noise and Enhancing Soundscapes
- 7.19: Biodiversity and Access to Nature
- 8.2: Planning Obligations
- 8.3: Community Infrastructure Levy

4.5. **Tower Hamlets Core Strategy (2010) (CS)**

SP01: Refocusing on our Town Centres
SP02: Urban Living for Everyone
SP03: Creating Healthy and Liveable Neighbourhoods
SP05: Dealing with Waste
SP06: Delivering Successful Employment Hubs
SP09: Creating Attractive and Safe Streets and Spaces
SP10: Creating Distinct and Durable Places
SP12: Delivering Place-making

4.6. **LBTH Managing Development Document (2013) (MDD)**

DM0: Delivering Sustainable Development
DM1: Development with the Town Centre Hierarchy
DM2: Local Shops
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
DM16: Office Locations
DM20: Supporting a Sustainable Transport Network
DM21: Sustainable Transport of Freight
DM22: Parking
DM23: Streets and Public Realm
DM24: Place Sensitive Design
DM25: Amenity
DM27: Heritage and Historic Environment
DM29: Achieving A Zero-Carbon Borough and Addressing Climate Change
DM30: Contaminated Land

4.7 **LBTH Supplementary Planning Documents**

- Planning Obligations SPD (2016)

4.8 **Mayor of London Supplementary Planning Guidance**

- Housing SPG (2016)
- Sustainable Design & Construction SPG (2014)
- Social Infrastructure SPG (May 2015)
- Accessible London: Achieving an Inclusive Environment SPG (2014)
- Control of Dust and Emissions During Construction and Demolition (2014) Best Practice Guide
- Shaping Neighbourhoods: Character and Context SPG (June 2014)
- City Fringe (Tech City) Opportunity Area Planning Framework (December 2015)
- Draft Culture and the Night Time Economy SPG – draft for public consultation (April 2017)

4.9 **Other Relevant Documents**

- London Borough of Tower Hamlets, Hackney Road Conservation Area Character Appraisal and Management Guidelines (November 2009)
- London Borough of Hackney, Hackney Road Conservation Area Appraisal (July 2009)
- Conservation Area Designation, Appraisal and Management, Historic England Good Practice Planning Advice Note 1 (2016)
- Managing Significance in Decision-Taking in the Historic Environment, Historic England Good Practice Planning Advice Note 2 (2015)
- The Setting of Heritage Assets, Historic England, Good Practice Planning Advice Note 3 (2015)
- Community Right to Bid: Non-statutory Advice Note for Local Authorities (Dept Communities and Local Government, October 2-12)
- House of Commons Library: Assets of Community Value. Briefing Paper (April 2017)
- GLA London Employment Sites Database (May 2016)
- Homes and Density Guide, 3rd Edition November 2015) Homes and Communities Agency
- LGBTQ+ Cultural Infrastructure in London: Night Venues, 2006–present” published by UCL Urban Laboratory (July 2016)

5. CONSULTATION RESPONSES

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

5.2. The following were consulted regarding the application:

Internal Consultees

Highways and Transportation

5.3. The residential development should be car free as site has excellent access to public transport. Given site constraints accessible car parking will need to be met through on-street provision.

5.4. With regard to servicing, the scheme is proposing to set back the building on Hackney Road itself and provide an inset service bay behind the carriageway. This service bay has been agreed by LBTH Parking Services and TfL. This service bay shall operate only outside of the hours of the bus lane (i.e. 10am – 4pm with vehicles only being allowed to stop for a limited time with no return within 1 hour). The applicant is willing to give up some of their land for adoption to achieve a continuous 2m strip of footway behind the new loading bay. This can be done under a section 72 Highways Act and forms part of the requested s278 agreement. The width of the footway in Strout’s Place is below standard for pedestrian movement. Highways preference is for footway to be widened to bring it up to standard. However DM planners have requested keeping the existing building wall for heritage reasons making widening the footway impossible. Highways require a S278 Agreement to improve the highway around the site in general and in particular remedial and improvement works to Stroud’s Place. The applicant has agreed to put in a raised table area to allow pedestrians to cross from either side to improve the situation for pedestrians.

5.5. The number of cycle spaces meets the London Plan. 20% of the stands need to be provided as Sheffield stands.

- 5.6. In summary highways have no overriding objection subject to:
- Securing an appropriate Section 278 agreement to gain highway improvements for pedestrians on footways surrounding site.
 - Provision of inset service bay set behind the bus lane.
 - Owner ceding land for highway adoption (to make a public footway), under Section 72 of the Highways Act
 - Car Free Agreement for future residents (secured through Section 16 of the Greater London Council (General Powers) Act 1974)
 - Details of cycle stores and cycle stands

Energy & Sustainability Officer

- 5.7. The applicant submitted an energy strategy that follows the broad principles of the energy hierarchy. The current proposals are anticipated to achieve a reduction in CO2 emissions in excess of 45%.
- 5.8. For the non-residential elements, the applicant is proposing an air source heat pump for the space heating and cooling loads and providing solar panels. No objection to scheme subject to planning conditions to secure as built calculation details of energy reduction measures and final completion certificate demonstrating achievement of BREEAM excellence for non-residential parts of the scheme.

5.9. Licensing Team

- 5.10. The public house (The Joiners Arms) premises licence is still in existence although the premises are currently closed. These premises are currently licenced for:
- Sun-Wed 12:00-02:00hrs
 - Thurs 12:00-03:00hrs
 - Fri-Sat 12:00-04:00hrs
- with an additional 30 minutes for drinking up time.
- 5.11. The premise was subject to a police review of the licence in September 2013 whereby a number of conditions were imposed to uphold the licensing objectives. If there is a substantial change to the premises a new premises licence would be required to be applied for, as would be the case if the public house was relocated within the wider planning application site.
- 5.12. There is no guarantee that a new premises licence or a variation to the existing premises licence will be granted especially if there are subsequently residents living above/nearby and representations are made. Soundproofing needs to be taking into consideration to prevent public nuisance.

External Consultees

London Borough of Hackney

- 5.13. No comments received.

CAMRA (Campaign for Real Ale)

- 5.14. CAMRA resist the unnecessary loss of pubs. *“The Joiners was a sound viable business which was profitable and fulfilled a community social role as well as being an important part of the London LGBTQ+ scene. It fell victim to developer greed when the freehold was sold to the present applicant who promptly shut the pub.*

The new A4 use being proposed will never and can never be equivalent to the cherished pub that we have lost. Sadly the planning system is largely incapable of distinguishing the fabric of an historic pub building from the land use.

- 5.15. *The reprovision of A4 space is nothing but a developer ploy in order for decision makers like you to be able to justify their lucrative schemes by describing them as "broadly acceptable in planning terms". I realise you are bound by the agreed development plan and any regional and national policy but sadly we see this as the deliberate destruction of a pub with the replacement simply being a cynical sop to planning policy.*
- 5.16. *The Borough consented to the loss of the historic Top of the Morning (formerly Mitford Castle) in Victoria Park on the basis that a new "pub" would be provided. This building as completed is quite unsuitable for pub use. CAMRA fear the same will happen here at the Joiners.*
- 5.17. *The problems for the long term viability of the proposed "pub" here at the Joiners are:*
1. *Split planning unit meaning only leasehold is available for the pub. Many of the best pub operators are interested in freehold premises only.*
 2. *Lack of storage and ancillary accommodation.*
 3. *Local residential co-located leading to noise complaints and restrictions on licence hours and other aspects of business operation.*
 4. *Cellar space wholly inadequate. How will beer and other stock get into the cellar?*
 5. *No evidence of cellar cooling apparatus*
 6. *No details of a kitchen area to enable pub to serve food,*
 7. *Could not see a kitchen on the drawings which would preclude serving food*
 8. *No smoking area.*
- 5.18. *The developer is attempting to sweeten the Council and the LGBTQ+ community here and asking the Council to support this destruction of their beloved pub. Our view is that you should resist and insist that the existing Joiners is saved. You will never see anything like the equivalent venue on that site and I should be jolly surprised if you get any practical A4 use at all if this scheme goes ahead"*

Metropolitan Police Crime Prevention Design Officer

- 5.19. Reported crime figures, within a 1 mile radius of the site, are higher than the average crime rate for London as a whole. Designing Out Crime Officers met with the architects in January 2017 to discuss the specification and standards required to achieve separate Secured by Design certification for the residential and commercial aspects of this development. A4 Unit advised to achieve its standalone Secure by Design accreditation given its very bespoke requirements
- 5.20. Applicant advised to secure a series of recommendations and notes made to the developer including use of:-
- P1A laminated glass to all windows at ground floor, Fob access to all gates and main entrances, PIR lighting through refuse and bike stores
 - Advised against brick external structure as aids burglars gain access to residential. However, if this design is retained recommend all accessible windows and patio doors are of PAS24:2016 standard reinforced with P1A Laminate (BSEN 356:2000) as a minimum.
 - Residential Internal Cycle Storage Area - recommend a door lock to PAS24:2012, an internal thumb lock, internal PIR lighting, bicycle secure

- ground mounted anchors that meet 'Sold Secure' Silver standard and a Management Plan that restricts access to residents without cycles
- Commercial Basement Cycle Storage Area - Fob access control to the cycle store via a single secure door set that meets PAS24:2012. Bicycle secure ground mounted anchors that meet 'Sold Secure' standard.
- External Visitor Cycle Storage - Cycle stands should be securely ground mounted into concrete, facilitate 3 points of locking and adhere to Sold Secure Standard or LPS1175.
- 5th Floor Communal Roof Top Area - recommend introduction of a Management Plan that stipulates the type of activities that can take place within this area, including time restrictions. Windows overlooking this area should be P1A laminated toughened glass on the outer panel.

5.21. With respect of proposed A4 Use a set of observations made including:-

- Queuing - Allowance should be made to accommodate a queue system which minimises the need for customers to queue unsupervised in a public space..
- Door Supervisors - Where door supervisors are to be used, there should be sufficient space in the doorway for them to operate safely, without causing congestion.
- A single public entrance to the premises is preferred.
- Smoking Area - recommend that a supervised, open-air area is provided that is not located in the general public domain.

Friends of Joiners Arms

5.22. The two extended letters of objection have been summarised as follows:

5.23. Hold a fundamental objection to a proposal that replaces the existing Joiners Arms building in its entirety. Have doubts about the long term intentions/commitment of applicant to providing a Public House to serve the LGBTQUI+ community on site given the developer's decision to close down the Joiners and the developer's objection to the ACV designation. The Joiners Arms served as a safe space for the LGBQUI+ community, such safe places are at risk in the Borough and across London. The Joiners Arms provided for broader cultural expression beyond the confines of a Public House. The applicants Heritage Statement makes no assessment of the social value of the Joiner's Arms, one of the oldest surviving LGBTQI+ venue buildings. Consider the scheme would not preserve or enhance the conservation area.

5.24. No evidence that an Equality Impact Assessment has been carried out regarding this development application, and specifically the closure and enforced loss of an LGBTQI+ community asset.

5.25. Proposal would see the demolition of an ACV which will not be reinstated or re-provided elsewhere, a requirement of Local Plan Policy DM8 on Community Infrastructure. Proposal does not protect the community facilities, specifically the LGBTQI+ community facilities.

5.26. Consider the proposal, with its lack of protection for the Joiners Arms as an LGBTQI+ facility, to directly contravene the guidance of the NPPF. The proposal does not "*plan positively for the provision and use of... community facilities (such as... meeting places...)...to enhance the sustainability of communities*" in accordance with Paragraph 70 of the NPPF. Nor does the proposal "*guard against the unnecessary loss of valued facilities and services, particularly where this would*

reduce the community's ability to meet its day-to-day needs.” This proposal is also in direct contravention of The London Plan, specifically Policy 3.1 - Paragraph B ‘Planning Decisions’ - “Development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Proposals involving loss of these facilities should be resisted.”

- 5.27. Query whether London Borough of Hackney was consulted on scheme. Consider Georgian Group and Historic England should be consulted on scheme.
- 5.28. Consider scheme does not allow for the operation of a viable late-licence pub, a view shared by CAMRA. Operational concerns relate to: lack of storage and ancillary accommodation; lack of cellar space; lack of off-street smoking area leading to increased likelihood of noise complaints and licensing restrictions resulting from proximity to new and existing residential developments
- 5.29. The Friends of the Joiners envisioned the future use of the venue to include an LGBTQI+ community space operating separately to its function as a pub with late licence and included this in the successful ACV application. The planned development makes this aspiration impossible to realise.
- 5.30. Without prejudicing to our basic objection to the scheme were the scheme approved we seek a set of reasonable conditions are imposed summarised as follows:
- A4 unit is only let to operators who are able to demonstrate they meet the 7 criteria for defining an LGBTQI+ space as agreed by the Queer Spaces Network21, to the satisfaction of Borough, GLA and local LGBTQI+ community representatives
 - Leasehold for the A4 unit is set at 80% of the open market rate with a minimum leasehold of 20 years
 - A4 unit is at least equal to original floorspace of the Joiners Arms including calculation for the existing basement and ancillary accommodation space
 - Agent for Change noise principles must be adhered to, on the understanding that, as a continuation of the original Joiners Arms, the A4 unit pre-dates any subsequent development (including parallel residential development in London Borough of Hackney)
 - The plans for the A4 unit should be amended so that guaranteed and on-going access is granted to an outdoors area away from Hackney Road
 - Developer agree to a significant rent-free period of 6-12 months to allow for set-up of a viable operation
 - Developer provide the A4 unit to an agreed fit-out specification to ensure it is fit for purpose as a viable pub
 - Protection of A4 Unit for the use LGBTQI+ community in perpetuity
Controls placed on the occupation of the remainder of the development, until the A4 unit meets the needs of LGBTQI+, as set in the sought obligation above.
- 5.31. *(Officer Comment: For schemes of this type with no designated heritage assets on site Historic England have set out to the Borough they do not wish to be consulted. The nature of the works and historic significance of the site similarly did not warrant Georgian Group being consulted upon scheme. London Borough of Hackney were consulted on scheme)*

Mayor of London Night Time Czar

- 5.32. The Mayor has pledged to make safeguarding London's night-time economy and culture a core priority. Protecting LGBT+ venues is a key part of this. They

contribute to London's economy, generate stronger and more resilient communities and are vital for many people's freedom of expression. London has lost a quarter of its pubs and half of its nightclubs over the last ten years. A new University College of London (UCL) report shows that London's LGBT+ venues are in crisis, with a 58% loss of spaces in the past decade. One of the hardest-hit boroughs is Tower Hamlets, which has lost 73% of its LGBT+ venues since 2006.

- 5.33. Despite LGBT+ venues often being thriving and successful businesses, UCL's report finds that they are closing because of external pressures such as large-scale developments. The report specifically highlights the closure of The Joiner's Arms as one of several high-profile LGBT+ venues to close in recent years. Before it closed, The Joiner's Arms was a much-loved and long-running late night LGBT+ venues that saw thousands of people pass through its doors each year. The Mayor and I want to ensure that London is a city where minority communities are able to meet and socialise in a safe space, and where their heritage is protected. In order to stem closures of LGBT+ spaces the Mayor has instructed me to make protecting LGBT+ venues an urgent priority by acting as a mediator between venue owners, and developers and pub companies, and reaching out to venues in trouble to offer support from City Hall. I have been already working closely with a number of venues and community groups in London, including The Friends of the Joiner's Arms.
- 5.34. I hope that Tower Hamlets is able to enable the re-opening of The Joiner's Arms as an LGBT+ venue that can act as a catalyst for the local economy and the wider borough.

Public Consultation

- 5.35. A total of 241 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of four site notices and a press notice.
- 5.36. Written representations have been received from 33 individuals and groups including the Friends of Joiners Arms. All 33 of the written representations provide objections to the scheme.
- 5.37. 29 of the written representations set out reasons of objection to the scheme that overlap with the reasons of objection set out by the Friends of the Joiners. Of the other representations one comes from an immediate neighbour to the site living in Vaughan Estate who objects on grounds of substantial reduction in sunlight/daylight to two bedrooms in home, resulting from the obstruction provided by the scheme's proposing height and massing.
- 5.38. Another representation was received from a neighbour who lives close by who welcomes the proposals as a whole with the retention of employment space, the retention of a public house, improved public realm and developer's willingness to move away from their original conception of site clearance to a scheme that retains much of the historic fabric of the site. However sets out concerns over the community consultation events and processes and an objection over the height and massing of the north flank of the new building facing Diss Street and its dominating effect in a series of streetviews. The objector states this impact would not be mitigated by the proposed public art on a flank wall. The neighbour also request the lost external decorative panels on the Joiners Arms should be returned (or accurate replicates made), similarly the fine internal wooden room panels that remain within the furniture making complex should be reused on-site as part of the redevelopment scheme.

- 5.39. A previous Director of the Joiners Arms who runs LGBT events in the Ye Olde Axe raises concerns:
- over the impact the proposed A4 could have in connection with competition to LGBT events he operates in Ye Olde Axe (*Officer comment: not a material planning consideration*);
 - over the internal layout drawing prepared by the architects for the A4 unit as illustrative only;; and
 - maintains an objection in respect of the need for full fit out costs for any pub to be covered by the developer.

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning considerations for an application are set out below and dealt with the following sections of the report (sections in bracket).

- Land Use (7)
- Design and Heritage (8)
- Amenity - Impacts to Neighbours (9)
- Amenity - proposed scheme(10)
- Highways and Transportation (11)
- Equalities (12)

6.2 A series of other material considerations including environmental (air quality, flood risk, land contamination, energy, bio-diversity) and human rights are reported in section 13 to this report.

7.0 LAND USE

Employment Use

7.1 Approximately 91% of the existing (9,394sq.m) floor space on site falls within employment use class (B1 or B8). The scheme proposes to retain employment land use as the main land use on site in the form of a minimum 11,937sq.m of B1 use office floor space. The scheme proposes to retain at minimum over 80% of the land use on site as employment space in the form of B1 offices.

7.2 The site is located within the inner core of City Fringe Opportunity Area Planning Framework (OAPF) as defined by the London Plan. The inner core to the City Fringe OAPF is where demand for office space is forecast to be highest. Paragraph 3.9 of the City Fringe OAPF sets out that where new development involves the demolition of existing employment floor space it should seek to re-provide to least the same quantum and support an appropriate overall balance between employment and residential floor space.

7.3 At the local level objective SO16 of the Core Strategy seeks to deliver a range and mix of employment uses, sites and types in the most appropriate and accessible locations across the Borough.

7.5 Policy DM15 of the Local Plan states “development should not result in the loss of active and viable employment uses” unless it is unsuitable for continued employment use due to its location, viability, accessibility, size and condition or a two year active marketing exercise has been undertaken. Policy DM15 also states “development which is likely to adversely impact on or displace and existing

business must find a suitable replacement accommodation within the borough unless it can be shown *that the needs of the business are better met elsewhere.*”

- 7.6 D J Simons own and occupy the site. Their business is already in the process of preparing to relocate to northeast London for operational reasons. A key constraint of the existing building is its inability to accommodate deliveries from large vehicles. D&J Simons undertook an extensive review of alternative locations both within and outside of the Borough. They were unable to identify and secure suitable alternative accommodation within the Borough given their specific operational requirements and due to strong competition for sites from developers seeking to deliver higher value uses such as residential.
- 7.7 Some parts of the existing buildings on site that house employment activities are in a poor state of repair. Existing realised employment density on site is low (40-45 Full Time Equivalents) a function of the particularities of the existing business with much of the site serving warehouse storage space. Based upon GLA’s London Employment Sites Database (LESD) figures it is estimated the schemes proposed B1 allocated floor space could provide a potential 1011 net new office jobs, plus an estimated minimum 62 potential FTE jobs from the flexible use and A4 spaces. Implementation of the scheme would represent a major uplift in total number of jobs on-site and set alongside the opportunities the schemes provides to deliver employment spaces well suited for occupancy by small and medium enterprises it is considered this office led redevelopment of the site is consistent with land use Policies SP016 and DM15 of the Local Plan, Policies 2.9, 2.13, 4.1, 4.2 and 4.3 of the London Plan and the employment space enhancement objectives set out in Mayor of London’s City Fringe OAPF.

Residential Use, Mix and Quality

- 7.8 The provision of housing is a policy objective at a national, London-wide and local level. NPPF Paragraph 50 supports the delivery of a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. Local Plan Core Strategy Policy SPO2 (2.a) requires new housing development to optimise the use of land. London Plan Policy 3.4 ‘*Optimising Housing Potential*’ sets out that planning decisions need to take account of local context. Local Plan Strategic Objective 23 promotes a Borough of well designed, sustainable and robust buildings that contribute and enrich the local environment and contribute to the overall quality of life.
- 7.9 The scheme would provide a net increase of 8 residential units on site. One existing three bedroom unit would be lost but this would be offset by a new three bedroom set alongside provision of three one bedroom units and five two bedroom units. The bedroom mix assessed against Policy SP02 and DM3 of the Local Plan overprovides 2 bedroom units (55% provision against 30% target) and underprovides one bedroom at 33% and larger family sized units at 11%, against target of 50% and 20% respectively. Given the low number of total units and the site constraints including working with existing buildings of heritage significance this proposed bedroom mix is considered acceptable.
- 7.10 The scheme provides 9 new residential flats set over three upper floor with access via a dedicated private residential courtyard from Strouts Place. The residential units would benefit from a communal private courtyard, leading off that would be the entrance to the stairs and lift to the flats, plus a separate door of the courtyard to the refuse store and cycle storage room. All the units would meet national minimum

space standards and benefit with private external balconies that meet London Plan area standards in accordance with policy 3.5 of the London Plan and DM4 of the local plan.

- 7.11 The orientation and siting of the proposed dwellings ensures that the amenity of the future occupiers is protected in accordance with local plan policy DM25, and given the proposed conditions on opening hours of the commercial units, and noise mitigation, residential uses are considered compatible with the other land uses proposed.
- 7.12 In policy terms (as set out in paragraphs 6.31 to 6.75 to this report) an employment-led redevelopment of the site is considered appropriate for the site. During the pre-application process it became evident to officers that an employment led redevelopment of the site was more conducive in design terms to protecting and enhancing the heritage assets on-site, compared to the earlier pre-application iterations of the scheme produced by the project architects that were residential led. Given this conclusion and consideration of Local Plan Managing Development Document Policy DM27 '*Heritage and the Historic Environment*' of seeking to preserve or enhance the Borough's heritage assets it is considered the small quantum of housing the scheme would deliver is acceptable given such an approach produces markedly better heritage outcomes. As such the scheme optimises the overall development potential on-site and complies with development plan policies and the 'guiding' and 'core principles' of the NPPF, as set out in paragraphs 14 and 17 of the NPPF.

Flexible Use A1-A4 Retail / B1 Space

- 7.13 The scheme proposes up to 1,234sqm of net additional retail (use classes A1-A4) floorspace compared to the present provision. There are six separate commercial units proposed on the ground floor fronting Hackney Road. One is dedicated to a A4 use class (public house) to replace the existing Joiners Arms. The other five units provide flexible use space measuring 349sq.m, 134sq.m, 248sq.m, 275sq.m and 268sq.m. These could come forward as either a shop (use class A1), profession services (use class A2), a restaurant/ café (use class A3), a drinking establishment (use class A4) or an office (use class B1a). To avoid undermining nearby town centres it is recommended that a Condition is imposed to ensure A1, A2, and A3 use classes are limited to a maximum floorspace of 349sq.m. and no more than 349sq.m + 286sq.m (Joiners Arm replacement floorspace) floorspace as A4 use class.
- 7.14 Local Plan Policy DM2 only supports 'local' shops outside of town centres where there is demonstrable need that cannot be met within existing town centres and with them being of an appropriate scale to their locality, that does not affect amenity or detract from the character of the area and do not form part of or encourage a concentration of uses that would undermine nearby town centres. Local Plan Policy DM4 seeks to direct prospective new restaurants and drinking establishments to the Central Activity Zone, Tower Hamlets Activity Areas and designated town centres to support their vitality and viability. Whilst in some locations the proposed quantum of A1-A4 floorspace could be considered contrary to Policies DM2 and DM1 (the latter in respect of strengthening town centre hierarchy), in this instance the quantum is considered acceptable given its location in the City Fringe with the Mayor of London OAPF document acknowledging the need for a vibrant mix of land-uses within the City Fringe including shops, bars, cafes and restaurants that allows opportunities for "*informal networking and initiating further collaboration*", being a key attractor for "*young, skilled professionals who successful digital company needs to attract*".

- 7.15 While Strategy 4 of the OAPF focusses retail development on the CAZ and designated town centres, the site can be considered well integrated to the public transport network and given its prominent place on a main road artery into central London there are tangible urban design benefits to providing active commercial frontages onto this section of Hackney Road. Furthermore, it is also noted that the nearby Columbia Road neighbourhood shopping centre has a zero vacancy rate that indicates (along with the Columbia Road street market) the centre is attracting custom to its degree bespoke retail offer, and that this designated retail centre is not liable to be threatened by new retail units on this application site, nor is Brick Lane Local Centre over 500m walking distance to the south. On that basis, the Council's Strategic Planning team consider the proposals to be complimentary to the viability of the primary employment use of the site, subject to controls on the total quantum and size of individual A1-A4 units and a control on the total number of A3-A4 units to ensure the scale of development does not draw trade away from neighbouring shopping centres and to protect local residential amenity.

Re-Provision of Public House (Use Class A4)

- 7.16 Policy DM8 'Community Infrastructure' of the Managing Development Document seeks to protect social and community facilities where they meet an identified local need and the buildings are considered suitable for their use, in accordance with the aims of Policy 3.16 of the London Plan. Policy DM8 sets out expressly that Public Houses can be considered community infrastructure facilities for the purposes of this policy
- 7.17 Policy DM8 (2) states "*where development proposals are likely to adversely impact on existing health, leisure and social and community facilities, the re-provision of the existing facility will be required as part of the redevelopment unless it can be demonstrated that a new off site location would better meet the needs of existing users and complies with part (3) of this policy*".
- 7.18 Policy DM8 (3) states "*The loss of a facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable, or the facility is being adequately reprovided elsewhere in the borough.*"
- 7.19 London Plan Policy 3.16 – '*Protection and Enhancement of Social Infrastructure – also seeks to meet the social needs of our diverse population. Policy 13.6(B) states "Development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted*'. Policy 3.16 also sets out that such facilities should be accessible to all sections of the community.
- 7.20 For the purposes of determining this planning application and applying Policy DM8 it is evident to the Council that the Joiners Arms is a community infrastructure facility and equally it is evident that no-off site location has been provided in the Borough, or indeed in a close location outside the Borough that fully meets this need to an adequate degree.
- 7.21 A recent University College of London report commissioned by GLA sets out there has been 73% loss of LGBT+ venues in the Borough since 2006. The nature and number of written representations made in respect of this application that seek an

A4 use to be retained on site underlines to officers the vacant Joiners Arms serves a community infrastructure function.

- 7.22 The Joiners Arms role as community infrastructure facility can also be gauged by the being designated as Public House which is an Asset of Community Value (ACV) by the Council in March 2015, under powers given to the Council through the Localism Act 2011.
- 7.23 An ACV designation falls outside the scope of the planning system. An Asset of Community Value is listed on the Council's register following a community nomination and generally stays on the list for a period of 5 years beginning with the date of entry. When a nomination is made by a qualifying community body or group, the Council are required to include an asset on the list if they are of the opinion that (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community. The implication of a listing is that if/when the owner decides to dispose of an interest in the land (either the freehold or leasehold for at least 25 years) then a moratorium will apply. Initially this will allow a six week period for the qualifying community group to express an interest in bidding for the ACV. If it does so then a six-month moratorium will apply to give the group the opportunity to compile a bid to acquire the ACV. The owner is not under any obligation to sell or use the ACV in a particular way during the period of ownership. The owner can also reject the group's bid if desired. Once the Moratorium has elapsed, they can sell to whoever they chose. The listing is not a planning designation but it is capable of being a material planning consideration and various permitted development rights relating to changes of use, temporary uses and demolition are disapplied to ACVs
- 7.24 The Dept. of Communities and Local Government Guidance Note (2012) on Assets of Community Value sets out for the purpose of determining planning applications. It is open to the Local Planning Authority to decide whether listing as an ACV is a material consideration if an application for change of use is submitted, considering all the circumstances of the case. There is no established case law on how much weight local planning authorities should give to an ACV when determining planning applications that could affect them and this will be a matter of judgement for the decision maker taking into account the circumstances of the particular case.
- 7.25 The existing Joiner Arms venue (which is now closed) occupies 435sq.m with 192.5sq.m at ground floor, with 91.2sq.m (at basement level suited for beer storage) and 151.3sq.m of ancillary residential accommodation at first floor. The proposed scheme would provide 286sq.m at ground floor (with an opportunity to arrange the internal layout to provide for a kitchen area, a back of house drinks storage space and provide an entry with internal lobby space to curb noise breakout. Given there is no net loss in operational A4 floorspace it is concluded the proposed A4 unit in land use terms is consistent with Policy DM8 of Local Plan and London Plan Policy 3.16.
- 7.26 The scheme would provide for a new Public House (A4 Use Class) on site (albeit not located upon the same building plot as the existing Joiners Arms), of an operational size comparable with the existing Public House, and as such officers consider that appropriate weight has been given to the Joiners Arms ACV designation.

- 7.27 With regard to the opportunity for the new Public House to serve as a late night drinking establishment, as set out in the comments received from the Licensing Team, considerations of amenity impact to neighbours would need to be given consideration including to the significant number of new residential units consented and about to be built out opposite.
- 7.28 There is no opportunity to impose ‘reverse sensitivity’ noise testing (in line with Mayor of London draft ‘Culture and the Night Time Economy SPG and its ‘Agent of Change’ principles) upon the major residential development located opposite the A4, at 97-147 Hackney Road, as the scheme has been already consented and this alongside the changing land use character of Hackney Road will need to inform the opening hours imposed on the A4 and other flexible units within the scheme.

8.0 HERITAGE AND DESIGN

- 8.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires at 72(2) that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. This is interpreted within the NPPF. The implementation of legislation concerning the proper approach for assessing impacts on listed buildings and conservation areas has been addressed in recent Court of Appeal and High Court Judgments. The key outcome of these Court decisions for local planning authorities is the emphasis for decision makers in that balancing benefits and impacts of a proposal, the preservation of the heritage assets should be given “*special regard / attention*” and therefore considerable weight and importance.”.
- 8.2 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to ‘Heritage, Design and Appearance’ are Chapter 7 ‘*Requiring good design*’ and Chapter 12 ‘*Conserving and Enhancing the Historic Environment.*’
- 8.3 Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 8.4 Chapter 12 relates to the implications of a development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced with the benefits of a scheme.
- 8.5 Paragraph 126 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment to the character of a place.

- 8.6 The Tower Hamlets Conservation Strategy offers a clear understanding of Tower Hamlets historic environment, and the issues facing it and is intended to manage change and development within the Borough. It sets out a clear vision for ensuring that the historic environment is preserved and enhanced, and offers a positive strategy for the conservation and enjoyment of the Boroughs historic environment to ensure that it continues to be appreciated and enjoyed by this and future generations. Paragraph 129 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- 8.7 Policy DM24 of the Managing Development Document seeks high quality design in development, sensitive to the character of the surrounding area in terms of its use of materials, design details and building lines. This is supported by Policy SP10 of the Core Strategy and Policy 7.4 of the London Plan.
- 8.8 Policy DM27 of the Managing Development Document seeks the preservation and enhancement of the Borough's heritage assets, including Listed Buildings and Conservation Areas, in accordance with Policy SP10 of the Adopted Core Strategy and Policy 7.8 of the London Plan. It specifies that development within a heritage asset will only be approved where it does not have an adverse impact on the character, fabric or identity of the heritage asset, and requires development to be appropriate in terms of design, details and materials in the local context.
- 8.9 In this case the relevant designated heritage asset is the Hackney Road Conservation Area. The buildings on site are not listed or referred to specifically within the conservation area character appraisal. The Conservation Area appraisal describes the townscape of the conservation area as "*composed of a dense concentration of modest sized properties where buildings are 2-4 stories high, where plot sizes are small and there is variety, rhythm and a human scale.*" The Conservation Appraisal summarises the character of the conservation area as a whole as follows.
- "The Hackney Road corridor supports a varied and interesting townscape, which represents a historic whole with a character greater than the sum of its parts. It forms part of a cherished local sceneand is worthy of protection and enhancement"*
- 8.10 The above description relates well to the existing built qualities of the development site. The site, like Hackney Road more generally, has a special character showing the incremental historic development of the area - with buildings on the individual plots that compose the development site constructed over a range of building eras - from as early as the 1820-1840's (approximately) through to the 1950's. The existing buildings upon the site taken together do contribute positively to the conservation area.
- 8.11 The development site on its Hackney Road frontage provides for a townscape which contains a set of narrow plot frontages (albeit interspersed by relatively wider plot widths from a more recent age) and these relatively narrow frontages with their varying parapet heights, differing height rooftops help provide visual interest and a fine grain character to the site that helps contribute positively to the defining townscape character of the conservation area. It is a reflection of the organic development of the site.

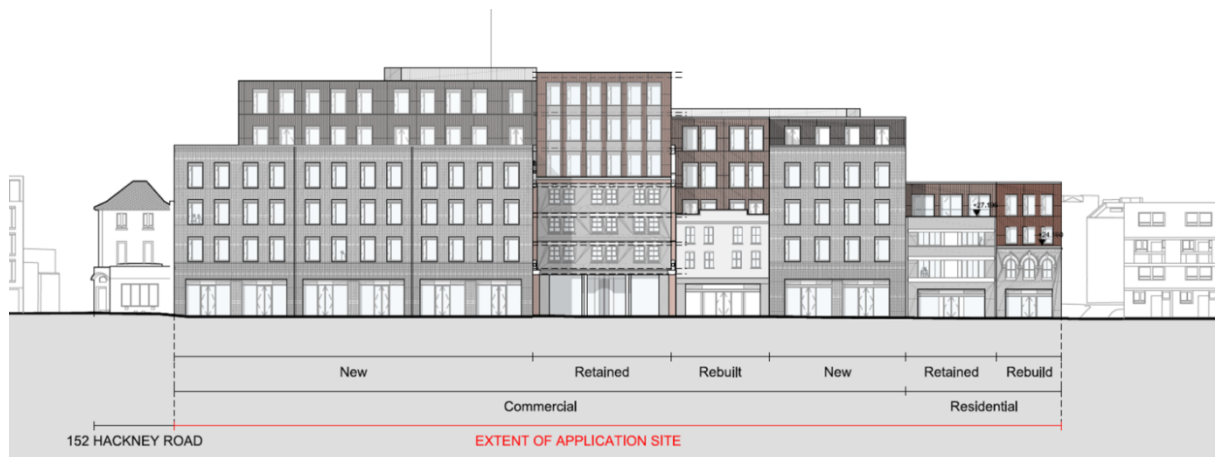


Figure 4: Proposed Hackney Road frontage to site



Figure 5: CGI showing main D J Simons Building with 3 storey vertical extension above and new A4 Unit (to right of that).

- 8.12 A heritage and townscape appraisal report accompanies the application that assessed the merit of the individual buildings and this report was extensively reviewed by the Borough Conservation Team.
- 8.13 The shell of the main D J Simmons Building would be retained under the proposal with only demolition of the existing single storey element, set forward of the principal elevation proposed. This retained building would provide the main entrance and reception area from street to the upper floor office spaces. The building's new core and reception areas would form distinctive and attractive spaces in their own right and would contribute to a distinct industrial aesthetic to the offices. Internally exposed existing building features would be retained and reused including use of characterful steel columns, steel beams, cobbled floors and exposed brick internal walls.



Figure 6: Ground floor reception area serving main set of upper floor work spaces (set within main D J Simons Building)

8.14 The majority of the main frame of the existing building located on the corner of Pelter Street and Diss Street would also be retained. It is in good structural state and has inherent conservation area heritage merit.



Figure 7: Corner of Pelter Street and Diss Street - CGI show retained corner building (with terracotta finished vertical extension set above.

8.15 The characterful existing external facade to Strout's Place would be dismantled but rebuilt in a manner that accords with the existing character of the elevation with the interesting arrangement (of solid wall and windows and doors openings in essence maintained). The need to dismantle the existing façade in the proposed scheme comes about from structural failings in the existing wall and a need to rearrange openings to allow rationalised floor levels to be inserted behind this elevation. The four façades of the 'Cabinet Building', located at the heart of the site (set away from street edges) will be largely retained. The upper floor front façade at Nos. 114 to No 118 (including the Joiners Arms) would be dismantled but rebuilt to faithfully replicate their existing façade treatment. Crittall type windows (an upper floor feature of the inter war built Joiners Arms) will be returned as a feature to the front elevation. Careful recording of those elevations to be rebuilt will ensure that they are accurately reinstated, preserving their distinctive character

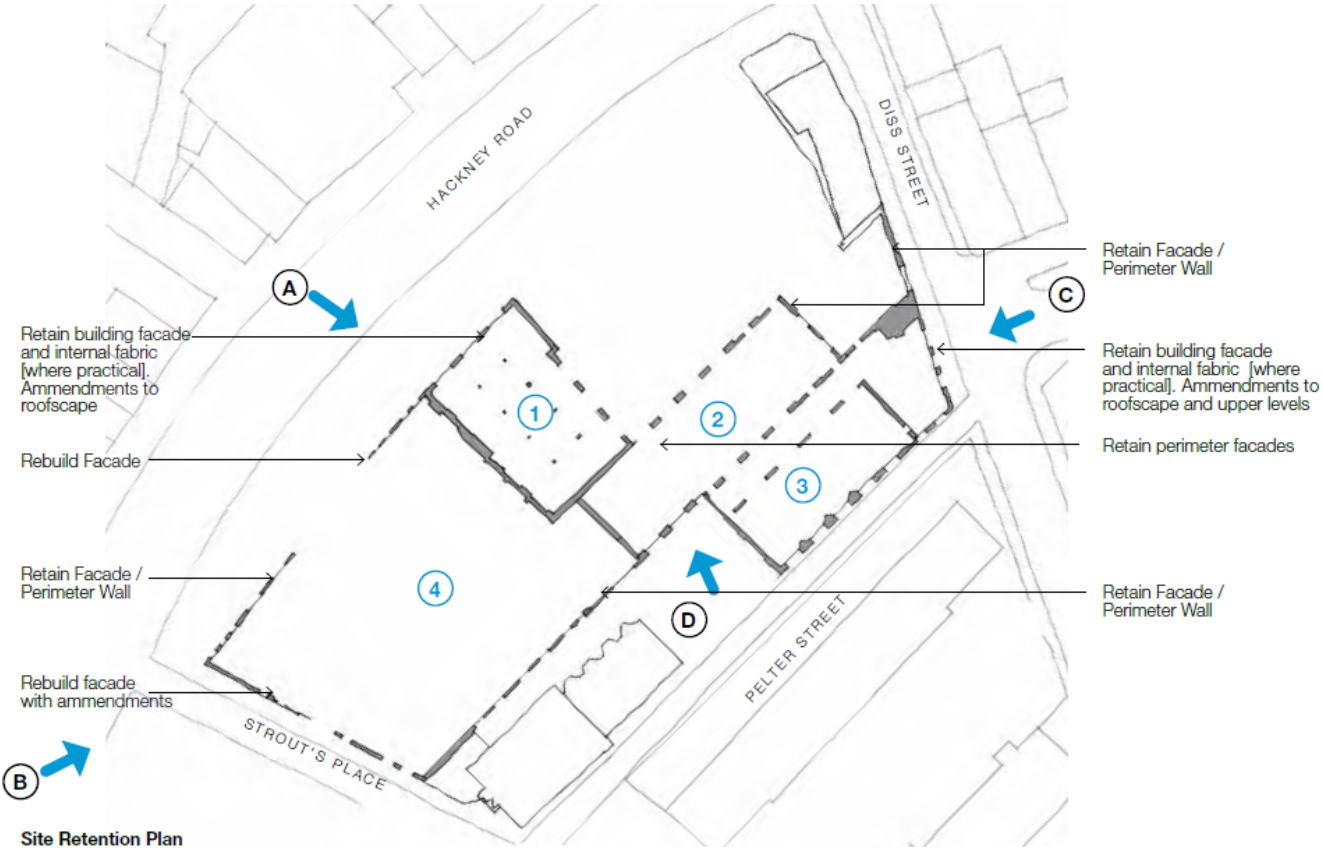


Figure 8: Site Building Retention Plan

8.16 A planning condition would require return of the decorative panels which was previously found on the front of the Joiners Arms, should they be recovered, or if not recovered the condition would require these panels are accurately reproduced and reinstalled in their original position on the facade. Similarly it is known there were two very finely decorated wooden panelled rooms within the furniture making complex (subsequently hidden behind false walls to guard against damage). A planning condition shall be imposed to require these fine room panels are reused within rooms in the new development if they are discovered during the partial demolition phase that will be carefully managed and be subject of a historic building recording planning condition.

- 8.17 The single storey ground floor shop fronts facing onto Hackney Road would be removed with the original early 19th century alignment of the street being reinstated at the southern end of the Hackney Road frontage. New retail frontages would be inserted into the base of the existing building elevations and these ground floor frontages would include some recycling of existing architectural features, for example reuse of the Corinthian capitals within the ground floor Hackney Road frontage to the main D J Simons Building. Height and composition of shopfronts on new elevations would reflect the historic character and proportions of the street. Fascia located within recessed openings provide a subtle and flexible solution for signage.
- 8.18 The scheme would be predominantly finished in brick along Hackney Road, with terracotta type rain screen cladding used upon some of the extensions and upper floors. The detailing to the vertical extension including the terracotta cladding system has been the subject of extensive and fruitful design development/refinement discussions with both the Borough Conservation and Urban Design Officers and these discussions will continue post determination, were the scheme approved, including provision of final choice material samples, panels' size and pattern; drawings of the façade's construction detail . The vertical extension are all sufficiently set back from the historic principal elevation so the existing facades retain are given primacy, none of the vertical extensions match the height of the original buildings below to secure a visual subsidiarity. The subtle layering of the scheme also reduces the impact of the extensions to the existing buildings.8.19 The rear elevations to the new development are of a larger more block like form, but care has been taken to maintain interest through introduction of windows, subtle recessed strike courses around the building and the articulation of the different plots still to a degree expressed through the fine grain terracotta cladding in a variety of colours.
- 8.20 The vertical extensions on Hackney Road frontage are designed to complement the retained frontages below, and reinforce the individual plot grain. Fenestration patterns for the new top element loosely reflect the old elements beneath but most of all ensure that new structures have much lighter appearance than historic fabric. Colour variations in the slim terracotta panelling between the extensions will help each historic plot read individually
- 8.21 The new building set towards the corner of Diss Street would sit forward of the remainder of the scheme's Hackney Road frontage to match the exiting building line but through articulation detailing is designed to act as a relatively 'neutral' addition that responds to its neighbours through architectural detailing that helps group the building into three bays, through the proportion of glazing to brick and recessed brickwork at base and fourth storey parapet level to give an understated visual interest. A public art work would be secured by planning condition for the flank elevation visible on Hackney Road visible from views set further to the east of the site.
- 8,22 The Borough Conservation Officer acknowledges the scheme may result in some harm to the Hackney Road Conservation Area from the proposed increase in height and massing. However this harm must be balanced against the considerable heritage and urban design benefits of the scheme. This scheme has been carefully designed to ensure retention of the historic fabric as far as possible, building on the existing character to inform development and create an exciting set of proposals. .
- 8.23 The scheme is designed with proper regard to the principles of inclusive design and the associated development plan policies. One of the 2 bedroom units will be

designed to be wheelchair accessible unit and with lift access provided to all 9 proposed homes. Step free access will be provided to all the levels of the main office building and level thresholds to all the ground floor units. A disabled adapted shower facility in the basement will serve occupants of the office workspaces.

- 8.24 The public realm would be enhanced through the scheme introducing a significantly wider pavement (compared to what presently exists) at the western end of the Hackney Road frontage - following the demolition of the existing single storey buildings on this frontage. The expanded open space allows the scheme to street creates an opportunity for individual forecourts to some of the commercial units including the proposed A4 unit (to enable an alfresco table and chairs arrangement
- 8.25 A number of the existing buildings on site (including some of the facades that will be retained or dismantled and then rebuilt) are underused and in a poor condition. Implementation of this scheme will ensure their sensitive repair / restoration and will bring them back into active use, securing their long term future. . Securing the future of the buildings and safeguarding the best built heritage features of the site are two inextricably linked aspects of this scheme and are considered to be significant benefits when balancing this scheme as a whole, and they must be afforded significant weight in the determination of this application |As a whole the scheme is considered to preserve the character and appearance of the Hackney Road Conservation Area, retaining and refurbishing the sites locally distinctive buildings, and enhancing their appearance through careful repair, and restoration. They will enable the successful reuse of this underused site and secure the future of these characterful buildings in the longer term. .
- 8.26 Overall. it is considered that design is a sensitive and well considered response to the site and its surroundings and is in accordance with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), the National Planning Policy Framework (NPPF) objectives in particular paragraph 14, and section 12 of the NPPF, the London Plan, in particular policies 3.5, 3.7, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 of the London Plan (2016), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies, DM4, DM23, DM24, DM25, DM26, DM27 the Tower Hamlets' Managing Development Document and the priorities and principles of the Shoreditch Vision (Core Strategy 2010) which seek to deliver place-making of the highest quality in accordance with the principle of sustainable development, including preserving, protecting or enhancing heritage assets.

9.0 AMENITY

- 9.1 Policy DM25 of the Borough's adopted Managing Development Document (MDD) and Policy SO6 of the Core Strategy requires development to protect, and where possible improve, the amenity of surrounding neighbours, have a concern for the amenity of future occupants of a building and have regard to users of the surrounding public realm to a new development. Policy DM25 states that this should be by way of:
- (a) protecting privacy, avoiding an unacceptable increase in sense of enclosure;
 - (b) avoiding an unacceptable loss of outlook;
 - (c) ensuring adequate level of daylight and sunlight for new residential development;
 - (d) not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions including habitable rooms of residential dwellings, community uses and offices nor result in unacceptable levels of overshadowing to surrounding open space development; and

- (e) not result in an unacceptable level of overshadowing to surrounding open space and create unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction phase or operational life of the development.

Privacy/Overlooking

- 9.2 With respect to the recent development consented at Nos. 97-137 Hackney Road (located on the opposite side of Hackney Road) the planning application scheme would generally maintain separation distances to habitable room with that scheme in excess of 20m. However there are 18 windows serving habitable rooms within the consented scheme where the separation distance would be approximately 16m. This latter separation distance is considered acceptable, given it is only 2m below the Borough guidance figure for overlooking and given the affected habitable rooms are to a new and yet to be built out development (set across a busy main road) and where any new residents to the No 97-137 development would be purchasing these new homes aware this would have office windows facing their habitable room windows. The affected habitable room windows are all within the private market tenure.
- 9.3 With regard to the 3 storey residential terrace on the south side of Pelter Street (at 1-14 Vaughan Estate) the closest office windows within the proposed scheme that would face the habitable rooms in this residential terrace are set towards the junction of Pelter Street and Diss Street. Here the minimum separation distance is below 8m between windows. However this closest separation distance from windows within the site to No 1-14 is also present within the existing development on-site and as such the scheme does not present a new and therefore unacceptable privacy issue. However it is acknowledged existing facing windows within the site are not regularly used, as they serve mainly warehousing areas. To avoid any additional sense of overlooking and because the proposed development rises over more storeys on the Pelter Street elevation than presently exist the scheme has been modified (during the pre-application process) to set back the proposed built development on the 4th storey. In addition the scheme would introduce frittered glazing (or some other privacy device) to 1.7m above individual floor levels (at 1st, 2nd and 3rd floor) to resolve privacy/overlooking issues.

Sense of Enclosure/Outlook

- 9.4 The scheme is not considered to give rise to a sense of enclosure or loss of outlook to neighbouring residential development upon Hackney Road due to: the new residential development coming forward on the north side of the road is taller than this proposed scheme; a reasonable separation distances between the two developments; and the enhanced outlook afforded by the gentle bend of Hackney Road at this location. The scheme is not considered to impose unduly upon residents living opposite the site on Diss Street given the separation provided by the retained building at No. 152 Hackney Road. The scheme would not impose on outlook to residents living on the opposite of Strouts Place, as there are no neighbouring windows facing the new development and Strouts Place.



**Figure 9: CGI of rear elevation of scheme set above GP Surgery
(at corner of Pelter Street and Strout's Place)**

- 9.5 In respect to No 1-14 Vaughan Estates the proposed additional bulk set towards the rear of the proposed development would give rise to a greater degree of enclosure to these homes than presently exists and some reduction of outlook to existing neighbours, as is evident separately from the daylight analysis. However the sense of enclosure imposition is limited by: (a) the presence of the GP surgery building set between the two sites for much of the Pelter Street frontage; and (b) by setting the additional storeys of the proposed scheme back from where the application site physically abuts Pelter Street.
- 9.6 To conclude, overall the massing relationship is considered acceptable to neighbours living in Vaughan Estate and to all other neighbouring residential properties.

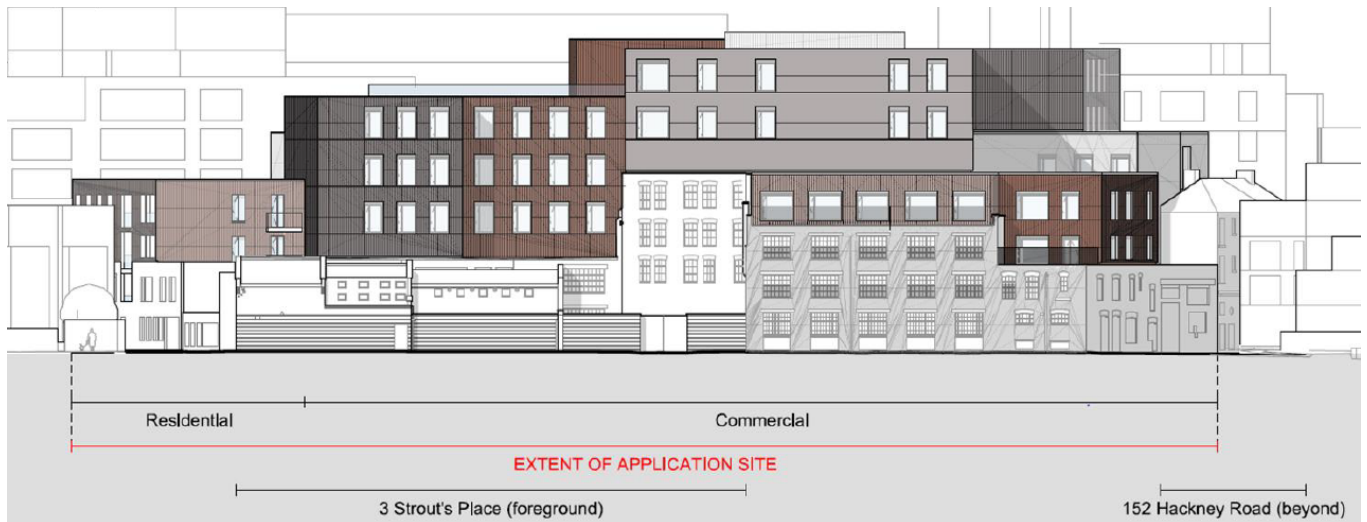


Figure 10: Proposed Pelter Street facing elevation

Daylight/sunlight

- 9.7 The daylighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times their former value, in order to ensure that sufficient light is still reaching windows. Percentage VSC and NSL reductions of between 20% and 30% are treated by BRE as minor adverse failings against guidance, between 30% and 40% moderate adverse and greater 40% major adverse.
- 9.8 Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.
- 9.9 The applicant submitted a daylight and sunlight report with the planning application. The report's scope of assessment includes the following neighbours: 2-5 Cremer Street and 139 Hackney Road, 152 Hackney Road, 160 Hackney Road and 5 Diss Street, 18-46 Pelter Street, 21-63 Pelter Street, 1-14 Vaughan Estate (described as 1-14 Strouts Place in the applicant's daylight report) and 93-137 Hackney Road.
- 9.10 The Council appointed independent daylight/sunlight consultants to review the submitted report and share the findings of the submitted report that the scope of the assessment is correct in respect to potentially affected neighbouring properties. They also share the conclusions that the VSC and NSL results for 21-63 Pelter Street and 152 Hackney Road are fully BRE compliant and APSH sunlighting testing were not required for these properties.

2-5 Cremer Street and 139 Hackney Road

- 9.11 All habitable rooms meet BRE NSL daylight distribution targets. The Council's daylight consultants conclude the BRE guidance for daylight to these residential properties is met. Whilst there are VSC losses in respect of windows set behind recessed balconies these are not deemed significant given the existing baseline VSC is low (at less than 1%), such that any further reduction in daylight would barely be perceptible.

160 Hackney Road and 5 Diss Street

- 9.12 Seven windows within the flank elevation facing the site would not meet VSC BRE guidance targets. However five of these windows are to rooms which are dual aspect with other south facing windows that would maintain their existing very good direct access to daylight and sunlight and as such the impacts to the affected windows are considered acceptable. The two other adversely affected windows are to bedrooms. The impacts to these two windows are classified as minor adverse and major adverse respectively. BRE NSL daylight distribution guidance levels would not be met to seven bedrooms, three of the affected bedrooms experiencing major adverse the other four minor adverse.

18-46 Pelter Street

- 9.13 Three windows were tested over 3 storeys to this residential block, with seven minor VSC adverse failings and four moderate adverse. The majority of the adversely affected windows are understood to serve circulation spaces, kitchens or bathroom windows. The affected windows on 1st and 2nd storey are set below access decks, so existing low levels of daylight prevail. Only two of the rooms have NSL results which fall outside BRE guidance with minor adverse losses of 25% and 27%.

93-137 Hackney Road (Blocks 1 and 2)

- 9.14 The scheme is not yet constructed but is about to be built by Regal Homes and contains two residential blocks of 6 and 7 storeys facing the site. Given the residential development is not completed, BRE guidance sets out that Average Daylight Factor (ADF) test should be the primary test plus daylight distribution (NSL) testing as opposed to VSC.
- 9.15 The Council's independent consultants conclude for Block 2 both the daylight and sunlight impacts (assessed against BRE guidance for ADF, NSL and APSH) are acceptable for an urban location, when account is taken of the residential development design involving inset balconies.
- 9.16 Within Block 1, eleven of the thirty-two bedrooms tested would not meet their ADF target of 1% (ranging from 0.15% to 0.81%). However all of these bedrooms are recessed. nine out of twenty-four tested kitchen/living/dining rooms fail to meet BRE's 2% ADF target, six of the failures are to recessed rooms at 2nd, 3rd and 4th floor. (i.e. two rooms at second, third and fourth floor level). Within Block 2 only one of the twenty bedrooms tested would not meet the BRE target and three of the sixteen living/kitchen/dining rooms would not meet the 2% ADF target, with minor failings between 1.75% to 1.91% ADF.
- 9.17 Within Block 1 the majority of rooms would receive daylight less than 80% of their floor area which is contrary to BRE guidance. However the Council's consultants note these impacts can be explained in large part by the design of the block with the

affected rooms set recessed behind inset balconies and with rooms having a very deep plan. For sunlight testing, high levels of APSH compliance were achieved to neighbouring windows which are not set recessed on the elevation and this confirms to the Council's daylight consultants that it is the horizontal and vertical blinkering effect of the recessed balconies that best explain the failings rather than the massing of the proposed development located opposite.

No 1-14 Vaughan Estate

- 9.18 The most consistent and substantial adverse daylight impacts to any neighbouring properties to the planning application site arise in respect to this terrace block set to south of Pelter Street. All thirty habitable room windows facing the site were tested and all these windows would fail to meet BRE VSC guidance with thirteen windows (all on the ground floor) with major adverse impacts (ranging from 41% to 83% reductions) and a further fourteen windows with moderate adverse impacts (between 30-40%). All the rooms tested for NSL would incur substantial adverse impacts with daylight distribution percentage reductions (across all three storeys) ranging from 46% to 70%.
- 9.19 The daylight/sunlight report notes fourteen of the affected habitable rooms are bedrooms the remaining sixteen being kitchens. The Council's daylight consultant's note in their findings that BRE compliance would not be achievable without quite significant reductions in the height of the proposed massing on the application site.
- 9.20 Officers acknowledge that these fourteen homes would be subject to a marked reduction in daylighting conditions, resulting from the proposed development and this consideration needs to be given due material weight when seeking to draw together conclusions on the scheme for the purpose of determining the planning application. To this end, officers note the daylight impacts are restricted to bedrooms and kitchens within these homes and do not affect windows to the main living rooms (that all benefit from an open south east facing aspect). On balance officers consider the reduction in daylight to these individual properties to be considered acceptable in the context of the site's urban context and the scheme's overall heritage, employment and urban design regenerative benefits.

Noise

- 9.21 Paragraph 123 of the NPPF states that planning policies and decision should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 9.22 The Council's Core Strategy policy SP10 and DM25(e) requires new development to not create unacceptable level of noise during the construction and end phase of the development.
- 9.23 The applicant has submitted a noise assessment with the scheme. Officers have reviewed the details of the scheme and are satisfied that noise at both construction phase and at end phase can be consistent with protection of the neighbours residential amenity, subject to appropriate planning conditions. Submission of full details of noise insulation measures including acoustic glazing would be a requirement of the Public House and flexible use commercial units. The proposed Public House poses a particular risk of noise disturbance from customers leaving the premises including movement from within the premises to the front of

street smoking area. As such a planning condition would be imposed to secure a post completion acoustic assessment of noise break out, of ambient noise arising to street from the venue's external space and from any other A3 or A4 unit that came occupied as part of the development. A door management and smoking area supervision plan would also form part of any A3/A4 Operational Management Plan

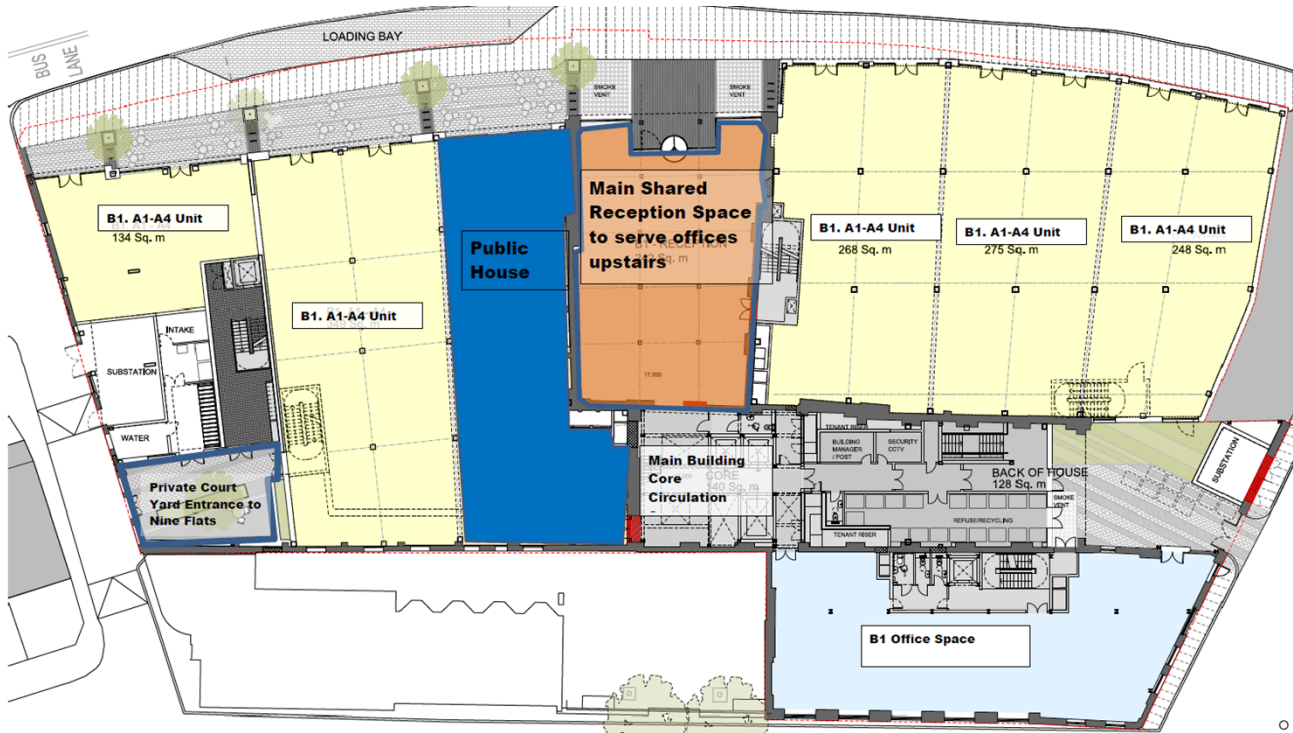


Figure 11: Proposed Ground Floorplan

The proposed scheme

- 10.1 With respect to the proposed office space the scheme is considered to provide high quality of accommodation with all the workspaces benefiting from good access to natural light. The internal treatment of the communal spaces both internally and externally is high, with the architect's imaginative reuse of existing features, through the provision of a ground floor courtyard (acting as a private buffer space from the traffic of Hackney Road) and with the inclusion of six roof top landscaped terraces. A planning condition will be imposed to secure a Management Plan for the use of these roof terraces including hours of occupation to avoid potential amenity issues to residential neighbours.
- 10.2 The ground floor flexible use spaces fronting Hackney Road will benefit from a direct and active relationship to street. A planning condition will secure a consistent and coherent shopfront signage strategy to these ground floor units that will benefit from the visual amenity of the units themselves but also the elevation and the streetscene more generally.
- 10.3 The daylight/sunlight report demonstrates all the living/kitchen/dining room spaces meet the BRE 2% ADF target, the daylight distribution targets and benefit with direct sunlight that accords with BRE (APSH) guidance targets.

- 10.4 There would be four out of sixteen total bedrooms that fail to meet the 1% ADF BRE target figures and these rooms would also fail the daylight distribution targets. Overall the daylight/sunlight provision to these units is considered acceptable given the failings can be explained by the inclusion of recessed balconies but also from the site constraints that are derived from reusing an existing building (that is to the benefit of wider heritage considerations).
- 10.5 The proposed residential units shall not give rise to direct conflict with any noise or general disturbance associated with the scheme's proposed Public House A4, as the entrance to the nine residential units is set over 50m away from the Public House (on Strout's Place), all the units benefiting from mechanical air ventilation (in addition to opening windows) and by only three (all dual aspect units) of the nine flats having windows facing onto Hackney Road.
- 10.6 The Public House would have its smoking area set within its own delineated forecourt area, as the ground floor layout does not lend itself to provision to the rear.
- 10.7 The new residential properties coming forward on the other side of Hackney Road shall all benefit from a planning condition imposed with that consent that imposes high specification of acoustic insulation that should eliminate noise disturbance issues associated with the A4 use. Potential conflicts between the operation of the A4 and residential neighbours in terms of general disturbance as customer enter/exit the venue, from customer smoking, it is considered by officers, can be adequately dealt with through Venue Customer Management Plan, plus other planning conditions imposed in respect of a noise breakout strategy for the A4 venue, limits on opening hours through the separate licencing regime.
- 10.8 Having consideration for the emerging residential context to the Public House a planning condition restricting the opening hours to no later midnight on Friday and Saturday night is proposed and 23:00 hours for the remaining days of the week, allowing half an hour to close and clear the venue of customers.
- 10.9 These proposed hours of opening could be revisited after the Public House is in operation for 6 months and following its receipt of its licensing opening hours. This would need to be through a section 73 application to amend the condition.
- 10.10 On balance and subject to the recommended conditions, the proposed development is not considered to result in unduly detrimental impacts in terms of overlooking, loss of privacy, sense of enclosure, noise and nuisance to the existing and future residents within the building and nearby, and therefore the proposal sufficiently safeguards existing residential amenity, in accordance with Policy DM25 of the Managing Development Document 2013.

11 TRANSPORT AND HIGHWAYS

Servicing and Delivery

- 11.1 Policy SP09(3) of the Core Strategy seeks to ensure new development has no adverse impact on the safety and capacity of the road network.

Car & Cycle Parking

- 11.2 The NPPF and Policies 6.1 and 6.9 of the London Plan, Policy SP09 (4) of the Core Strategy and Policies DM20 and DM22 of the Managing Development document

seeks to ensure development proposals promote sustainable modes of transport and accessibility, and reduce the need to travel by car.

- 11.3 The proposal does not include any on site vehicle parking, however since the site has an excellent Public Transport Accessibility Rating (PTAL 6a), this is considered appropriate. A planning condition will need to be imposed to secure the site as a car free development. It is acknowledged that there is not a disabled parking bay (for the wheelchair accessible unit), instead disabled residents would not be excluded from applying for residents parking permit from the Council.
- 11.4 The cycle storage provision in numerical will be in line with London Plan (2015) also sets minimum cycle parking provision standards. A planning condition will be imposed upon any consent to require the cycle storage provision is implemented to specification that provides for 20% of the cycle stands to be Sheffield type stands and that both the secure cycle spaces and the showering and locker facilities for use by cyclists located in the basement would be properly maintained and retained for the life of the development.

Refuse and Recyclables Storage

- 11.5 Policy SP05 in the adopted Core Strategy states developments which are likely to produce significant quantities of waste must include adequate arrangements for its collection and storage. This is further emphasised by policy DM14 of the Managing Development Document.
- 11.6 The applicant has provided details of waste and recycling storage capacity, and the arrangements for waste collection for the main office spaces to the ground floor flexible use spaces and for the 9 residential flats. The servicing arrangements would be considerably less onerous than the existing use in terms of heavy goods vehicles. All deliveries will be served by a new service bay to the west end of Hackney Road south.
- 11.7 Waste collection will be carried out on street outside the bin store on Diss Street for the office space and Strout's Place for the residential.
- 11.8 These arrangements are considered acceptable by both the Borough Waste Development Team and the Highways and Transport Team. subject to planning conditions (as set out within the consultee comments section of this report).

12 EQUALITIES

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

- 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 The proposal involves the partial demolition of the Joiners Arms and the retained sections of the vacant building not being used for a Public House purpose. The Joiners Arms has been an important and culturally significant venue for the LGBT+ community dating back to 1997 when it began operating as a LGBT+ venue. The Joiners Arms has a cultural significance beyond its relatively modest size as a Public House. This significance is derived in part from its range of community event activities (including public health work) that took place there and other community activities not usually associated with a Public House. The Public House had a vibrant, informal music and entertainment scene (with nightly rotating DJ's events, karaoke) associated with it before its closure.
- 12.4 What might be described as “safe cultural and social spaces” that meet the needs of the LGBT+ community in Tower Hamlets and London more widely are increasingly under threat of closure or indeed have closed as has been reported and referenced earlier in this report. Notwithstanding there is general recognition that there is greater tolerance to the LGBT+ community in society and in meeting the LGBT+ community within the night time economy as a whole, than when the Joiner Arms opened its doors in May 1997 to serve the LGBT+ community
- 12.5 Officers have undertaken an Equalities Impact Assessment (EIA) screening opinion for the application. This Screening Opinion concluded a full EIA was not required as the Council as the local planning authority has exercised its functions adequately in respect of this planning application with satisfactory regard to the statutory duties set out in the Equalities Act in respect of the nine protected characteristics.
- 12.6 From prior to formal planning application submission stage through to preparation of this Committee Report the Council, both at Officer and Member level, have engaged actively with the local LGBT+ community in relation to this redevelopment scheme. Evidence of that is several fold but perhaps is most concrete in securing a draft Head of Term for the S106, should the scheme be approved and it has been agreed with the developer that they shall provide a Right of First Refusal (ROFR) option for an LGBT+ operator to take up the lease of the proposed new Public House for the site.
- 12.7 This draft has been shared with GLA and specifically the Mayor of London's Cultural Unit Team and the Mayor of London's appointed Night Time Czar. The Night Time Czar has expressed support for the approach taken by the Borough in a letter to the Council and in a meeting organised by officers (hosted at City Hall) with both representatives from Friends of the Joiners and Regal Homes (the developer).
- 12.8 The s106 provides a formal mechanism for the GLA Cultural Unit to be engaged and to advise in the selection of a future LGBT+ operator for the Public House. If a LGBT+ operator comes forward who meets the reasonable selection criteria it will be a requirement of the s106 agreement that a period is allowed for negotiating the heads of terms of a lease and such lease be granted to them for a minimum term of 12 years with an initial rent free period. It is considered that this 12 year period should be long enough to allow any new operator to establish a viable commercial business. If no suitable operator was to come forward or if heads of terms could not

be concluded within the period provided then the A4 unit could be leased free of the restriction.

- 12.9 The Council recognise part of the significance of the Joiners Arms is derived from it being a Public House serving the LGBT+ community as a specifically late night venue. This planning application would secure a replacement Public House for the LGBT+ (providing a suitable LGBT+ operator comes forward to lease it on a commercial basis). However a favourable determination of the application cannot secure the new Public House the guarantee of a late license or late night opening hours controlled by a planning condition. The expressed ambition of the Friends of the Joiners for such a late night venue has been a material consideration for officers (and is reflected in the design outcomes secured and in some of the proposed planning conditions imposed) however these ambitions need to be wedged against other material planning considerations of safeguarding neighbours residential amenity, in an evolving local built environment site context with residential development already consented opposite the site. It is these latter considerations that explain the limit on hours of opening proposed. These considerations are duly balanced and do not result in the statutory duties imposed upon the Council under the Equalities Act in respect of the LGBT+ community being neglected or indeed not proactively pursued by it acting in its local planning authority function. This report explains the inclusive design of the development and this is considered to advance equality of opportunity for those with disabilities. It is noted that no wheelchair car parking will be provided on site for use alongside the wheelchair unit but alternative provisions are in place.

13 OTHER MATERIAL CONSIDERATIONS

Air Quality

- 13.1 London Plan Policy 7.14 'Improving air quality' requires development proposals to minimise increased exposure to existing poor air quality and make provision to address local air quality problems particularly within Air Quality Management Areas (AQMA) which exist (as is the case across the Borough of Tower Hamlets) through design solutions, buffer zones or steps to promote greater use of sustainable transport modes. Sustainable design and construction measures to reduce emissions from the demolition and construction of buildings are also promoted. Development should be at least 'air quality neutral'. In July 2014 the Mayor of London published an SPG for 'The Control of Dust and Emissions during Construction and Demolition.'
- 13.2 The Borough Core Strategy Policy DM9 requires major development to submit an air quality assessment demonstrating how it will prevent or reduce associated air pollution. Policy DM9 of the Managing Development Document also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm. The application site, as with the entire borough, lies within an Air Quality Management Area.
- 13.3. An air quality assessment report was prepared for this application. It shows that the development will not have an adverse impact on the pollution levels during the operational phase. The assessment also shows that the existing pollution levels on site are exceeding the NO2 objectives and therefore mitigation is required to make the site suitable for residential use. The assessment proposes utilising mechanical

ventilation to provide clean air to the residential units either with the inlet high enough for cleaner air or with filtration added.

- 13.4 The construction impacts assessment highlights that the development has a medium/high risk of potential dust emissions. Suitable mitigation for this should be included in the Construction Environmental Management Plan. The new GLA Non Road Mobile Machinery Low Emission Zone policy came into force on the 1st September 2015, all major construction sites in Greater London commencing after this date will have to comply with this policy
- 13.5 The Borough Air Quality is satisfied with the methodology and approach set out on the submitted air quality assessment and has no objection to the scheme or reason to suppose it is contrary to relevant development plan policies pertaining to air quality, subject to planning conditions:
- Requiring submission of details of mechanical ventilation to provide clean air to the residential units either with the inlet high enough for cleaner air or with filtration added.
 - Submission of Construction Environment Management Plan detailing measures to control dust emission
 - Compliance condition pertaining GLA Non Road Mobile Machinery Low Emission Zone

Flood Risk & Water Resources

- 13.6 The NPPF, policy 5.12 of the London Plan, and policy DM13 of the MDD and SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.

The site is located in Flood Zone 1 and therefore the main risk is from surface water run-off from the development. The applicant has submitted an outline drainage and water management strategy for the scheme. The Borough Flood Risk and Drainage Officer has reviewed the report and is satisfied with the approach subject to planning condition that provides

- Further details of drainage design, drainage layouts, flow controls, attenuation tanks location
- Details of residual risks – with evaluation of safe and appropriate flow routes from blockage and any exceedance upon the drainage system. It must demonstrate no property flooding or increase in flood risk, either offsite or to third parties; and
- Details of agreed adoption, monitoring and maintenance of the drainage and SUDs features.

Land Contamination

- 13.7 London Plan Policy 5.21 requires appropriate measures to be taken to ensure that development on previously contaminated land does not activate or spread contamination. Policy DM30 of Local Plan requires a site investigation and remediation proposals to be agreed for sites which contain potentially contaminated land before planning permission is granted
- 13.8 An initial land contamination report has been submitted and it has been reviewed by Environmental Health Team who are satisfied with the approach taken subject to imposition of a standard appropriately wording planning condition.

Energy and Sustainability

- 13.09 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change.
- 13.10 The climate change policies as set out in Chapter 5 of the London Plan 2015 and the Borough's Core Strategy (Policies SO24 and SP11) and MDD (Policy DM29) collectively require new development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 13.11 From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 13.12 The applicant has submitted a revised energy strategy and based on that the Energy Officer is satisfied the 45% reduction against Part L will be achieved.
- 13.13 Planning condition would be imposed in approval to (i) secure BREEAM Excellent rating, (ii) and submission of building energy completion certificates to demonstrate the 45% reduction has been achieved with savings derived from an array of sources including use of air source heat pump and solar panels located upon the roof. Any such plant would need to be not visible above the parapet at pavement level from surrounding streets

Biodiversity

- 13.14 The Borough's Biodiversity Action Plan (2009), Policy 7.19 of the London Plan, Policy SP04 of the Borough's CS and Policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.
- 13.15 An ecology report was submitted with the application. The application site is not considered to be of any significant biodiversity value, and that the scheme is capable of enhancing biodiversity on site.
- 13.16 The Council's Biodiversity Officer is satisfied subject to the application of an appropriate landscape condition, this proposal will result in a net gain in biodiversity including biodiverse roofs following provision of best practice, provision for nesting boxes/spaces for swifts, appropriate climbing plants for nesting birds such as house sparrows landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators for as much of the year as possible (details would need to include species list and planting plans).

Human Rights Considerations

- 13.17 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, Members are particularly asked to consider those sections of the legislation highlighted in paragraph 13.18 below.

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

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

13.19 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.

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

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

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

13.23 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.

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

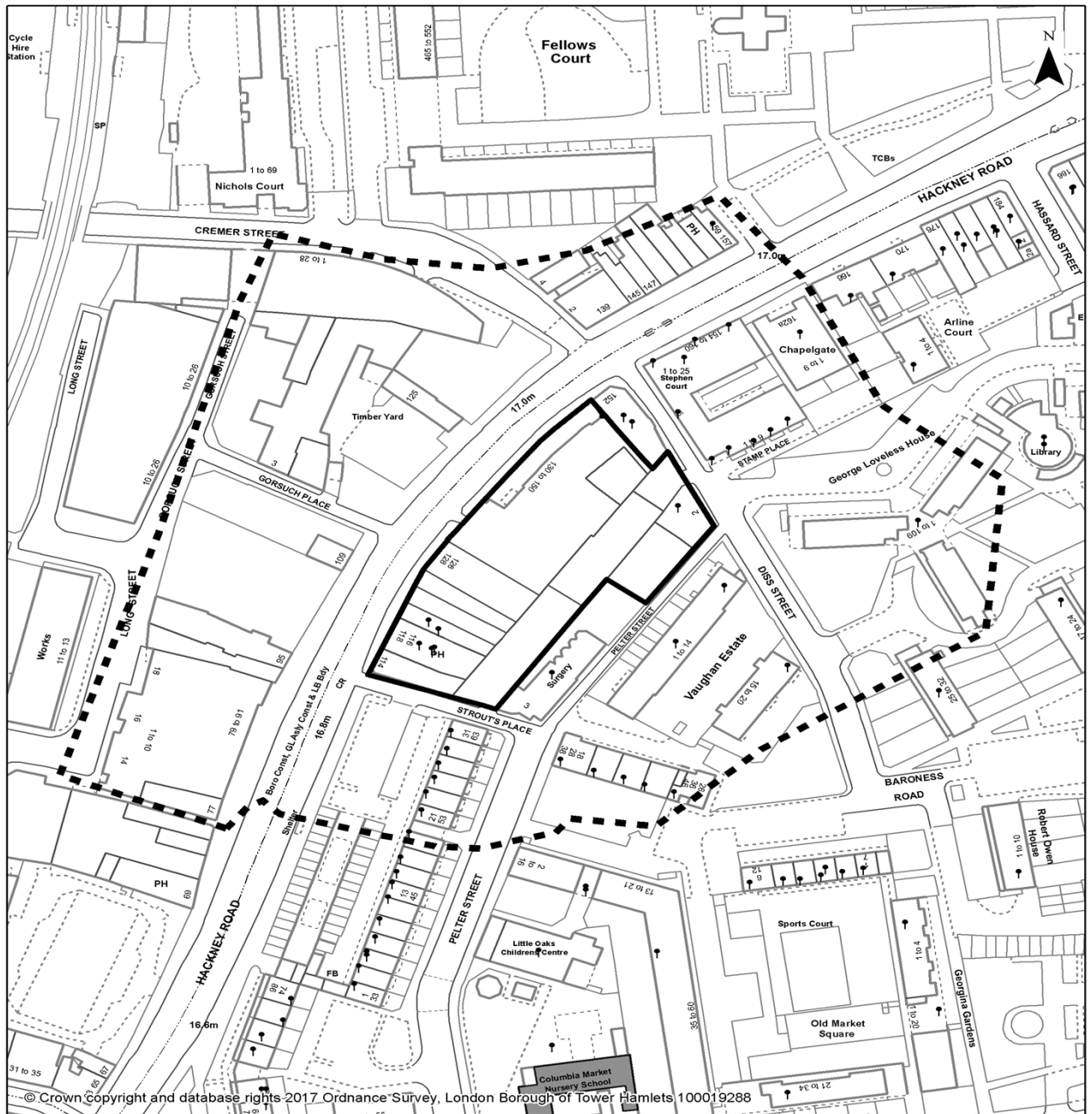
Financial Considerations

- 13.25 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in determining planning applications, the authority shall have regard to (amongst other things) any local finance considerations, so far as material to the application.
- 13.26 Section 70(4) defines “local finance consideration” as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 13.27 Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and that Borough’s Community Infrastructure Levy came into effect on 1st April 2015. Both of which are payable (subject to certain exceptions) on floorspace created by development.
- 13.28 Tower Hamlets CIL liability would be approximately £1,345,710 (subject to indexation) and the London CIL liability would be approximately £495,740 (subject to indexation). The Committee may take these estimates into consideration when determining the application.

14 CONCLUSION

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

Site Location Map



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

Scale @ 1:1,250
 10 5 0 10 20 30 Meters

Planning Application Site Map PA/17/00250

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



GIS for Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 28/07/2017



Appendix 1

Approved Drawings:

16091_(00)_P001	Rev P01
16091_(00)_P099	Rev P02
16091_(00)_P100	Rev P02
16091_(00)_P101	Rev P01
16091_(00)_P102	Rev P01
16091_(00)_P103	Rev P02
16091_(00)_P104	Rev P02
16091_(00)_P105	Rev P02
16091_(00)_P106	Rev P03
16091_(00)_P200	Rev P02
16091_(00)_P201	Rev P02
16091_(00)_P202	Rev P02
16091_(00)_P203	Rev P02
16091_(00)_P300	Rev P01
16091_(00)_P301	Rev P01
16091_(00)_P302	Rev P01
16091_(00)_P303	Rev P02
16091_(00)_P304	Rev P01
16091_(00)_P305	Rev P01
16091_(00)_P306	Rev P02
16091_(01)_P099	Rev P01
16091_(01)_P100	Rev P01
16091_(01)_P101	Rev P01
16091_(01)_P102	Rev P01
16091_(01)_P103	Rev P01
16091_(01)_P104	Rev P01
16091_(01)_P200	Rev P01
16091_(01)_P201	Rev P01
16091_(01)_P202	Rev P01
16091_(01)_P203	Rev P01

Documents

- Transport Assessment (January, 2017)
- Geo-Environmental Investigation (January, 2017)
- Noise and Vibration Impact Assessment (January, 2017)
- Air Quality Assessment (January, 2017)
- Design & Access Statement (January, 2017)
- SuDS Strategy (January, 2017)
- Energy Statement, Issue 5 (July 2017)
- Typical Facade Treatments Drawing (received 11 July 2017)

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LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE - 9 AUGUST 2017

UPDATE REPORT OF DIVISIONAL DIRECTOR OF PLANNING AND BUILDING CONTROL

Agenda item no	Reference no	Location	Proposal / Title
5.1	PA/17/00250	114 -150 Hackney Road, London, E2 7QL	Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four storeys to six storeys above a shared basement, to house a maximum of 9 residential units (Class C3), 12,600 sqm (GEA) of employment floorspace (Class B1), 1,340 sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1-A5) and provision of 316 sqm (GEA) of Public House (Class A4), along with associated landscaping and public realm improvements, cycle parking provision, plant and storage

1.0 CORRECTIONS AND CLARIFICATIONS

- 1.1 Paragraph 3.9 Correction - the maximum size of any A1/A2/A3/A4 uses classes are limited to a maximum floorspace of **349 sqm** (excluding the Joiners Arms replacement A4 quantum)
- 1.2 Paragraph 3.11 - for clarity - it is the same developer for both this site and to 97-137 Hackney Road on the opposite side.
- 1.3 Paragraph 13.28 Correction - Tower Hamlets CIL liability would be approximately £129,000 (subject to indexation) and the Mayor of London CIL is approximately £173,845 (subject to indexation).
- 1.3 For clarity a draft of the 'first right of refusal' clause is appended to this update report

2.0 ADDITIONAL REPRESENTATION

- 2.1 The Mayor of London's Culture at Risk Team provided the following summary of the GLA's engagement with the planning application for the proposed development of 114-150 Hackney Road that would demolish The Joiner's Arms, a much-loved and long-running late night LGBT+ venue.

"At the request of Tower Hamlets (TH), Amy Lamé, the Mayor's Night Czar, convened a meeting at City Hall on 19 May 2017 between TH planning officers, the applicant and Friends of the Joiner's Arms to discuss how best to address the potential loss of The Joiner's Arms. Amy has also met with New Joiners Arms Shoreditch Ltd and I have provided further guidance to Tower Hamlets upon request.

This work is in light of research that shows London's LGBT+ venues are in crisis, with a 58% loss of spaces in the past decade. One of the hardest-hit boroughs is Tower Hamlets, which has lost 73% of its LGBT+ venues since 2006. Despite LGBT+ venues often being thriving and successful businesses, the study shows that they are closing because of external pressures such as large-scale developments.

In response to the findings, the Mayor announced a series of initial measures to help stem the flow of closures, including instructing Amy to make protecting LGBT+ venues an urgent priority by acting as a mediator between developers, venue owners and others to stem closures. We have also developed a new LGBT+ Venues Charter to help safeguard venues for the LGBT+ community.

At the meeting on 19 May 2017, Amy stated that she is broadly supportive of the principle behind the 'First Right of Refusal' option to an LGBT+ venue operator in the draft Head of Terms, on the basis that it would create the best possible conditions to ensure a like-for-like replacement of the Joiner's Arms. At the request of TH, I have since provided detailed views of what this could include. For example:

- marketing the space to potential LGBT+ venue operators for an adequate amount of time (e.g. six months), and in an appropriate way (e.g. trade and LGBT+ press)*
- ensuring commercial costs, such as rent and capital cost for fit out, are not prohibitive to potential LGBT+ venue operators*
- ensuring conditions relating to licencing do not limit the viability of proposals going forward. The popularity of The Joiner's Arms was largely predicated a late night venue and setting prescriptive licencing conditions at the planning stage could limit its potential viability going forward. It would be preferable to keep the licence as flexible as possible at this stage so that licence applications can be judged on their individual merits at the relevant time*

2.2 The Council received an addendum objection from the Friends of the Joiners Arms which raised the following additional planning considerations:

- Number of new jobs exaggerated – demand for new office space falling*
- New office would lead to more parking pressure*
- Inconsistencies in officer report regarding size of A4 unit*
- Limited opening hours do not amount to re-provision on the community asset/ facility.*
- No guarantee the new pub would be licenced*
- Proposed venue would not meet secured by design requirements*
- Occupancy of residential uses prioritised over the A4 unit opening hours*
- Clarification whether a further A4 unit is proposed not for LGBT+ community*
- Is there adequate provision for deliveries for a new bar/pub*
- Draft 'First Right of Refusal' clause too loose (refers to a number of issues).*
- Site contamination – has investigation been carried out?*

2.3 In response, officers can confirm that the number of jobs is based on 11.3sqm per Full Time Employee (in line with findings from a recent GLA report for inner London). The development is car free and is well served by

public transport and cycle storage/ changing facilities provided. The report refers to both 916sqm (GEA) and 287sqm (GIA) replacement usable floorspace and these figures are not inconsistent with one another.

2.4 Licencing of premises is not a planning matter although a condition is recommended limiting opening hours to protect residential amenity. Secured by design accreditation would be conditioned and is considered to be achievable. The flexible uses allow for a further A4 use to come forward which could be used by a LGBT+ venue but does not benefit from the first right of refusal clause. A loading bay on Hackney Road provided for deliveries, and a service management plan would be secured by condition. A site contamination investigation report was submitted with the application and remediation would be conditioned to ensure contaminants do not present a public health risk.

2.5 The Council received an addendum objection from the previous owner/operator of the Joiners Arms has withdrawn his interest in taking the lease and requested that his details are removed from the s106. Request consideration of alternative proposals that will address the concerns and objections raised in relation to the A4 consent and the s.106 agreement, namely:

- *Relocation of A4 within the Applicant's Development. Corner of Hackney Rd/ Strouts Place suggested, and review s106 so less in favour of the developer.*
- *Relocation of A4 outside the Applicant's Development and would expect the applicant to enter into a short-term tenancy agreement and act as a guarantor for the rental payment for say a period pf 5 years. After which there would be an option for the tenant to take on the full lease and all future obligations. It may be appropriate also that applicant agrees to set aside a provisional sum to allow for some refurbishment works in relation to the selected premises if required.*

2.6 Reference in the s106 clause has been removed. Previously it was a requirement for this party to be notified of the developer's intention to invite expressions of interest for the lease.

2.7 No change to officer's recommendations. Committee is invited to take additional representations into account in their determination of the application

3.0 RECOMMENDATION

3.1 Officer's recommendation is unchanged to GRANT planning permission subject to the conditions and planning obligations set out in the officer's report.

APPENDIX 1 – draft Head of Terms for Right of First Refusal Clause in s106 for 114-150 Hackney Road

DRAFT Heads of Terms

Hackney Road, 114-150 - s106 Agreement (PA/17/00250) (DRDBC.861)
Without prejudice and subject to contract

These Heads of Terms are not intended to create any legally binding obligations but shall be subject to committee approval and completion of the s106 agreement.

Lease of A4 establishment

Definitions

'Friends of the Joiners Arms' means [DETAILS TO BE CONFIRMED]

'GLA' means the Greater London Authority;

'Interested Party' means a business which proposes operating a Lesbian, Gay, Bisexual and Transgender focused venue and has the financial standing to enter into the Lease including the ability to provide a surety, guarantee and/or rent deposit which would be acceptable to a reasonable landlord;

'Lesbian, Gay, Bisexual and Transgender focused venue' means a venue which adopts the LGBT+ Venues Charter published by the GLA;

'Lease' means a lease of the Public House granted on commercial terms and at Open Market Rent by the Owner;

'Notice' means the notice to be sent, no sooner than upon completion of Shell and Core of the Development, directly to the Friends of the Joiners Arms and also to be published in the local press advising of the prospective grant of the Lease and inviting any Interested Party to express an interest in taking the Lease within a period of no less than 1 month from publication of the notice. The notice shall also advise parties what information needs to be submitted as part of their expression of interest in order to evaluate them against the Selection Criteria;

'Open Market Rent' means the rent at which the Public House might reasonably be expected to achieve in the open market;

'Public House' means the 316 sqm (GEA) Class A4 unit forming part of the Development as shown on Plan [XX];

'Selection Criteria' means the criteria on which the Owner will determine if a business meets the requirements of an Interested Party and evaluate parties should there be more than one expression of interest.

'Shell and Core' means the structure and building envelope will be completed, including all elements of outside walls and roofs where relevant, and will be wind and water tight and the relevant building regulations shall be complied with insofar as they apply to shell space. All external access ways will be included up to the main entrance door of the Public House. The following mains services will be installed;

- i. Electricity – provision of a main cut out;

- ii. Gas – provision of a sleeve;
- iii. Water – provision of a sleeve; and
- iv. Telecommunications – provision of a duct.

1. The Owner shall not grant the Lease unless and until it has published the Notice.
2. No later than 28 days before the Notice is published the Owner shall provide for approval by the GLA the Selection Criteria, with such approval not to be unreasonably withheld or delayed.
3. If more than one Interested Party expresses an interest in taking the Lease, the Owner shall;
 - (a) provide the GLA with the expressions of interest no later than [X] days after the period specified in the Notice; and
 - (b) invite comments on the selection of the Interested Party within a period of 28 days following the submission to them. The Owner shall have due regard to any comments received from the GLA within the said period of 28 days.
4. Subject to paragraph 8 below, the Owner will use reasonable endeavours to grant the Lease to any Interested Party which has responded to the Notice.
5. A Lease granted to an Interested Party shall include a covenant requiring the Public House to be operated as a Lesbian, Gay, Bisexual and Transgender focused venue for the duration of the Lease.
6. A Lease granted to an Interested Party shall provide for a rent free period of 12 months at the beginning of the tenancy but only on the basis that the Interested Party will carry out and complete all fit out works to the Public House that are necessary for its intended use.
7. Subject to paragraph 8 below, the Public House shall remain a Lesbian, Gay, Bisexual and Transgender focused venue for a minimum of 12 years from the date of Practical Completion of the Development, unless otherwise agreed in writing by the Council.
8. Subject to paragraph 9, if:
 - (a) no Interested Party responds to the Notice;
 - (b) despite using reasonable endeavours, the Owner has not been able to agree the Heads of Terms for the Lease with an Interested Party within 2 months of receipt of the Interested Party's response to the Notice; or
 - (c) despite agreeing Heads of Terms within the said period of 2 months and using reasonable endeavours to enter into a Lease, the Owner has not been able to grant the Lease to an Interested Party within a further 3 months of the Heads of Terms being agreed,then the Owner may grant the Lease to any person or organisation which is not an Interested Party.

9. Paragraph 8, (b) and (c) shall not apply until such time as notice has been provided to the GLA setting out the reasonable endeavours referred to in paragraph 8 (b) and (c). If no objection is received from the GLA within 28 days of submission of the said notice, the Owner may proceed with granting the Lease to any person or organisation which is not an Interested Party. If an objection is received from the GLA within 28 days of submission of the said notice, the procedure outlined in this paragraph 8 shall be repeated or the dispute resolution provisions provided in this Deed shall be commenced.
10. The Owner shall provide the Council and the GLA with details of the person or organisation to whom the Lease has been granted within 7 days of the Lease having been completed.

Equality Analysis (EA)

Financial Year
2017/18


Section 1 – General Information (Aims and Objectives)

Name of the proposal including aims, objectives and purpose.

The Council, acting as local planning authority, to determine a planning application in respect to a scheme (Planning Reference –PA/17/00250) for a *“Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four storeys to six storeys above a shared basement, to house a maximum of 9 residential units (Class C3), 12,600 sqm (GEA) of employment floorspace (Class B1), 1,340 sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1-A5) and provision of 316 sqm (GEA) of Public House (Class A4), along with associated landscaping and public realm improvements, cycle parking provision, plant and storage”.*

See Appendix A

Current decision rating- AMBER



AMBER

The proposed redevelopment has a series of discrete land use elements but is bound together by a comprehensive proposal for regeneration of the site. The scheme is bound by a singular architectural proposal that marries old and new built development, involves partial demolition, careful dismantling and rebuilding of existing facades, in situ physical repair, some remodelling and upgrading of existing buildings and heritage features.

Critically for the purpose of this Equality Analysis it involves the presumed loss of the Joiners Arms, as a future operational Public House, and the construction of a new Public House (A4 Unit Use Class). The Joiners Arms is an Asset of Community Value, is more widely and in planning consideration terms (assessed against Local Plan Policy DM8 and other relevant development plan policies) an accepted community and social infrastructure facility: derived from its lawful operational use as a Public House (A4 Use Class).

The Joiners Arms since 1997 until its closure in January 2015 was a Public House that was operated by and served the LGBT+ community. The proposed new Public House would provide an A4 Unit that would be larger in internal floor area than the vacant Joiner Arms, once the ancillary residential accommodation in the Joiners is discounted

Public Consultation Responses received:

The planning application attracted a total of 37 individual representations from the general public. All 37 representations objected to the scheme.

Relevant Data/Evidence Sources

Census

The equality profile of residents drawn from the Census is available on the Council's website, on the Statistics Pages and with that section the *Diversity* sub-section .

http://www.towerhamlets.gov.uk/ignl/community_and_living/borough_statistics/borough_statistics.aspx

However there is no local data analysis in respect of gender reassignment, sexual orientation for the Borough of Tower Hamlets. A statistical bulletin has been published by the Office for National Statistics about the LGB community nationally. It is worth noting that transgender has not been included in the definition. The bulletin provides a LGB estimate for the size of the community in London.

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2015>

However a recent report (commissioned by the GLA) titled "*LGBTQ+ Cultural Infrastructure in London: Night Venues, 2006–present*" published by UCL Urban Laboratory (July 2016) has provided valuable information in respect to issues surrounding LGBTQ+ cultural night time venues and event spaces in London, including some individual focus on the Joiners Arms.

In respect of this scheme the following report findings are relevant:

- Since 2006, the number of LGBTQ+ venues in London has fallen from 125 to 53, a net loss of 58% of venues.
- This compares to drops of 44% in UK nightclubs (2005–2015), 35% in London grassroots venues (2007–2016) and 25% in UK pubs (2001–2016).
- Between 2006 and 2017 bars make up the largest proportion of identified operational LGBTQ+ venues (44%), followed by nightclubs (34%) and public houses (33%).
- 21% of LGBTQ+ venue closures were influenced by development with 6% linked to large-scale transport infrastructure development and 12% to mixed-use or residential development.
- Members of the LGBT+ completed in depth survey as part of the report's research. These surveys revealed "*how the heritage of LGBTQ+ people is embedded in the fabric and specific cultures of designated LGBTQ+ venues and events. They also stress that venues are important spaces for education and intergenerational exchange*"
- The most valued LGBTQ+ spaces were experienced as non-judgemental places in which diverse gender identities and sexualities are affirmed, accepted and respected. These were sometimes described as 'safe spaces'. What this means to individuals varies, according to personal preferences, experiences and the specific forms of discrimination and oppression that people are vulnerable to (e.g. transphobia, homophobia, racism, ableism).
- Spaces that are/were more community-oriented, rather than commercially driven, are considered vital and preferable by many within LGBTQ+ communities.
- LGBTQ+ nightlife spaces were seen as important places to express LGBTQ+ rights and the community rituals that have helped people to survive forms of oppression and discrimination, from one generation to another. Venues were seen to contain, embed or

communicate LGBTQ+ heritage in their fabric and atmospheres, and to provide a structure that holds specific communities together.

- The report notes the significant drop in LGBTQ+ venues is also alarming when seen alongside other recent data. For instance, according to Metropolitan Police data, homophobic hate crime in London rose by 12% over the year to March 2017, to over 2,000 recorded incidents.

Conclusion - To be completed at the end of the Equality Analysis process

The Equality Analysis assessment has helped informed the Council in the determination of the current planning application (PA/17/00250) in respect to No 114-150 Joiners Arms. The determination of the application is considered to have had regard for the statutory obligations imposed by the Equalities Act upon the Council. It is considered the scheme would have adverse impacts on two of the nine protected characteristics resulting from the scheme not securing a late night A4 venue for the LGBTQ+ venue. However the impacts are considered acceptable when due consideration is given to other material planning considerations in respect of safeguarding residential amenity are given consideration alongside those imposed by the Equalities Act.

The Council have worked pro-actively with the developer, GLA, community groups to secure a first refusal option to serve the LGBTQ+ community on the new Public House (A4 venue) within the scheme and to secure a financial contribution from the developer to ensure such a venue is deliverable.

Name: Gareth Gwynne

Date signed off: Owen Whalley
(approved)

Service Area:

Planning and Building Control

Team Name:

Development Management)

Service Manager:

Owen Whalley

Name and role of the officer completing the EA:

Gareth Gwynne- Case Officer

Section 2 – Evidence (Consideration of Data and Information)

Application Documents

Planning Policy Documents

National Planning Policy Framework, London Plan (2016). LBTH Core Strategy (2010), LBTH Managing Development Document (2013) including (but not exclusively) London Plan Policy 3.1 *Ensuring Life Chances for All*, London Plan Policy 3.16 - *Protection and Enhancement of Social Infrastructure*, London Plan Policy 7.1 - *An Inclusive Environment*, Local Plan Policy SP03 - *Creating Healthy and Liveable Neighbourhoods*, Policy DM0 - *Delivering Sustainable*

Development. DM8 - Community Infrastructure, Policy DM25 – Amenity, Policy DM27 - Heritage and Historic Environment

Supplementary Planning Documents

- Mayor of London's Social Infrastructure SPG (May 2015)
- City Fringe (Tech City) Opportunity Area Planning Framework (December 2015)
- Draft Culture and the Night Time Economy SPG – draft for public consultation (April 2017)

Other Relevant Documents

- "GBTQ+ Cultural Infrastructure in London: Night Venues, 2006–present" published by UCL Urban Laboratory (July 2016)
- Asset of Community Value granted for Joiners Arms (March 2015)

Statutory and non-statutory responses received:

Include from Campaign for Real Ale (CAMRA) , LBTH Licensing Team, Mayor of London's Night Time Czar, Metropolitan Police Crime Prevention Design Officer, LBTH Conservation and Urban Design

Section 3 – Assessing the Impacts on the 9 Groups

Please refer to the guidance notes below and evidence how you're proposal impact upon the nine Protected Characteristics in the table on page 3?

For the nine protected characteristics detailed in the table below please consider:-

- **What is the equality profile of service users or beneficiaries that will or are likely to be affected?**

Use the Council's approved diversity monitoring categories and provide data by target group of users or beneficiaries to determine whether the service user profile reflects the local population or relevant target group or if there is over or under representation of these groups

- **What qualitative or quantitative data do we have?**

List all examples of quantitative and qualitative data available

(include information where appropriate from other directorates, Census 2001 etc)

- *Data trends – how does current practice ensure equality*

- **Equalities profile of staff?**

Indicate profile by target groups and assess relevance to policy aims and objectives e.g. Workforce to Reflect the Community. Identify staff responsible for delivering the service including where they are not directly employed by the council.

- **Barriers?**

What are the potential or known barriers to participation for the different equality target groups? Eg- communication, access, locality etc.

- **Recent consultation exercises carried out?**

Detail consultation with relevant interest groups, other public bodies, voluntary organisations, community groups, trade unions, focus groups and other groups, surveys and questionnaires undertaken etc. Focus in particular on the findings of views expressed by the equality target groups. Such consultation exercises should be appropriate and proportionate and may range from assembling focus groups to a one to one meeting.

- **Additional factors which may influence disproportionate or adverse impact?**

Management Arrangements - How is the Service managed, are there any management arrangements which may have a disproportionate impact on the equality target groups

- **The Process of Service Delivery?**

In particular look at the arrangements for the service being provided including opening times, custom and practice, awareness of the service to local people, communication

Please also consider how the proposal will impact upon the 3 One Tower Hamlets objectives:-

- Reduce inequalities
- Ensure strong community cohesion
- Strengthen community leadership.

Please Note -

Reports/stats/data can be added as Appendix

Target Groups	Impact – Positive or Adverse	Reason(s)
Race	Neutral	The proposal is not expected to have any adverse effects with regard to race.
Disability	Positive	The scheme would result in much improved disability access arrangements for the site than presently exist including level access from grade (street) to all floors and sections of the scheme and full wheelchair accessible lift entry to all upper floors and the basement
Gender	Positive	The application site presently has less than 50 FTE employees on site and the majority of people employed on site are male. The scheme provides an opportunity for circa 1000 net additional jobs on site that provides an opportunity for both numerically many more jobs for females on the site but also more as a proportion of the number of employed on site.
Gender Reassignment	Negative	The proposal secures through a legal agreement (to any planning consent granted) an opportunity for an LGBT+ operator to run and manage the new Public House (A4 Land Use). A legal guarantee for an LGBT+ operator to run the Public House does not exist in relation to the existing vacant Joiner Arms. The Public House would be completed to a modern fit out specification, that would improve the standard of accommodation for an A4 operation, that will help secure its long term function. Although the existing Joiners Arms is in a structurally reasonable state of repair it is abutted to either side (on its Hackney Road frontage) by buildings of poor structural repair that over course of time are liable to imperil the physical state of Joiners Arms to. It is acknowledged the scheme would result in a loss of a late night venue with the scheme's loss of the Joiners Arms that held a late night opening license and without any planning conditions imposed upon it to restrict hours of opening.
Sexual Orientation	Negative	The proposal secures through a legal agreement (to any planning consent granted) an opportunity for an LGBT+ operator to run and manage the new Public House (A4 Land Use). A legal guarantee for an LGBT+ operator to run the Public House does not exist in relation to the existing vacant Joiner Arms. The Public House would be completed to a modern fit out specification, that would improve the standard

		of accommodation for an A4 operation, that will help secure its long term function. Although the existing Joiners Arms is in a structurally reasonable state of repair it is abutted to either side (on its Hackney Road frontage) by buildings of poor structural repair that over course of time are liable to imperil the physical state of Joiners Arms to. It is acknowledged the scheme would result in a loss of a late night venue with the scheme's loss of the Joiners Arms that held a late night opening license and without any planning conditions imposed upon it to restrict hours of opening.
Religion or Belief	Neutral	The proposal is not expected to have any adverse effect with regard to religion or belief.
Age	Neutral	The proposal is not expected to have any adverse effect with regard to age.
Marriage and Civil Partnerships.	Neutral	The proposal is not expected to have any adverse effect with regard to marriage and civil partnership.
Pregnancy and Maternity	Neutral	The proposal is not expected to have any adverse effect with regard pregnancy and maternity.
Other Socio-economic Carers	Neutral	The proposal is not expected to have any other adverse Socio-Economic Carers impacts.

Section 4 – Mitigating Impacts and Alternative Options

From the analysis and interpretation of evidence in section 2 and 3 - Is there any evidence or view that suggests that different equality or other protected groups (inc' staff) could be adversely and/or disproportionately impacted by the proposal?

The scheme is considered to have overall a adverse impacts to two protected groups from the scheme not re-providing a late night A4 venue for the LGBT+ community, as a restriction on opening hours is proposed in the planning application that contrasts with the now closed Joiners Arms where no such restriction was present.

However there are a series of mitigation impacts that help offset that adverse impact and indeed provide greater degree of security to protected groups by securing within any planning consent for the scheme a Section 106 legal agreement in respect of Right of First Refusal on the replacement Public House (A4 Unit) to be run by an LGBT+ Operator and serve the LGBT+ community. The relevant schedule to the Section 106 agreement would also include a clause securing a substantial financial contribution from the developer towards meeting the fit out costs for the Public House that would enable this community facility to reopen on site without imposing an undue financial burden upon an operator serving the LGBT+ community and it would enable the A4 unit to open with an acoustic design specification that would help minimise the future noise breakout from the operation of the Public House.

It is accepted from the representations received and other evidence including the recently published (July 2017) and referenced University College Report that an important component to the significance of the Joiners Arms, as a Public House establishment, that served the LGBT+ community, was gained from it serving as a safe space for the LGBT+ community in its operation as a late night Public House venue.

It is acknowledged, were this scheme approved at planning Development Committee, a planning condition would be recommended to be imposed that would limit, at least from the outset of opening, the new Public House fulfilling a late night function that replicates the opening hours to the previous Joiners Arms and in that aspect the proposed development scheme can legitimately be deemed a dilution of the former role of the Joiners Arms, in meeting the needs of the Borough LGBT+ community. However this adverse impact needs to be weighed against the positive impacts the scheme would deliver to identified protected groups in terms of scheme providing:

- a) A legal guarantee for an LGBT+ operator to run the Public House that does not exist in relation to the existing vacant Joiner Arms;
- b) the Public House being completed to a modern fit out specification;
- c) including a design that conforms to current inclusive design accessibility standards in contrast to the former Joiners Arms, and
- d) Without future risk of structural damage to the A4 Unit from water egress etc as existed to the Joiners Arms from poor structural condition of adjacent properties.

In considering potential action points to mitigate impacts of the development upon protected groups and impacts from the closure of Joiners Arms (including suggestions made in 3rd party representations on the planning application) the Council acting as the local planning authority need to act within the constraints imposed by planning legislation including with regard to what National Planning Policy Framework and statute deems is reasonable, proportionate and enforceable planning conditions and s106 planning obligations.

In addition to the local planning authority having due regard to the Equalities Act in reaching conclusions on this planning application scheme, the Council also need to make decision in accord with the development plan including safeguarding the amenity of neighbouring

properties. With regard to amenity planning policy considerations, officers consider it is necessary to impose a planning condition on the control of hours on the future operation of the replacement Public House and these hours of operation need to pay due regard to the site context including the emergence of a substantial quantum of residential development consented since the closure of the Joiners Arms that is being built out and faces onto Hackney Road and lies opposite the A4 unit and other new residential development in the vicinity.

(Please note – a key part of the EA process is to show that we have made reasonable and informed attempts to mitigate any negative impacts. An EA is a service improvement tool and as such you may wish to consider a number of alternative options or mitigation in terms of the proposal.)

Where you believe the proposal discriminates but not unlawfully, you must set out below your objective justification for continuing with the proposal, without mitigating action.

Section 5 – Quality Assurance and Monitoring

Have monitoring systems been put in place to check the implementation of the proposal and recommendations?

Yes

How will the monitoring systems further assess the impact on the equality target groups?

The Head of Terms, within the Section 106 Agreement in relation to right of first refusal (ROFR) for an LGBT+ operator to take up the lease of the Public House (for each time the lease comes available in the first 15 years of the development completion) shall include a monitoring process involving the Borough and Greater London Authority. Specifically the GLA would be involved in the process to select a suitable LGBT+ operator (should there be more than one prospective LGBT+ operator seeking the lease) and the GLA involved in establishing the appropriate selection criteria for choosing between prospective LGBT+ operators for the Public House lease. Any LGBT+ operator to the Public House would also be bound by a legal covenant in respect of upholding the intentions of this Head of Term and addressing the needs of the target groups.

Does the policy/function comply with equalities legislation?

Yes

If there are gaps in information or areas for further improvement, please list them below:

The Head of Term in respect of the ROFR will need some minor refinement in respect to setting out selection criteria. The Council will undertake this process in tandem with the Greater London Authority Cultural Unit and Mayor of London's Night time Czar Amy Lame.

How will the results of this Equality Analysis feed into the performance planning process?

This Equalities Assessment would accompany any Development Committee Report and be a material planning consideration in determination of the application.

Section 6 - Action Plan

As a result of these conclusions and recommendations what actions (if any) **will** be included in your business planning and wider review processes (team plan)? Please consider any gaps or areas needing further attention in the table below the example.





Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Example				
1. Better collection of feedback, consultation and data sources	1. Create and use feedback forms. Consult other providers and experts	1. Forms ready for January 2010 Start consultations Jan 2010	1.NR & PB	
2. Non-discriminatory behaviour	2. Regular awareness at staff meetings. Train staff in specialist courses	2. Raise awareness at one staff meeting a month. At least 2 specialist courses to be run per year for staff.	2. NR	

Page 90

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Subject to planning consent be granted for the scheme secure the Section 106 legal agreement First Refusal Option for an LGBT+ Operator on the Public House	As per Recommendation field	Before Decision Notice issued on planning application determined at Development Committee	Gareth Gwynne (Case Officer) in co-operation with LBTH Planning Legal Team	As per progress milestone

Appendix A

(Sample) Equality Assessment Criteria

Decision	Action	Risk
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed.	Suspend – Further Work Required	Red 
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy.	Further (specialist) advice should be taken	Red Amber 
As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.	Proceed pending agreement of mitigating action	Amber 
As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.	Proceed with implementation	Green: 

Agenda Item 5

Committee: Development	Date: 11 th October 2017	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
 - the London Plan 2016
 - 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 the Planning Practice Guidance.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

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

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

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

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 5.1

Committee: Development Committee	Date: 11 th October 2017	Classification: Unrestricted
Report of: Director of Place		Title: Applications for Planning Permission
Case Officer: Brett McAllister		Ref No: PA/17/01618
		Ward: Mile End

1.0 APPLICATION DETAILS

Location: (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London

Existing Use: Green open estate land.

Proposal: Residential development comprising 17, one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five to eight storeys.

Drawings: P1000, P1002, P1101, P1102, P1105, P1106, P1107, P1109, P1201, P1202, P1204, P1207, P1208, P2101, P2102, P2103, P2200, P2201, P2202, P2203, P4001, P4002, P4003, P5000, P5001, P3003

Documents:

- Design & Access Statement by Bell Phillips (June 2017)
- Daylight & Sunlight Report by Waldrams ref 1947 (03.04.2017)
- Planning Statement by RPS CgMs ref. RM/21885 (May 2017)
- Air Quality Assessment by Air Quality Consultants ref. J2495/D (10.07.2017)
- Arboricultural Impact Assessment by BF Clarke Bionomique Ltd ref. DFCP 3648 rev. C (03.05.2017),
- Ecological Assessment by Genesis Centre ref. 5451.008 (April 2017)
- Energy Statement by XC02 Energy (31.03.2017),
- Noise Impact Assessment by KP Acoustics ref. 13071.NIA.06 (28.03.2017)
- Phase 1 Desk Study Report by Ground Engineering ref. C13460 (February 2015)
- SuDS Assessment by MT Morgan Tucker ref. MT/LDN/EK/2179/SUDS/Locksley (03.12.2015)

Applicant: London Borough of Tower Hamlets

Ownership: London Borough of Tower Hamlets

Historic Building: No listed buildings on site.

Conservation Area: Adjacent to Regent's Canal CA

2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for a residential development comprising 17 one, two, three and four bedroom flats. The height of the building would range from five storeys to eight storeys. This follows an unsuccessful application for a part 6 and part 9 storey building, comprising 20 residential units (PA/16/02295). The 20 unit residential scheme was withdrawn by the Council following a committee recommendation not to accept officer's recommendation to grant planning permission.
- 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 report explains that the proposals would be acceptable in terms of height, scale, design and appearance; preserving the adjacent Regent's Canal conservation area. The scheme would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.4 The development would result in the provision of 100% affordable rented housing. This is much needed housing and is strongly supported in the consideration of this application. Whilst both London Plan and local policies seek a mix of housing tenures, all 17 units within this scheme will be for affordable rent in direct response to the very high local need in Tower Hamlets and form part of the Council's programme to deliver 1,000 new affordable homes for local people between 2014 and 2018. With the extremely high priority for affordable housing in mind the significant additional provision is welcomed and the fact that a mix of tenures is not provided is considered acceptable in this instance.
- 2.5 The residential quality of the scheme would be high. Six of the units would be of a size suitable for families (35%). All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All of the dwellings would meet Part M Building Control regulations and over 10% (2 units) would be provided as wheelchair accessible.
- 2.6 The provision of housing in particular affordable housing, coupled with the additional biodiversity enhancement measures and wider estate amenity and play space improvements, is considered to out-weigh the loss of open space.
- 2.7 The amenity impact of the development would be acceptable. Officers consider that the design of the development, massing of the site would minimise any adverse amenity implications, in terms of light, privacy, noise and traffic impacts.
- 2.8 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.9 The scheme would meet the full obligation of financial contributions. However, given the Council is unable to enter into an s106 agreement with itself, the financial and non-financial contributions are to be secured by the imposition of conditions.

3.0 RECOMMENDATION

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

a) That the Corporate Director of Place is delegated authority to issue the planning permission and impose conditions and informative to secure the following matters:

Conditions

1. Three year time limit
2. Compliance with approved plans and documents
3. Development is personal to, and shall be implemented by, LBTH
4. Tree Protection Measures
5. Removal of trees/vegetation undertaken between September and February
6. Wheelchair adaptable and wheelchair accessible dwellings
7. Provision of approved cycle storage
8. Compliance with Energy Statement
9. Hours of construction
10. Communal amenity/child play space to be completed prior to occupation
11. Delivery and Service Management Plan
12. Scheme of Highway Improvement Works
13. Details of all Secure by Design measures
14. Details of hard and soft landscaping, including boundary treatment and lighting
15. Details of play equipment
16. Details of noise and vibration mitigation measures

Pre-Commencement Conditions

17. Scheme for the provision of financial contributions (see financial contributions section below)
18. Strategy for using local employment and local procurement (see non-financial contributions section below)
19. Details of biodiversity mitigation measures
20. Details of green roof
21. Contamination
22. Construction Management Plan
23. Details of piling, all below ground works and mitigation of ground borne noise
24. Scheme for the Provision of Affordable Housing
25. Samples and details of all facing materials
26. Details of boundary treatments
27. Arboricultural Report
28. Surface Water Drainage Scheme
29. Car Permit Free (bar Blue Badge Holders and Permit Transfer Scheme)
30. Method statement for the protection of the boundary wall beside the tow path

Condition 17

3.2 Securing contributions as follows:

Financial contributions:

- a) A contribution of **£7,064** towards employment, skills, training for construction job opportunities
 - b) A contribution of **£30,200** towards Carbon Off-Setting.
 - c) **£2,000** towards monitoring fee (£500 per s106 HoT's)
- Total £39,264**

Condition 18/ Condition 24

3.3 Non-financial contributions:

- a) Affordable housing 100% by habitable room (17 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
- c) Any other contributions considered necessary by the Corporate Director of Place

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:

3.7 Any other conditions considered necessary by the Corporate Director of Place

3.8 Informatives:

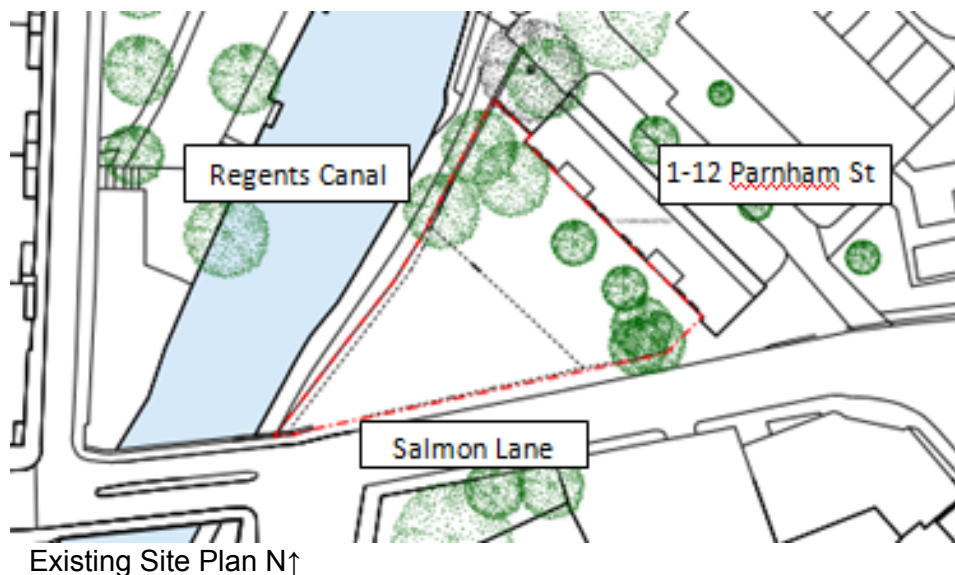
- 1. Thames Water – Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site.
- 2. Building Control
- 3. S.278
- 4. Fire & Emergency
- 5. Footway and Carriageway
- 6. CIL
- 7. Designing out Crime

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

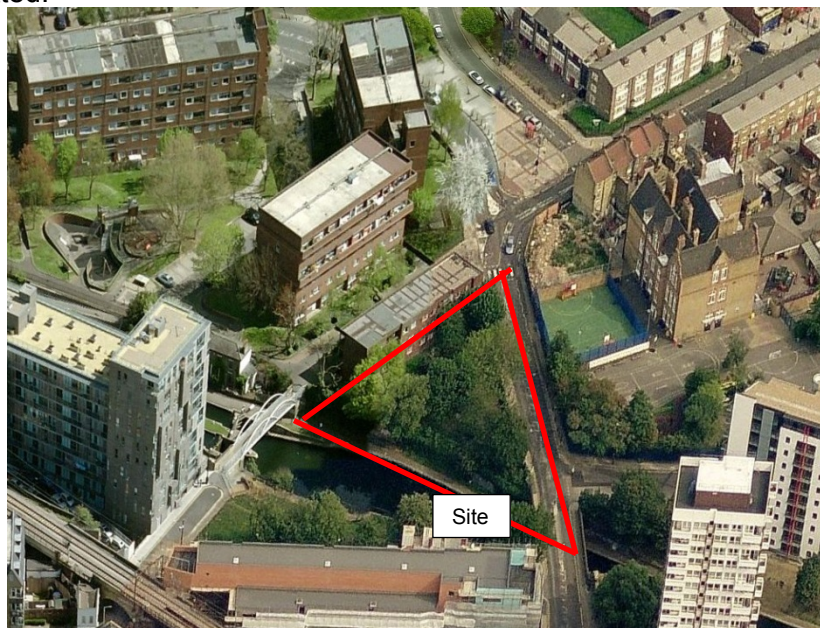
4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1. The application site is bounded by an existing residential block to the north and east, Salmon Lane to the south and Regent's Canal to the west. There is a level difference of around four metres between the site and the adjacent canal towpath.



- 4.2. As existing, the site is currently divided into two, with the area closest to 1-12 Parnham Street accessed via a secure gate to the north of that block, whilst the rest of the site, has been cleared of vegetation.
- 4.3. The surrounding area is characterised by a range of buildings developed over several decades, with the predominant land use being residential. Buildings along Rhodeswell Road to the east of the site are typically six storey residential blocks of flats built in the 1970s and the closest building to the site is 1-12 Parnham Street which is three storeys in height. There are also some examples of relatively tall buildings in the surrounding area, creating a varied townscape.
- 4.4. To the west of the site, on the other side of the canal is a small park called Stonebridge Wharf. To the south, on the opposite side of Salmon Lane is Sir William Burrough Primary School. The following image shows an aerial view of the site looking east. Many of the trees have been lawfully felled before application was submitted.



Birds-eye view of the site looking East - N← (many of the trees have been removed)

- 4.5. Regent's Canal, adjacent to the site, is designated as a Conservation Area, forms part of the Blue Ribbon Network and is identified as a Site of Importance to Nature Conservation (SINC).
- 4.6. The site lies within Flood Zone 1 therefore is categorised as low risk of flooding.
- 4.7. The site has excellent transport links reflected in the high Public Transport Accessibility Level (PTAL) of 5, with 6b being the highest. Limehouse rail and DLR station is located 350 metres walk away to the south west of the site. The closest bus stops are located on Commercial Road 200 metres walk away.

Planning History and Project Background

- 4.8. PA/16/02295 - Residential development comprising 20 one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from six storeys to nine storeys. This application was presented to Development Committee on 11th January 2017, with a recommendation to grant planning permission.

- 4.9. Members were minded not to accept officer recommendation and instead recommended the scheme be refused due to concerns over:
- The impact on the setting of the Canal Towpath and the Regents Canal Conservation Area.
 - Impact on the properties at Parnham Street due to the separation distance.
 - Loss of publically accessible open space.
 - Overconcentration of one housing type.
- 4.10. The applicant subsequently withdrew the application in order to revise the development. The main changes are:
- Reduction in height from 9 to 8 storeys and 6 to 5 storeys,
 - Amendments to façade to overcome privacy issues
 - Pulling the building away from the towpath
 - Additional child playspace improvements
 - Alterations to the materials to the base and top of the building

Proposal

- 4.11. Full planning permission is sought for the erection of a residential building of between 5 and 8 storeys in height to provide 17 residential units (5 x 1 bed, 6 x 2 bed, 4 x 3 bed and 2 x 4 bed) including landscaped communal amenity and child play space, cycle parking, gas meter room and associated works.
- 4.12. All of the proposed dwellings would be within the affordable rented tenure.
- 4.13. The ground floor layout would be a triangular shape with each of the corners removed. The south west corner opening onto Salmon Lane and bounding the Regent's canal would contain a single entrance lobby glazed entrance lobby. In addition to this the south of the ground floor would contain the plant rooms, gas meter room, refuse store and cycle store. The northern section of the ground floor would contain a 3 bed 5 person wheelchair accessible flat.
- 4.14. The external area between the north and east of the building and 1-12 Parnham Street would be 520sqm's of communal space (250sqm of communal amenity and dedicated child play space (270sqm). The communal and child play space would be shared with 1-12 Parnham Road.
- 4.15. The upper floors (1-7) would consist of a further 16 high quality flats. The northern half of the building would be 5 storeys closest to 1-12 Parnham Street and 8 storeys at its southern half by Salmon Lane. The scheme will be based on a simple palette of high quality materials comprising a dark red brick, steel and glass balconies and pre-cast fluted concrete cladding accentuating the base and crown of the building.
- 4.16. The proposed development would be car-free bar blue badge holders and those residents that benefit from the Council's permit transfer scheme. The computer generated image (CGI) below shows the previous and current development viewed from Stonebridge Wharf across Regent's Canal.



Previous Scheme



Current proposal

5.0 POLICY FRAMEWORK

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

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
- To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
- Pay special attention to the desirability of preserving or enhancing the character or appearance of the adjacent Regents Canal Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

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

5.3 Government Planning Policy

National Planning Policy Framework 2012

5.4 London Plan MALP 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

5.5 Core Strategy 2010

- SP01 - Town Centre Activity
- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste

- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking
- SP13 - Planning Obligations

5.6 **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

5.7 **Supplementary Planning Guidance/Documents and Other Documents**

Regent's Canal Conservation Area Appraisal

Mayor of London

- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context - Draft (2013)
- Sustainable Design and Construction - Draft (2013)
- Accessible London: Achieving an Inclusive Environment (2004)
- All London Green Grid (2012)
- Housing (2016)
- Affordable Housing and Viability Supplementary Planning Guidance (2017)

Other

- Planning Obligations SPD (2016)

5.8 **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 Place 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:

Internal Consultees

Air Quality

6.3 No comments received on this application, however the advice from the previous scheme is still relevant and recommends a Construction Environmental Management Plan and all Non Road Mobile Machinery (NRMM) used in the construction to comply with the GLA's NRMM emission limits.

Canal & River Trust (CaRT)

6.4 CaRT welcome the changes that have been made by the applicant to move the development back from the canal, reduce its height and address concerns regarding materials at the top and base of the building. However, remain of the opinion that the adverse impact on the quality of the environment of the Blue Ribbon Network around the bridge hole as a result of building so tall and so close to the back of an approx. 4m wall at the back of the towpath is excessive. CaRT remain unconvinced that the development will preserve or enhance the character and appearance of the Conservation Area.

6.5 CaRT consider that the development will make the towpath in this location feel oppressive and give rise to increased fears of crime or anti-social behaviour.

6.6 CaRT note that the towpath wall is intended to be retained as part of the development, which we would support. We are concerned at the potential impact of the construction of the development on the towpath and towpath wall, and would therefore request that further details.

6.7 The removal of vegetation on the canal-side of the site would disrupt the blue/ green interface which provides important refugia and foraging habitat for numerous avian and mammal species. In accordance with policies DM11 and DM12, we suggest that more should be done to enhance the canal side wildlife now that most of the building will be set back from the towpath wall. We suggest that this matter should be addressed through a planning condition that requires further details of the landscaping proposals.

6.8 Should the application be approved CaRT would require further details on the surface water drainage strategy by way of a suitably worded planning condition.

Contaminated Land

6.9 No objections. A condition is recommended for a land contamination scheme to be submitted in order to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

Highways

6.10 No objections. In accordance with DM22.2 of the Managing Development Document (MDD) this development will be conditioned to prohibit all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.

6.11 The Blue Badge parking bays, while welcome, would appear to exceed the recommended maximum distance between front door and parking space of 50m.

6.12 Highway recommend a condition is placed on any permission requiring agreement of a Construction Management Plan prior to commencing construction.

Occupational Therapist

6.13 No objections. A range of detailed and specific recommendations were put forward to improve the functionality of the wheelchair accessible units.

Surface Water Run-Off

6.14 A detailed surface water management plan which should complement the pro forma already provided to the applicant is required.

6.15 The SuDs assessment document submitted is accepted in principle. A condition is recommended for the detailed surface water management plan, this would need to be submitted in addition to the completed pro forma.

External Consultees

Crime Prevention Officer

6.16 No objections. A range of detailed measures are recommended to provide greater security to the development relating to access control, boundary treatments, permeability through the development, physical security (doors & windows) unauthorised use of turn round areas for service vehicles.

6.17 A general condition and informative are recommended relating to the Secure by Design award scheme.

London Fire & Emergency Planning Authority

6.18 Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation, however they do appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.

Thames Water Utilities Ltd.

6.19 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

6.20 Thames Water have recommended a piling method statement to be submitted to and approved in writing by the local planning authority to ensure potential to impact on local underground sewerage utility infrastructure is suitably addressed. A condition relating to surface water drainage is also recommended.

6.21 Informatives relating to a Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site are recommended.

Twentieth Century Society

6.22 No comments received.

7.0 LOCAL REPRESENTATION

Applicants Consultation

- 7.1 The applicant's statement of community consultation has advised that the initial consultation programme started in August 2015 and it concluded in May 2016. Over that period, four consultation events (including a final exhibition) were held, and a total of 70 attended including local residents and Councillors). This helped inform the earlier planning application.
- 7.2 With regards to the current proposals, the applicant has advised an information bulletin giving details of the revised scheme was produced by the applicant and sent to local residents in May 2017 prior to submission of the planning application.
- 7.3 In addition to this, the applicant has advised that an update newsletter was hand delivered 9th June 2017 to residents.

Statutory Consultees

- 7.4 A total of 345 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.
- 7.5 The number of representations received in response to notification and publicity of the application is as follows:
- 7.6 No of individual responses: Objecting: 40 Supporting: 0
- No of petitions received: 0
- 7.7 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:
- 7.8 Land Use/Density
- Area already too dense
 - Overdevelopment of land
- 7.9 Housing
- Overconcentration of affordable housing
 - Affordable housing is too expensive for local residents
- 7.10 Amenity Related
- Increase anti-social behaviour
 - Loss of light
 - Loss of view
 - Overshadowing
 - Noise
 - Trees reduce the pollution and noise on this busy stretch of road
 - Loss of privacy
 - Health issues
 - Disruption during construction
- 7.11 Infrastructure Related
- Local resources overstretched

7.12 Design

- Too tall and dominant
- Already too many high rise buildings in the area
- Not in keeping
- Impact York Square conservation area

7.13 Biodiversity

- Site should remain a green space/community garden
- Land should be designated as an Asset of Community Value
- Mature trees on site were cut down prior to submission of application
- Native hedge was removed prior to submission of application
- Remove shared amenity space would harm community ties
- Forms part of the green corridor from TH Cemetery Park to Limehouse Basin
- The space is rich in wildlife

7.14 Highways

- No parking available on the estate
- Increased traffic
- Concerns around servicing

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 Contributions

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.

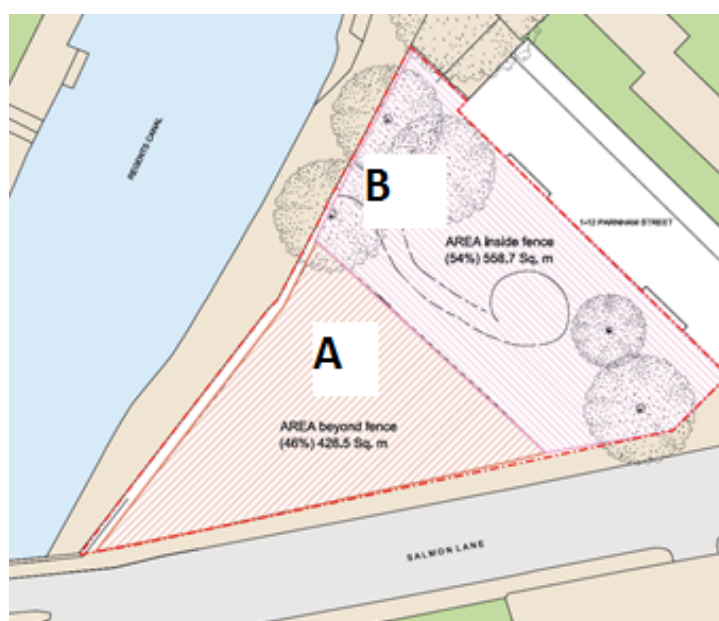
8.3 These economic, social and environmental goals should be sought jointly and simultaneously.

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.

Loss of Surrounding Estate Land

- 8.6 The existing site is land surrounding the Locksley estate with no specific policy designation or protection.
- 8.7 The application site can be identified as having two distinct areas. A portion of the site, immediately to the rear of 1-12 Parnham Street is accessible and has been used in the past as 'communal amenity space' with residential access via a locked gate from Parnham Street. This area measures, approximately 558.7sqm (labelled B in the diagram below). This space could be considered to be communal amenity space serving the flats located at Parnham Street.
- 8.8 The second part of the site is secured by railings with no access arrangements. (Labelled A in the diagram below). This measures approximately 426.5sqm. Council records are unable to confirm its previous usage, however it has been suggested that it was all one large communal amenity area serving 1-12 Parnham Street. This part of the site was largely cleared of vegetation earlier this year. It should be noted that clearing a site such as this does not require planning permission.



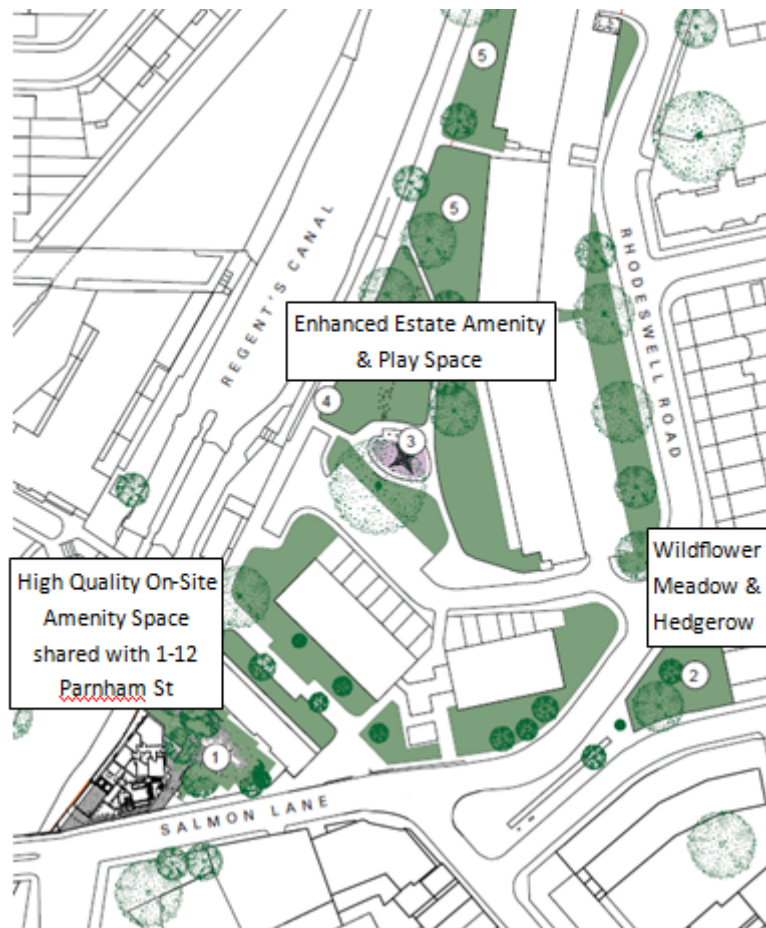
- 8.9 The Council's Local Plan contains two definitions of open space – publicly accessible open space and general open space (wider definition). The definition of publicly accessible open space is found within the Glossary of the Core Strategy p131. The Core Strategy defines Open Space (Publicly accessible) as being:

“Open space will be considered to be publicly accessible, where access for the public is secured by virtue of legal agreements and formal arrangement; whether it is in public or private ownership. Publicly accessible open space will not include areas of water such as rivers, canals, lakes, docks or incidental spaces”

- 8.10 The wider definition of open space says:

All open space that offers opportunity for play, recreation and sport or is of amenity value [emphasis added] including land, as well as areas of water such as rivers, canals, lakes and docks. This wider definition covers all open space, whether in public or private ownership, where public access is unrestricted, partially-restricted or restricted.

- 8.11 There is no legal agreement and formal arrangement for the use of the entire space, as such, officers consider that the proposal does not result in a loss of “publically accessible open space”.
- 8.12 However, the space does have some visual amenity value; it is considered that it could fall within the wider definition of open space.
- 8.13 Policy SP04 of the Core Strategy is therefore applicable. This policy states the Council will “Deliver a network of open space by: Protecting and safeguarding all existing open space such that there is no net loss”. Policy DM10 of the Managing Development Document allows development on areas of open space in exceptional circumstances where a) it provides essential facilities to ensure the function, use and enjoyment of the open space; or b) as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved.
- 8.14 With no additional areas of open space being provided within the proposals, it is clear there will be a net loss of open space. However, the applicant has committed to a range of improvements within the estate which should lead to an enhanced enjoyment of open space within the estate. These are outlined below:
1. Herb and vegetable garden
 2. Wildflower meadow and hedgerow
 3. Rope climbing frame
 4. Habitat information board
 5. Mixed bulb planting
- 8.15 The above measures are to be secured as a planning condition and would not just apply to the amenity area of the immediate site but across the Locksley estate. An area of land to the west of Ashpark House, following consultation with the Borough Biodiversity officer would see 25 metres of new native hedgerow and 125sqm of new wildflower meadow. The existing playgrounds, which are in disrepair and underused would be re-designed to improve visibility through the open space and passive surveillance, the space would be resurfaced and a new rope climbing frame and planting would be provided that would ensure it is an attractive and usable space for local children.
- 8.16 On the immediate site, in the shared garden between the new development and 1-12 Parnham Street, there would be a number of planter boxes for community gardening in addition to the landscaped amenity and child play space. The following plan shows the location of these open space improvements.



Plan showing wider estate improvements

- 8.17 In conclusion, the proposal would not result in the loss of publically open space but would result in the net loss of open space under the wider definition outlined above. This is contrary to Policy DM10 of the Managing Development Document, which states that in exceptional circumstances the redevelopment loss of open space may be acceptable provided that a higher quality open space outcome is achieved and that there is no net loss.
- 8.18 Consequently, it falls to the Committee as decision makers to determine whether the loss of this area of un-used and inaccessible open space would be outweighed in planning policy terms by the benefits of delivering an enhanced open space offer for the estate and new affordable housing. The officer position is that that the balance falls in favour of the proposed development.
- 8.19 Some representations suggested that the site should be secured as an Asset of Community Value (ACV) as a green space. The Council's Asset Management and Legal teams were consulted on this who confirmed that the site has not been listed and no application has been received.

Principle of residential use

- 8.20 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (MALP 2016) 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.

- 8.21 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.
- 8.22 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing use is strongly supported in policy terms.

Design

- 8.23 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.24 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.
- 8.25 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.8 seeks to protect heritage assets and their settings.
- 8.26 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.27 Policy SP10 of the Core Strategy (2014) and DM27 support the NPPF in seeking to conserve and enhance heritage assets. Policy DM27 states that alterations and extensions within a heritage asset will only be approved where:
- a. it does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting;
 - b. it is appropriate in terms of design, scale, form, detailing and materials in its local context;
 - c. it enhances or better reveals the significance of the asset or its setting;
- 8.28 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.

Form, height and massing

- 8.29 Responding to members' and CaRT concerns, the height of the building has been reduced from 6 to 5 storeys on the northern element of the building and 9 to 8 on the southern element. In addition, a set back from the canal retaining wall has been provided. This in turn has led to a very marginally altered footprint and massing including the re-orientation of the northern balcony to stop overlooking of 1-12 Parnham Street and a larger balcony for the 1st floor southern unit that wraps around the western elevation of the building
- 8.30 Officers welcome the attempts made by the applicant to address the concerns raised and it is noted that the block would reference flats of a similar height to the north on Salmon Lane and to the south on Lowell Street. Due to periods of intermittent development consisting of terraced housing and Council flats, contrasting building heights are also a characteristic feature of the area and so the proximity of the proposed building to three storey flats would be in keeping with the varied townscape.
- 8.31 The following shows the change in elevation from the earlier scheme to the current proposal



Western Elevation as previously proposed



Western Elevation as currently proposed

Elevational treatment/materials

- 8.32 In terms of materials the proposed building would be predominantly constructed of a dark red brick, with concrete fluted cladding together with anodised steel doors, steel cladding to balconies and a ribbed, aluminium, insulated facade panel to the southern elevation. The windows would consist of timber/aluminium composite double glazed units. To ensure the highest quality finish all materials including boundary treatment and landscaping would be reserved by condition.
- 8.33 The balconies would consist of PPC Steel panelling and the northern and southern balconies would have glass to their western sides. Whilst no objections are raised in principle to enclosing much of the balconies, due to the prominence of these features, it is important that these are of a high quality for overall the success of the proposed development.

- 8.34 The red brick wall which abuts the application site and Regents Canal tow path forms part of the conservation area and should be preserved. A Method statement should be submitted indicating how the red brick wall is protected during construction works. This will be conditioned.
- 8.35 In response to CaRT comments the use of fluted concrete at the parapet of the building and at the base of the building has been reduced. The parapet would now simply be finished in soldier coursing in the same brick as would be used in the rest of the building. The extent of fluted concrete would be reduced on the western elevation however it would still be used at the ground floor around the entrance on the western elevation, highlighting the entrance, and across the southern elevation including being used as the balcony material for the 1st floor southern and western units.
- 8.36 The design of the southern elevation would diverge from the rest of the building. The southern elevation would consist of bands of ribbed aluminium insulated panelling and facing brickwork with square windows. The rest of the building would have floor to ceiling height window reveals of 200mm with facing brickwork only and bands of soldier coursing between each floor. The soldier coursing would provide a subtle horizontal emphasis to the northern and western elevations while interest would be created on the southern elevation through the aluminium panelling being set back 285mm from the face of the brickwork banding giving this elevation depth and relief and helping to emphasise the horizontal bands of facing brick.
- 8.37 The proposed buildings would front Salmon Lane and would be located directly opposite the Sir Williams Burrough School and Regents Canal Bridge. Because of this there are a number of high boundary walls adjacent to the site and Salmon Lane appears relatively enclosed. As the rear service access is located to the south of the building, the southern elevation at ground floor level consists of 2 double steel louvred service doors and square windows with a relatively high solid-to-void ratio at ground floor here. This is considered acceptable given the necessity for servicing to be conducted from the southern elevation which addresses Salmon Lane.
- 8.38 The aluminium panelling on the southern elevation would match that used for the metal parts of the balconies which would provide a level of coherence to the southern elevation tying together the variations in elevation design.



Southern Elevation - Detail Study

Setting of the Regents Canal Conservation Area

- 8.39 The proposed building is located in a prominent position adjacent to the Regents Canal, as such the local planning authority is required to give special consideration to the impact of the development on the character and appearance of the Conservation Area and its setting. The development should preserve or enhance the character and appearance of this conservation area.
- 8.40 In arriving at a decision regarding this application, Members are reminded of the obligations established by the National Planning Policy Framework 2012 (NPPF) to consider the irreplaceable nature of the historic environment, and to require clear and convincing justification for any harm caused to its significance (NPPF paragraph 132).
- 8.41 Where less than substantial harm arises, this harm should be weighed against the public benefits of a proposal, including its retention in its optimum viable use (paragraph 134).
- 8.42 The following photographs help explain the relationship of the site to the Canal.



8.43 The above photograph shows the level difference between the western towpath on the right of the image with the application site which is above the wall on the eastern bank (not visible from this view).

8.44 The following photograph shows the towpath in question, the proposed building is to be located on the left hand side of the photo above the towpath wall. Two tall residential towers are visible in this view the one to the right more noticeable in the photo with the second tower partially visible to the left of the sun.



8.45 This part of Regents Canal is characterised by buildings of six storeys (east and west sides) and seven storeys (west side). The proposal at five and eight storeys would, therefore, sit comfortably in this context.

3.1. In relation to height, it is noted the immediate context is made up of buildings ranging from three to ten and 17 stories in height. The arrangement of a 8 storey block stepping down to 5 storeys successfully mediates between this range of building heights. The nine story element is located at the intersection of the canal and Salmon Lane forming a cluster of taller buildings with Anglia House (17 storeys) and Lowell Street (10) storeys.

- 3.2. The following photographs show some of these buildings, all within the immediate section of the facing or adjacent to the application site.



Photograph of the development opposite the site.



Photographs of the development opposite, further long and adjacent to the site.

- 8.46 It is considered that the proposal responds sensitively to the waterspace. The building would engage with the towpath through the glazed entrance lobby that would extend out to the retaining wall and the 1st floor balcony/terrace above this. The materials are considered to relate well with the varied townscape including historic industrial canal-side structures. The set back of 1 metre from the canal is considered to alleviate concerns regarding the potential for the building to be overbearing to the canal environment. In addition to this the park on the opposite side of the canal, Stonebridge Wharf, would be considered to provide 'breathing room' for the building.
- 8.47 It is also considered that the building with windows and Juliet balconies would increase passive surveillance of the Salmon Lane bridge hole and towpath, improving safety and the perception of crime in these locations. For the above reasons the proposal is considered to preserve the setting of the adjacent Regents Canal Conservation Area.

- 8.48 The NPPF describes harm to heritage assets as being either substantial or less than substantial. Substantial harm should only result in situations where the significance of the whole heritage asset is diminished.
- 8.49 As mentioned above officers consider that this development preserves (causes no harm) to the setting of the character and appearance of the conservation area, but if Members were to take a different view then any harm therefore that could result from the proposed development would be classified as 'less than substantial'. In which case, in applying the 'public benefits' test as set out above, Officers consider the main public benefits to be the delivery of 17 new affordable homes pursuant of the Council's housing delivery targets and the development of a site, with a form and design that would enhance the character, appearance and safety of the conservation area and would be sensitive to local context.

Landscaping

- 8.50 The proposal would provide 520sqm of landscaped space to the north and east of the building. This space would be split between communal amenity space (250sqm) and dedicated child play space (270sqm) and would be shared with 1-12 Parnham Street.
- 8.51 The playspace, would be soft surfaced and would include climbing boulders.
- 8.52 The communal amenity space would be surfaced with concrete pavers and would include planters, shrub planting, lawn space. It provide a pleasant open space next to the canal.
- 8.53 Off-site there would be landscaping enhancements to land adjacent to Ashpark House with the addition of a hedgerow and wildflower meadow. There would also be planting across the wider estate around the playground.
- 8.54 The proposed landscaping is considered to be well thought out and would be of a high quality.

Creating a Green and Blue Grid

- 8.55 Strategic Objective 12 of the Core Strategy seeks to create a high-quality, well-connected and sustainable environment of green and blue spaces that are rich in biodiversity and promote active and healthy lifestyles. Policy SP04 of the Core Strategy Inter alia seeks to achieve the strategic objective by creating new green corridors and enhancing existing ones to connect publically accessible open spaces to main destinations points, such as town centres, schools, health facilities etc.
- 8.56 Concerns have been raised from residents that the site should remain a green space/community garden and that it forms part of the green corridor from TH Cemetery Park to Limehouse Basin.
- 8.57 Within the proposals map of the adopted Core Strategy the site is located to the south of a green grid route which connects Stepney Green Park, St Dunstan Church and Stonebrige Wharf to the west of the site and Regents Canal with Mile End Park and Bartlett Park further east of the site.
- 8.58 The green grid connection across Regents Canal is via a pedestrian bridge along Parnham Street and does not run through the application site. Furthermore, the site is separated from the green grid by the residential block 1-12 Parnham Street. As such, officers are satisfied the site does not form part of the existing green grid, and it has been appropriately discounted as a connection to an existing green grid.

- 8.59 Discussions on Biodiversity are found under 'environmental consideration' below within this report.

Housing

- 8.60 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.
- 8.61 As mentioned in the Land Use section of this report, delivering new housing, especially affordable housing is a key priority both locally and nationally.

Residential density

- 8.62 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.
- 8.63 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 5. The site and surrounding area has a mixed character that is considered to fall within the definition of an "urban area" given in the London Plan. The surrounding area is characterised by some very dense development and some relatively less dense, with some mix of uses and although not within 800m of a District town centre is near to a number of neighbourhood centres.
- 8.64 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of 200 to 700 habitable rooms per hectare (hrph) and with an average of 3.1 habitable rooms per unit 70 to 260 units/hectare (u/h).
- 8.65 The proposed density would be 541hrph and 170u/h which would be comfortably within the density range in this table which indicates that the proposal is coming forward with an appropriate density for the site, conforming to the abovementioned policy.

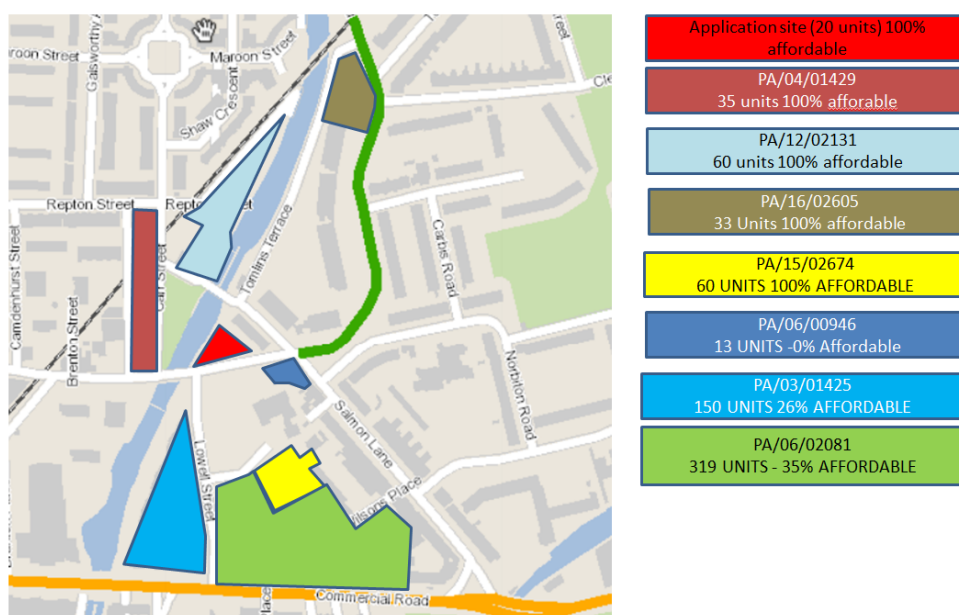
Affordable housing

- 8.66 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.
- 8.67 In terms of planning policy, the relevant policy is SP02(3) of the Council's Core Strategy. This policy sets an overall strategic target for affordable housing of 50% until 2025. This will be achieved by:

- a) Requiring 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability)
 - b) Securing additional affordable homes from a range of public sector initiatives directly with housing associations as identified in the housing strategy
 - c) Bringing long-term vacant properties back into use.
- 8.68 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.69 Policy DM3 of the Managing Development Document states that there should not be an over-concentration of one type/tenure of housing in any one place. Although the development would be completely affordable rented tenure it is considered that this would not result in an over-concentration of this tenure in this area due to a number of large new developments around the site containing high numbers of private and intermediate tenure dwellings. The number of affordable rented units proposed is relatively minor in comparison ensuring a mixed and balanced community is maintained in the area.
- 8.70 All of the 17 proposed units would be affordable rented units. This is in direct response to the very high local need in Tower Hamlets and form part of the Council's programme to deliver 1,000 new affordable homes for local people between 2014 and 2018. With the extremely high priority for affordable housing in mind the significant additional provision is welcomed and the fact that a mix of tenures is not provided is considered acceptable in this instance.
- 3.3. In respect of wider over-concentration, further information has been provided outlining the following:
1. Tenure split within Locksley Estate
 2. Ward Data for Mile End and adjacent St Dunstons Ward
 3. Information from recent major developments
- 3.4. Information received from Tower Hamlets Homes, advises the wider Locksley Estate has 658 properties. Of these properties 251 are Right-to-Buy Leaseholder's and there is a single freeholder. As such, around 38.3% of the estate could be classed as "Private Housing".
- 3.5. The ward data for Mile End suggests, 51.4% of housing within Mile End is social rented, 22% is owner occupier and 25.8% is private rented. The average for LBTH is 39.6% social rented, 26.6% owner/occupier and 32.6% private rented.
- 3.6. In addition to the above, analysis of recent major developments (10 residential units or more has identified 6 sites within the surrounding area that have been developed or have been consented for development in the last 15years.

PA number	Address	Consented date	Private units	Affordable units
PA/04/01429	Former Site At Railway Arch West Of Carr Street North Of Salmon Lane And East Of Blount Street, London, E1	22/03/2015	0	35
PA/12/02131	Land Adjacent to Repton Street, London, E14	21/03/2013	0	60
PA/16/02605	(Locksley Estate Site A) Immediately To The North of 86-144, Rhodeswell Road, London	16/12/2016	0	33
PA/15/02674	25-28 Dalglish Street, London, E14	24/03/2016	0	60
PA/06/00946	From 96 to 100, Salmon Lane, London	20/10/2006	13	0
PA/03/01425	Former Site At 675-681 Commercial Road And Land In Lowell Street And Part Of Disused Railway Viaduct Between Salmon L E14	10/02/2005	123	27
PA/06/02081	721-737 Commercial Road And 2-22 Lowell Street, Commercial Road, London	22/08/2008	215	104
Total			351	319

3.7. The following plan shows the location of the sites referred to in the above table.



3.8. The above plan shows there have been a number of developments since 2003 within the area and that 5 have been 100% affordable. However, these have largely been between 20-60 units. The larger sites 150 units and 315 units have provided 26% and 35% affordable. As such, in terms of over-concentration when taking into account the number of units, officers are satisfied a suitable mix remains within the area. From the above schemes, the private housing total of 351 is still more than the combined affordable housing of 319 units.

8.71 The scheme would use the latest rent levels being split 50/50 between London Affordable Rent and Tower Hamlets Living Rent.

Dwelling mix

- 8.72 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.
- 8.73 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.
- 8.74 Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 8.75 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	0	0	0	0%	0	0	0%	0	0	0%
1 bed	5	5	29	30%	0	0	25%	0	0	50.00%
2 bed	6	6	35	25%	0	0	50%	0	0	30.00%
3 bed	4	4	24	30%	0	0	25%	0	0	20%
4 bed	2	2	12	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
Total	17	17	100%	100%	0	100%	100%	0	100%	100%

Table 1 – Unit Mix

- 8.76 The scheme provides 29% of one bed units against our policy target of 30%, 35% of two bed units against our policy of 25%, 24% of three bed units against our policy of 30%, 12% of four bed units against our policy of 15%. This scheme falls slightly short of the Council’s required 45% family rented units by habitable rooms. However on balance given that this scheme is providing 100% affordable rented, the tenure mix is deemed acceptable.

Standard of residential accommodation

- 8.77 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.”
- 8.78 All of the proposed units would meet or exceed the internal floorspace standards. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage,

access and activity space requirements. Furthermore, all of units would be dual aspect.

Daylight/Sunlight

- 8.79 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 of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 8.80 In terms of daylight to the proposed development the ADF was tested for 63 rooms that were eligible for testing. Of these 62 (98%) would satisfy the BRE guidelines completely. The one room that would not meet the guidelines, R1 on the first floor, would receive 1.26% ADF compared to the 1.5% target value therefore the room would still receive a reasonable amount of daylight. This one fairly minor transgression is considered acceptable.
- 8.81 In terms of sunlight for the proposed development the assessment shows that all eligible windows assessed would meet the targets for Annual Probable Sunlight Hours (APSH).
- 8.82 The proposed development therefore is considered to achieve appropriate levels of daylight and sunlight.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.83 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.
- 8.84 Two wheelchair accessible homes are proposed which amounts to more than 10% of the total units, meeting the policy target.
- 8.85 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Two disabled accessible parking space would be provided to the north of the site. These would be positioned further than the 50 metre target. Owing to the constrained nature of this infill site this is the closest the parking spaces can be and are in accordance with Part M of building regulations.

Private and communal amenity space

- 8.86 The on-site communal space (and child play space covered in the following section) provided by the scheme would be shared with neighboring 1-12 Parnham Street. The calculations of the area required by policy for these will be arrived at as if the scheme included 1-12 Parnham Street. This is to ensure the proposed development is not providing amenity spaces at the expense of spaces currently available to other sites.
- 8.87 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.
- 8.88 For major residential developments Policy DM4 stipulates 50sqm of communal amenity space for the first 10 units plus 1sqm for every additional unit should be provided. As such, a total of 69sqm of communal amenity space is required for the

development when you include 1-12 Parnham Street, who will be able to use the amenity space. If considered separately as two different developments (not as a single phased development) the developments would require 112sqm of communal in total (57sqm for this development and 52sq for 1-12 Parnham. The scheme provides 250sqm of communal amenity space, comfortably exceeding the policy requirement.

- 8.89 All of the proposed units would have a private balcony or terrace that is at least 1500mm wide and would meet the minimum standards set out in the MDD.
- 8.90 Overall, the proposed provision of private and communal amenity space would meet the policy requirements and make a significant contribution to the creation of a sustainable, family friendly environment.



Landscaping - Communal and Child Play Space

Child play space

- 8.91 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Applying the GLA child yield and the guidance set out in the Mayor of London’s SPG ‘Shaping Neighbourhoods: Play and Informal Recreation’ which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 8.92 The proposed scheme, in combination with 1-12 Parnham Road is anticipated to accommodate 25 children using the GLA child yield calculator. Accordingly, the scheme should provide a minimum of 250sqm of play space. This requirement is broken down as shown in Table 2.

	GLA Child Yield	Required within the scheme.	Proposed within scheme
0-4	8	11sqm	80sqm
5-10 year olds	8	80sqm	80sqm
11-15 year olds	6	60sqm	60sqm
Total	22	250sqm	270sqm
Excess in play space			20sqm

Table – Showing child play space

- 8.93 The proposed development would provide 270sqm of dedicated child amenity space at ground floor level on the east of the site in accordance with policy. As such it is considered that the proposal would provide an acceptable play environment for children within the development and 1-12 Parnham Street

Amenity

- 8.94 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

- 8.95 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.
- 8.96 In response to concerns from members the balconies/terraces serving the northern units has been re-positioned on the western elevation angled away from 1-12 Parnham Street. This removes overlooking as an issue from these balconies. Bedroom windows in the upper floors on the eastern elevation would be 18 metres from 1-12 Parnham Street. As shown in the following comparison.



8.97 Wider separation distances are shown in the following plan.



Ground floor plan showing separation distances.

8.98 There is an ample separation distance to surrounding buildings on the north western elevation, adjacent to Regent's canal and to the south east, the direction which the balconies of the units in the southern part of the building would face.

8.99 The playgrounds of Sir William Burrough's Primary School to the south east of the site would be 18 metres away. In addition to this separation distance, the western tarmacked playground would be screened from the development to some extent by a

strip of trees and the eastern AstroTurf playground would be partially screened by a wall perimeter fence.

- 8.100 As such, officers are satisfied the proposal would not give rise to any unduly detrimental impacts on privacy to neighbouring properties.

Outlook and sense of enclosure

- 8.101 The distance between the development proposal and habitable rooms of adjoining properties would largely follow the separation distances mentioned in the above section. The now windowless northernmost part of the building would be 14 metres from the closest part of 1-12 Parnham Street. The proposed massing, which steps down to 5 storeys at the northern part of the development, is not considered to result in an overbearing appearance or sense of enclosure.

Daylight, Sunlight and Overshadowing

- 8.102 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.
- 8.103 The accompanying Daylight and Sunlight Assessment demonstrates that the development achieves daylight and sunlight levels of a high level of compliance with the BRE guidelines. The following properties are fully compliant with the BRE guidelines: 1-35 Rayners Terrace, Lascar Wharf, 332-378 Rhodeswell Road and Lock Cottage. The proposal however would have some impacts on the on 1-12 Parnham Street.
- 8.104 In terms of VSC there would be some infringements to 1-12 Parnham Street (8 of 48 windows tested). Although the loss of daylight to these windows would be noticeable the losses would be relatively minor. Of these 6 would retain 67-79% of their former value and the remaining 2 windows would experience major losses set back behind a balcony on the ground floor. Daylight distribution was also tested which measures the daylight extent within rooms rather than a point on exterior surface as in the VSC. 10 of 36 windows failed this test however these infringements again were only very minor with the rooms that would fall below the 80% target still retaining 75-79% of their former value.
- 8.105 The report also states that the areas where remaining daylight levels will be marginally below the BRE targets are mostly at parts of the building where windows are recessed by approximately 1.2m behind the main façade of 1-12 Parnham Street. It is therefore the self-design of the building in these few cases which tips the daylight impact just below the guidelines and is considered a mitigating factor.
- 8.106 In terms of sunlight, all surrounding properties satisfy the guidelines. For the reasons set out above it is considered that the development would have an acceptable daylight/sunlight impact on surrounding properties with only minor and localised impacts.

Noise and Vibration

- 8.107 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.

- 8.108 The proposed development will experience noise from local road traffic along Salmon Lane.
- 8.109 A Noise and Vibration Assessment by KP Acoustics accompanied the application. The contents of the report takes into account the glazing specification required to achieve good noise insulation. Noise and vibration surveys have been undertaken at the site and daytime and night-time noise levels have been determined.
- 8.110 Appropriate noise mitigation measures have been recommended for the proposed residences which will ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233. These measures would be secured by condition.
- 8.111 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

- 8.112 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.
- 8.113 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.
- 8.114 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments should be properly integrated with the transport network and 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.
- 8.115 The site benefits from very good access to public transport, being located approximately 350 metres walk from Limehouse Rail and DLR station to the south west. The closest bus stops are located on Commercial Road 200 metres walk away. As such the proposed development site has a Public Transport Accessibility Level (PTAL) of 5, with 6 being the highest.
- 8.116 Overall, the proposal’s likely highways and transport impact are considered to be minor and acceptable to the Council’s Transportation & Highways section. The relevant issues are discussed below.

Cycle Parking

- 8.117 The proposal meets the cycle parking standards as set out in the London Plan (2016). These standards require 29 cycle parking spaces to be provided. The development provides 29 covered secure cycle parking spaces with a cycle parking store accessed from internally from the entrance lobby. This arrangement is considered acceptable.

Car Parking

- 8.118 Policy DM22 sets out the Council's parking standards in new developments.
- 8.119 Owing to the excellent transport links the development would be subject to a 'car free' planning condition restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.
- 8.120 Two on-street accessible car parking spaces would be provided in a car park within Locksley Estate to the north. Three car parking spaces would be converted here to provide the spaces. This would satisfy the policy target, representing 1 for each accessible unit within the development. However they would be around 75 metres away which would be in excess of the 50m policy target. It can be seen that there are limited options available for accessible parking bays and the applicant has stated that the location chosen is the closest possible. It is considered acceptable in this instance.

Servicing and Refuse Storage

- 8.121 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage has been calculated in accordance with current waste policy.
- 8.122 The development would provide a bin and recycling store of 6 bins at the ground floor. The collection point on Salmon Lane would be 6 metres from the bin store, inside the maximum 10 metre policy requirement.
- 8.123 The Council's Highway's team have not raised any objections and the proposal would be subject to a Servicing and Refuse Management Plan that would be reserved by condition.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.124 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.
- 8.125 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.
- 8.126 In line with London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);

- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

8.127 From October 2016 Policy DM29 of the Managing Development Document requires major residential developments to achieve zero carbon (with at least 45% reduction achieved through on-site measures). The remaining regulated carbon emissions (to 100%) are to be offset through a cash in lieu contribution in accordance with our carbon offset solutions study. The study identifies the scope of the fund and types of projects to be delivered.

8.128 The submitted Energy Statement (XCO2 Energy -March 2017) has followed the principles of the Mayor's energy hierarchy, and focuses on the Be Lean stage to reduce energy demand and Be Green to integrate renewable energy technologies (Photovoltaic array (6.3kWp)).

8.129 The current proposals seek to minimise CO2 emissions through Be Lean and Be Green measures as follows:

- Be Lean – 12.2% reduction
- Be Clean – 0% reduction
- Be Green – 12.1% reduction

8.130 The cumulative CO2 savings from these measures are proposed to be significantly short of policy DM29 requirements and deliver approximately a 24.3% reduction. A carbon offsetting contribution has been proposed in the submitted Energy Statement of £30,200 to be paid through the adopted carbon offsetting procedures. The CO2 emissions are:

- Baseline CO2 emissions: 22.1 Tonnes/CO2/yr
- Proposed design CO2 emissions: 16.78 Tonnes/CO2/yr
- Carbon offsetting payment to zero carbon: 16.78 (Tonnes/CO2/yr) x £1,800 = £30,200

8.131 In order to support the proposed scheme carbon reduction proposals, appropriately worded Conditions and a S106 agreement for **£30,200** to be payable prior to commencement of development, should be incorporated to deliver carbon savings off-site. The applicant would need to submit the as built building regulations calculations (SAP) to demonstrate that the carbon savings have been delivered. An additional carbon offsetting payment could be payable should the required CO2 emission reductions not be realised.

Biodiversity

8.132 Policy DM11 of the Managing Development Document seeks to inter-alia ensure existing elements of biodiversity value are protected or replaced within the development and additional habitat provision made to increase biodiversity value.

8.133 Concerns have been raised by local residents that the site had high biodiversity value and that the site clearance took place before the grant of planning permission.

8.134 The Council's Biodiversity officer has advised that before being largely cleared of vegetation in February 2016, the application site contained a diverse range of wildlife habitats, including dense scrub, trees, shady wildflower meadow and mixed native hedge, the latter a priority habitat in the Local Biodiversity Action Plan (LBAP). It is stated that the site still contains biodiversity value from 20 metres of hedge along Salmon Lane and wildflowers.

- 8.135 In terms of dealing with the biodiversity loss last year, the site is not designated as a Site of Importance to Nature Conservation (SINC), nor does it lie within a conservation area. Therefore there is no planning restriction on the site being cleared in advance of any development, in the manner that has took place. As such, officers have to consider the site in its current condition and it would be difficult to attribute weight to a previous condition of the site especially one where the land use did not benefit from any protections.
- 8.136 Policy DM11 seeks net gains for biodiversity from new developments. There are a number of features proposed, both on and within the wider estate, which will mitigate the impacts and enhance biodiversity..On site, the most significant feature for biodiversity is the proposed biodiverse green roofs over more or less the whole do the new block. In addition to this there will be a good range of nectar-rich flowers amongst the herb and vegetable garden, bat boxes and nest boxes, Offsite, biodiversity enhancements would include 25 metres of native hedgerow and a new wildflower meadow west of Ashpark House and extensive bulb planting and plant boxes in the estate emenity land around the central playground.
- 8.137 As a result of the above mitigation and enhancement features, the Biodiversity officer is satisfied that there would now be a significant enhancement compared with the current situation and, once the landscaping has matured, “would represent a net enhancement of biodiversity compared with what was on Site D before it was cleared last year”. The proposal is therefore considered to meet policy in this regard.
- 8.138 All of the proposed mitigation and enhancement measures would be secured by condition.

Land Contamination

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

Health Considerations

- 8.140 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.
- 8.141 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.
- 8.142 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

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

8.144 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.

8.145 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.

8.146 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.

8.147 The Council's Supplementary Planning Document on Planning Obligations was adopted in September 2016. This SPD provides further guidance on the planning obligations policy SP13.

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

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.149 The following financial and non-financial contributions will be secured by condition to mitigate the impacts of the development:

Financial Obligations:

- a) A contribution of **£30,200** towards Carbon Off-Setting
- b) A contribution of **£7,064** towards training skills for construction job opportunities
- c) **£2,000** towards monitoring fee (£500 per S.106 Head of Term)

Total £39,264

8.150 The following non-financial planning obligations are also secured:

- a) Affordable Rented Housing 100% (17 units)

- b) Access to employment
20% Local Procurement
20% Local Labour in Construction
- c) Scheme of Highway Improvement Works

8.151 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to key priorities. However, it is important to note, as mentioned earlier in this report the obligations are to be secured by condition, as the site is being developed by the Council.

Local Finance Considerations

8.152 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.

8.153 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.

8.154 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas.

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

8.156 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £31,171 in the first year and a total payment £187,025 over 6 years.

8.157 In terms of Tower Hamlets CIL and London CIL liability there would be no payment due because all of the units would be affordable rented and therefore qualify for CIL relief.

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

Human Rights Considerations

- 8.158 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:
- 8.159 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".
- 8.160 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.
- 8.161 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.
- 8.162 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.
- 8.163 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

- 8.164 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:

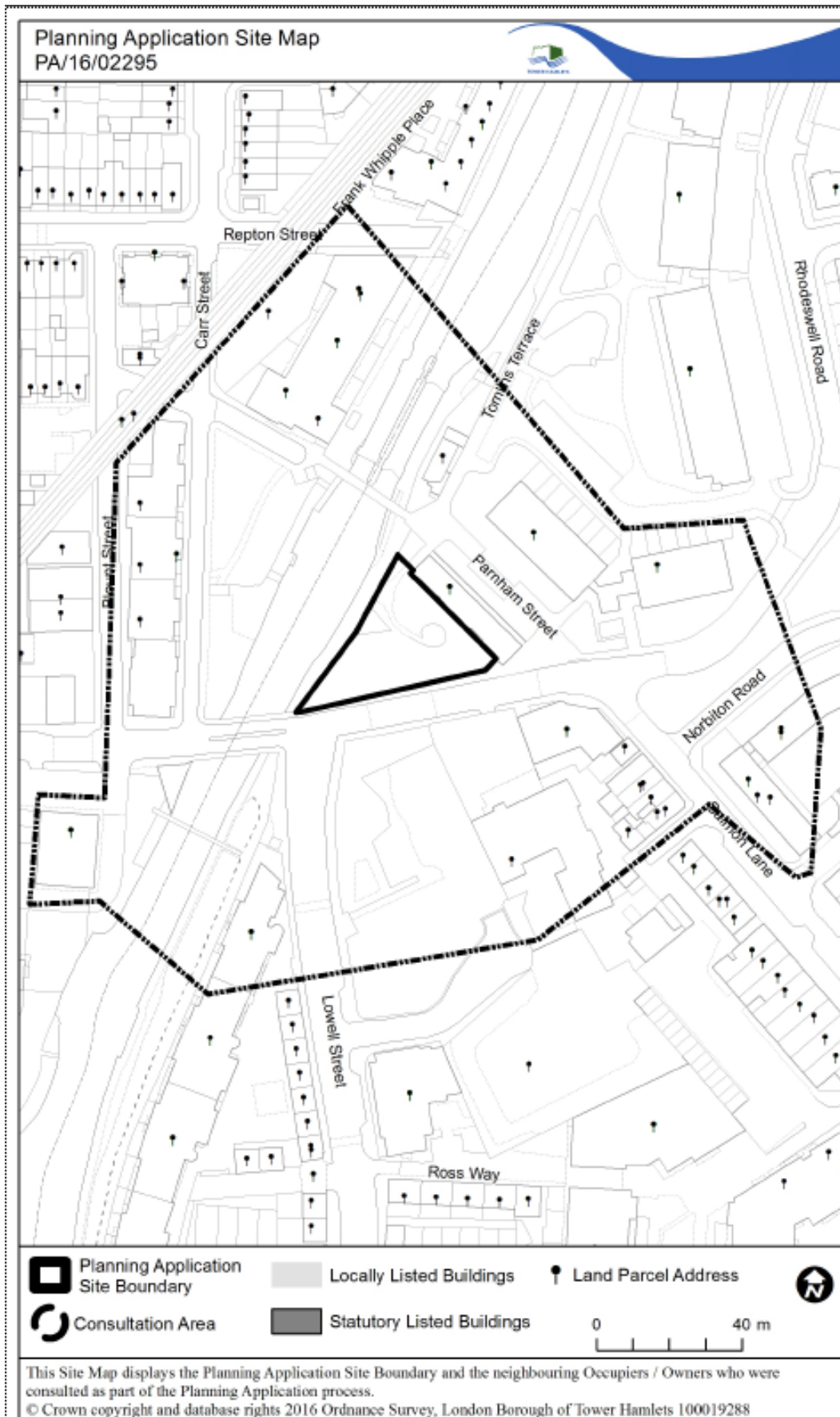
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

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

9.0 CONCLUSION

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

10.0 SITE MAP



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Agenda Item 5.2

Committee: Development Committee	Date: 11 th October 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Victoria Olonisaye-Collins	Ref No: PA/17/00732 - Full Planning Permission
	Ward: Bromley South

1. APPLICATION DETAILS

Location: Land bounded by Watts Grove and Gale Street, London, E3 3RE.

Existing Use: Derelict site former EDF substation

Proposal: Redevelopment to provide three residential blocks ranging from 3-7 storeys to provide 65 dwellings, plus bicycle parking, together with landscaping including public, communal and private amenity space. Creation of a new north-south link from Compton Close, a new east-west pedestrian between Watts Grove and Gale Street, and two disabled parking spaces on Gale Street.

Drawing and documents: Drawings:

3314_PL(90)001 Site Location Plan
3314_PL(90)002 Site Survey
3314_PL(90)003 Site Elevations as Existing
WSG-WTA-GN-GF-DR-A-PL(20)101 Ground Floor
WSG-WTA-GN-01-DR-A-PL(20)102 First Floor
WSG-WTA-GN-02-DR-A-PL(20)103 Second Floor
WSG-WTA-GN-03-DR-A-PL(20)104 Third Floor
WSG-WTA-GN-04-DR-A-PL(20)105 Fourth Floor
WSG-WTA-GN-05-DR-A-PL(20)106 Fifth Floor
WSG-WTA-GN-06-DR-A-PL(20)107 Sixth Floor
WSG-WTA-GN-RF-DR-A-PL(20)108 Roof
WSG-WTA-GN-XX-DR-A-PL(20)201 South and North Elevations
WSG-WTA-GN-XX-DR-A-PL(20)202 East and West Elevations
WSG-WTA-GN-XX-DR-A-PL(20)203 AA + BB Sections
WSG-WTA-GN-XX-DR-A-PL(20)204 CC + DD Sections
WSG-WTA-GN-XX-DR-A-PL(20)205 EE Section
WSG-WTA-AB-XX-DR-A-PL(20)301 Detail Elevation 1 - Block A
WSG-WTA-AB-XX-DR-A-PL(20)302 Detail Elevation 2 - Block B
WSG-WTA-AB-XX-DR-A-PL(20)303 Detail Elevation 3 - Block B
WSG-WTA-ZC-XX-DR-A-PL(20)304 Detail Elevation 4 - Block C
WSG-WTA-AB-XX-DR-A-PL(20)305 Detail Elevation 5 - Block A
WSG-WTA-AB-XX-DR-A-PL(20)306 Detail Elevation 6 - Block B
WSG-WTA-AB-XX-DR-A-PL(20)307 Detail Elevation 7 - Block B
WSG-WTA-ZC-XX-DR-A-PL(20)308 Detail Elevation 8 - Block C
WSG-WTA-AB-XX-DR-A-PL(20)309 Detail Elevation 9 - Block A
WSG-WTA-AB-GF-DR-A-PL(20)401 FT-01 Compliance Plan
WSG-WTA-AB-GF-DR-A-PL(20)402 FT-02 Compliance Plan
WSG-WTA-AB-GF-DR-A-PL(20)403 FT-03 Compliance Plan
WSG-WTA-AB-GF-DR-A-PL(20)404 FT-04 Compliance Plan

WSG-WTA-AB-GF-DR-A-PL(20)405 FT-05 Compliance Plan
 WSG-WTA-AB-GF-DR-A-PL(20)406 FT-06 Compliance Plan
 WSG-WTA-ZC-ZZ-DR-A-PL(20)407 FT-07 Compliance Plan
 WSG-WTA-ZC-ZZ-DR-A-PL(20)408 FT-08 Compliance Plan
 WSG-WTA-AB-ZZ-DR-A-PL(20)409 FT-09 Compliance Plan
 WSG-WTA-AB-ZZ-DR-A-PL(20)410 FT-10 Compliance Plan
 WSG-WTA-AB-ZZ-DR-A-PL(20)411 FT-11 Compliance Plan
 WSG-WTA-AB-ZZ-DR-A-PL(20)412 FT-12 Compliance Plan
 WSG-WTA-AB-ZZ-DR-A-PL(20)413 FT-13 Compliance Plan
 WSG-WTA-AB-ZZ-DR-A-PL(20)414 FT-14 Compliance Plan
 WSG-WTA-ZC-ZZ-DR-A-PL(20)415 FT-15 Compliance Plan

Documents:

Energy and Sustainability Statement prepared by Mendick Waring Ltd dated January 2017;
 Travel Plan Statement prepared by MB Mayer Brown dated December 2016;
 Transport Statement prepared by MB Mayer Brown dated December 2016;
 Design and Access Statement Addendum prepared by Waugh Thistleton Architects dated September 2017.
 Noise Survey & Assessment 6772/NSA Revision 3 prepared RBA Acoustics dated October 2016;
 Daylight and Sunlight Assessment prepared by Calfordseaden K16659/psd/G3 December 2016;
 Planning Statement prepared by RPS CgMs Ref: JCG 18030 dated March 2017; Air Quality Assessment ref: 34400R5 prepared by REC Ltd dated July 2017;
 Statement of Community Involvement prepared by Swan Housing dated January 2017;
 Appraisal of Ground Conditions by WDE consulting dated May 2015;
 Economic Viability Appraisal Report prepared by ULL Property dated February 2017;
 Extended Phase 1 Habitat Survey prepared by D F Clark Bionomique Ltd Ref: DFCEP 3461 Rev B dated January 2017;
 Extended Phase 1 Habitat Survey prepared by D F Clark Bionomique Ltd Ref: DFCEP 3461 Rev C dated May 2017;
 Soil Interpretative report prepared by RSA Geotechnics Ltd dated January 2011;
 Landscape Design Statement Rev L0451DS01 - A prepared by Davis Landscape Architecture;
 Flood Risk Assessment (including SuDS)

Applicant: Swan Housing Association Ltd
Ownership: Swan Housing Association Ltd
Historic Building: None
Conservation Area: None although Limehouse Cut Conservation Area is approximately 60m to the south of the site.

2. EXECUTIVE SUMMARY

- 2.1. The current application has been assessed against the development plan for the area that comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010, the Managing Development Document 2013 & Adopted Policies Map), the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and relevant supplementary planning documents including the Mayor's '*Housing*' SPG 2016, and the Building Research Establishment's handbook – '*Site layout planning for daylight and sunlight: a guide to good practice.*'
- 2.2. The application site is vacant and unallocated in the Local Plan, and has been the subject of three previous planning applications for residential use. Two were withdrawn and the most recent had a resolution to grant. A final decision was not issued and permission was never granted. The main concerns being not the principle of the residential use, but viability and design related matters.
- 2.3. The proposed redevelopment of this site for 65 residential units is considered appropriate in this location as it seeks to optimise the development potential of the site. As such, the development complies with policy 3.4 of the London Plan (2016), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development which seeks to ensure the use of land is appropriately optimised.
- 2.4. The development would provide an acceptable mix of housing types and tenure including the provision of 100% affordable housing with 31% rent and 69% intermediate. The proportion of 100% affordable housing is strongly supported and would complement the range of accommodation provided within the area.
- 2.5. The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.6. The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenity of neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality accommodation provided, along with appropriate external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.7. Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.8. The proposal has also been designed to create and enhance pedestrian movement and connections within the area.
- 2.9. The scheme would meet the full financial and non-financial contributions.

3. RECOMMENDATION

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

A. The prior completion of a **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £23,560 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £56,520 towards carbon off-set initiatives
- c) A contribution of £3,500 (£500 per each substantial Head of Terms) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£83,580.00**

Non-financial contributions

- a) Delivery of 100% Affordable Housing comprising of 69% intermediate units, and 31% rented units
 - b) Car and permit free agreement
 - c) Management Plan to safeguard access to play spaces
 - d) 2 wheelchair accessible bays and maintaining as wheelchair accessible bays as and when required
 - e) 2 construction phase apprenticeships
 - f) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
 - g) Secure Public access route and areas of public realm including maintenance of these areas.
 - h) Travel Plan
 - i) Implementation and monitoring of the carbon emission reductions (Energy Strategy);
 - j) Measures to remove the proposed gates at the request of at least 75% of the Compton Close households and/or the implementation of the southern side of site (Anchor Wharf).
- 3.2. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.3. That the Corporate Director of Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- 3.4. Any other conditions considered necessary by the Corporate Director of Place

Prior to Commencement' Conditions:

1. Construction Environmental Management plan;
2. Site wide drainage scheme and surface water measures in consultation with Thames Water;
3. Ground contamination remediation and mitigation
4. Biodiversity mitigation and enhancements including biodiverse roof details;
5. Piling Method Statement

Prior to completion of superstructure works conditions:

6. Details of all plant and machinery including air quality neutral measures;
7. Details of all external facing materials including balcony details and screening details (both samples and design specification), window reveals.
8. Details of public realm enhancements, landscaping (including soft & hard landscaping), street furniture and boundary treatment;
9. Child play space strategy including access arrangements, management and equipment.
10. Layouts of Part M wheelchair units
11. Details of all external lighting
12. Details of waste storage facilities
13. Details of Secured by Design measures

Prior to Occupation' Conditions:

14. Details of cycle parking, access to cycle stores, design and associated facilities;
15. Detailed design of the wind mitigation measures for the non-recessed balconies to ensure that wind conditions are acceptable for their intended use.

Compliance' Conditions –

16. Permission valid for 3yrs;
17. Development in accordance with approved plans;
18. Withdrawal of permitted development rights for painting of brickwork and erection of fences & gates
19. Hours of construction
20. Refuse stores to be provided prior to occupation
21. Internal Noise Standards

Informatives

1. Subject to s106 agreement
 2. CIL liable
 3. Thames Water informatives
 4. Fire & Emergency
 5. Footway and Carriageway
 6. Building Control
- 3.5. Any other conditions or informatives as considered necessary by the Corporate Director of Place.
- 3.6. Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework and the provisions of the Development Plan. There are no other material considerations which would indicate that the proposal should be refused. The officer recommendation to the Committee is that permission should be granted.

4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Proposal

- 4.1. The applicant is seeking planning permission for the redevelopment of the site to provide three residential blocks ranging from 3-7 storeys to provide 65 dwellings, plus bicycle parking, together with landscaping including public, communal and private amenity space. The proposal also includes the creation of a new north-south link from Compton Close, a new east-west pedestrian link between Watts Grove and Gale Street, and two disabled parking spaces on Gale Street.
- 4.2. The 65 residential units would be 100% affordable: 4 units for London Affordable Rent, 16 units for Tower Hamlets Living Rent and 45 Intermediate units with a total of 184 habitable rooms. This provision is set out below, as well as the mix by tenure.

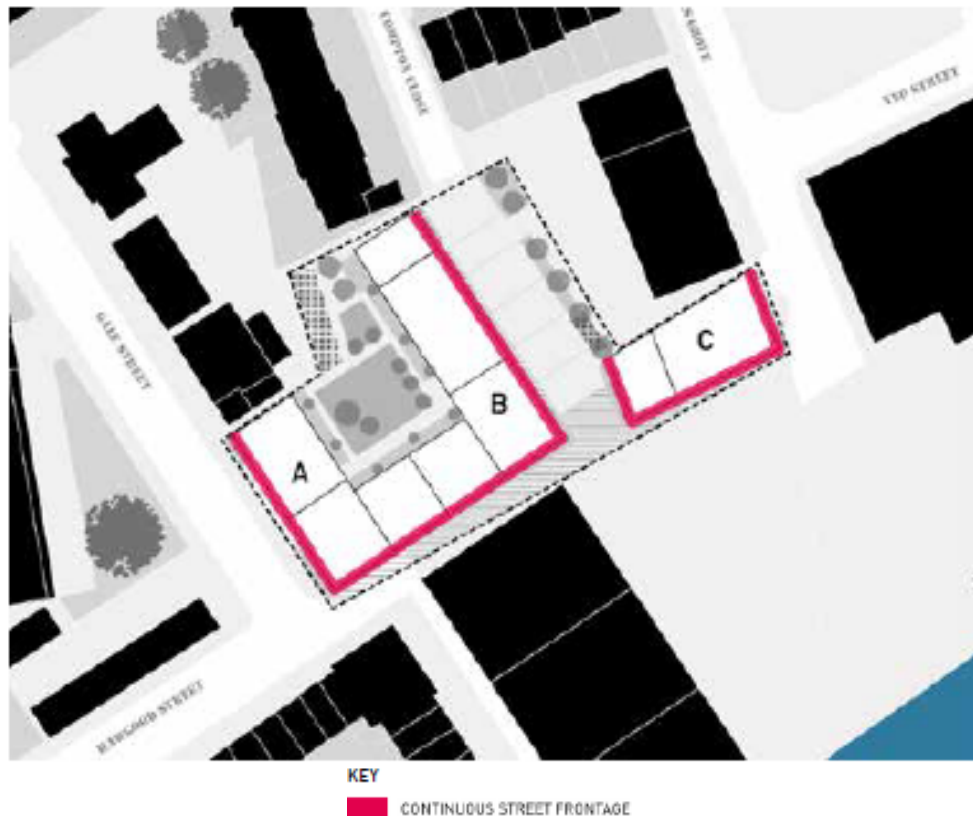
	Number of units	%	Habitable Rooms	%
London Affordable Rent	4	6%	16	9%
Tower Hamlets Living Rent	16	25	42	23%
Intermediate	45	69%	126	69%
TOTAL	65	100%	184	100%

Number and Percentage of units and habitable rooms by tenure

	1 bed	2 bed	3 bed
Social rent London Affordable Rent	0	0	4
Affordable rent Tower Hamlets Living Rent	6	10	0
Intermediate	18	18	9
TOTAL	24	28	13
Total as %	37%	43%	20%

Dwelling numbers and mix by tenure

- 4.3. The application proposes the erection of three blocks with a link between block A and B fronting Hawgood Street to south of site.
- 4.4. Block A is proposed to be located fronting Gale Street/ Hawgood Street and would be part 4 storeys, part 5 storeys and part 7 storeys. Block B would be located within the centre of the site with access via Compton Close (for servicing) and is proposed at part 3 storeys, part 4 and part 5 storeys. Block C is proposed to be located fronting on Watts Grove and is also proposed to be accessed from this location. This block is proposed at part 4 storeys and part 7 stories in height.
- 4.5. The following site plan, shows the location of these blocks:



- 4.6. Areas of public realm are proposed to the north south and east west of the site (measuring approximately 556m²) both proposed as connecting routes.
- 4.7. In terms of the child play space dedicated to the residents of the development, a total of 258m² is allocated within the scheme proposals, 143m² of the play space is located within the communal amenity courtyard and 115m² integrated within the new public realm along the new north-south link from Compton Close between blocks B and C.
- 4.8. The proposal would provide 7 wheelchair homes,, with 4 being 3b5p units for London Affordable and 3 being 1 x 1b2p and 2 x 2b2p for intermediate tenure being easily adaptable.

Site and Surroundings

- 4.9. The site itself extends to approximately 0.27 hectares and fronts Watts Grove to the east and Gale Street to the west. Compton Close is a residential cul-de-sac which terminates at the northern boundary of the site where there is currently a high boundary wall.
- 4.10. To the south, the site abuts Anchor Wharf, an operational industrial site. Further south is the Limehouse Cut. The Canal forms the boundary of the Limehouse Cut Conservation Area.
- 4.11. The site was previously occupied by an electrical substation building, however this has been demolished and the site now lies vacant and has been hoarded off.
- 4.12. The following plan shows the extent of the application site outlined in red.



- 4.13. To the north of the site along Watts Grove, the site abuts an existing 4 storey residential development (David Hewitt House). To the north east of the site is the former Council depot site, where a residential development comprising of 148 homes in buildings up to 7 storeys in height has just been completed. To the north west is Ladyfern House which is also a four storey residential development.
- 4.14. The following is an aerial view from the south, looking north at the application site.



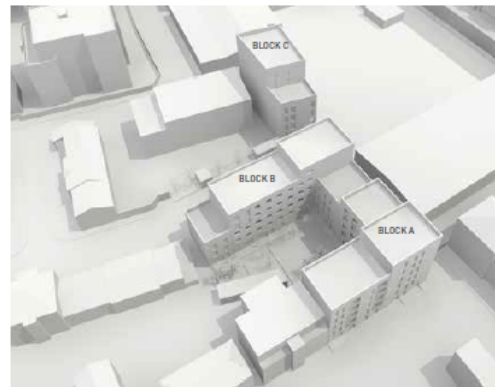
Relevant Planning History

- 4.15. The following planning decisions are relevant to the application
- 4.16. PA/09/00431 – Erection of three to eight storey buildings to provide 63 residential units together with landscaping, boundary treatment and new public walkway. Withdrawn 29/06/2009.
- 4.17. PA/10/01989 – Erection of three blocks comprising four to six storey buildings to provide 57 residential units, together with landscaping, boundary treatment and new public walkway. Withdrawn 24/11/2010.

- 4.18. PA/11/03577 - Redevelopment to provide three residential blocks ranging from 4-6 storeys to provide 50 dwellings (11 x 1 bedroom, 25 x 2 bedroom, 9 x 3 bedroom and 5 x 4 bedroom) plus bicycle parking, refuse recycling facilities and access together with landscaping including public, communal and private amenity space. Creation of an east-west public walkway from Watts Grove to Gale Street. Application was presented to Development Committee on 14th November 2012 with an officer recommendation to grant planning permission.
- 4.19. The application proposed 50 residential units, of which 26 (52%) were rented and 24 (48%) intermediate. The committee unanimously decided to endorse officer recommendation to grant planning permission. However, the applicant was unable to make the development viably work and as such, the s106 agreement was never signed and planning permission was never granted.
- 4.20. An aerial view of the 2011 scheme with a comparison of the current scheme is shown below.



Aerial view of 2011 scheme



Aerial view as currently proposed

5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 5.3. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
National Planning Guidance Framework (March 2014) (NPPG)
- 5.4. **Spatial Development Strategy for Greater London - London Plan 2016 (MALP)**

Policies

- 2.1 London
- 2.9 Inner London
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments

- 3.8 Housing Choice
 - 3.9 Mixed and balanced communities
 - 3.10 Definition of affordable housing
 - 3.11 Affordable housing targets
 - 3.12 Negotiating affordable housing on individual and mixed use schemes
 - 3.13 Affordable housing thresholds
 - 5.1 Climate change mitigation
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable design and construction
 - 5.7 Renewable energy
 - 5.8 Innovative energy technologies
 - 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
 - 6.1 Strategic approach to transport
 - 6.3 Assessing effects of development on transport capacity
 - 6.4 Enhancing London's transport connectivity
 - 6.9 Cycling
 - 6.10 Walking
 - 6.11 Smoothing traffic flow and tackling congestion
 - 6.12 Road network capacity
 - 6.13 Parking
 - 7.1 Building London's neighbourhoods and communities
 - 7.2 An inclusive environment
 - 7.3 Designing out crime
 - 7.4 Local character
 - 7.5 Public realm
 - 7.6 Architecture
 - 7.13 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
 - 8.2 Planning obligations
 - 8.3 Community Infrastructure Levy (CIL)
- 5.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP02 Urban living for everyone
 - SP03 Creating healthy and liveable neighbourhoods
 - SP04 Creating a Green and Blue Grid
 - SP05 Dealing with waste
 - SP09 Creating Attractive and Safe Streets and Spaces
 - SP10 Creating Distinct and Durable Places
 - SP11 Working towards a Zero Carbon Borough
 - SP12 Delivering placemaking
 - SP13 Planning Obligations
- 5.6. **Managing Development Document (adopted April 2013) (MDD)**
- DM0 Delivering Sustainable Development
 - DM3 Delivery Homes

DM4 Housing standards and amenity space
DM9 Improving air quality
DM10 Delivering open space
DM11 Living buildings and biodiversity
DM13 Sustainable drainage
DM14 Managing Waste
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
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

5.7. **Supplementary Planning Documents include**

Planning Obligations SPD (September 2016)
CIL Charging Schedule (April 2015)
Sustainable Design and Construction SPG (April 2014)
Shaping Neighbourhoods: Character and Context (June 2014)
Housing Supplementary Planning Guidance (March 2016)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
London View Management Framework SPG (March 2012)
SPG: Planning for Equality and Diversity in London (October 2007)
SPG: Accessible London: Achieving an Inclusive Environment (April 2004)
Affordable Housing and Viability Supplementary Planning Guidance (2017)

5.8. **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

CONSULTATION RESPONSE

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

5.10. The following were consulted regarding the application:

LBTH Environmental Health - Contaminated Land

5.11. Environmental Health Contaminated Land has reviewed the submitted information and considers there is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with. The suggested condition would be secured should planning permission be granted.

LBTH Environmental Health - Air Quality

5.12. The Air quality officer is satisfied with the information provided.

5.13. The air quality assessment shows that the development will have a negligible impact on the local air quality and that the development meets the air quality neutral requirements.

- 5.14. The construction assessment is accepted, relevant dust and emissions mitigation must be included in a Construction Environmental Management Plan, along with a program for dust monitoring. All on site non road mobile machinery must comply with the GLA's emission limits for Non Road Mobile Machinery.

LBTH Environmental Health – Noise and Vibration

- 5.15. No comments received; however, this is discussed further in the 'noise' section of the report.

LBTH Refuse

- 5.16. There are additional details and further amendments requested, but no objections in principle.

- 5.17. The waste officer advises that the proposal should be designed in accordance with the British standard BS5906: 2005 Waste Management in buildings – Code of practise and Building Regulations 2000, Part H6.

LBTH Highways

- 5.18. There are some further details to be provided but in principle there are no objections to the application.

- 5.19. Highways have advised in terms of car parking, car free development is proposed at a PTAL rating 2 location; however, there is access to several public transport nodes within walking distance to the site and decent interchange options as a result. The proposed 2 on-street accessible parking should only be introduced when they are required and that the applicant to provide a commuted sum as part of the S106 agreement to fund the proposed parking spaces.

- 5.20. The applicant will be required to enter into a Permit Free agreement which restricts all future residents from applying for parking permits in the surrounding controlled parking zone on the public highway.

- 5.21. The cycle storage facilities should be conditioned. (Cycle Management Plan - outlining how those requiring the lower level stands as a result of mobility problems will be allocated them)

- 5.22. It is proposed that refuse is collected from the gated access from Compton Close. This is acceptable as it removes the need for refuse vehicles to reverse in excess of the permitted distance of 20m. A service management plan would be required and this can be achieved via condition.

- 5.23. The site will be opened up in comparison to the existing site with routes from north to south and east to west. This is welcomed, however the narrowing of route east – west results in pinch points at either end, a condition stating that public access is maintained 24/7 would be required. The applicant will be required to enter into a S278 agreement with the highway authority and agree a schedule of highway works which will be funded by the applicant.

- 5.24. A draft travel plan has been submitted, which is welcomed. A condition will be required to submit a full Travel Plan, which will need to be approved by the LPA prior to any occupation taking place. The applicant will also be required to submit a demolition and construction management plan which will need to be approved prior to any works taking place. This needs to take into account the effect of construction traffic on other road users, particularly pedestrians and cyclists and on the neighbouring properties which require access for large vehicles

London City Airport (LCY)

- 5.25. No aerodrome safeguarding objections.

Secure By Design

- 5.26. No objection to the scheme proceeding as outlined. SBD would recommend that the scheme should by means of a condition achieve Secured by Design accreditation which would be formally acknowledged upon a final inspection once all works are complete.
- 5.27. The reason for this is to reinforce the committed approach and interest in the long term sustainability of both security and crime prevention measures throughout the development for the benefits of all future residents.

TFL London Underground

- 5.28. Response received confirming no objection in principle, however, concerns are raised in terms of the number of the proposed blue badge spaces to be provided which should be increased to seven. Residents should receive information about the proposed car sharing as detailed in the Travel Plan. Cycle parking details should be achieved via condition. The pedestrian environment improvements/new routes to be secured via condition.

Thames Water Utilities Ltd.

- 5.29. No objection raised in principle, however, Thames Water have advised that the developer would be required to demonstrate what measures to be taken to minimise groundwater discharges into the public sewer in order to protect public sewers. Suggested condition in respect of piling method statement.
- 5.30. Thames Water has recommended an informative advising of the minimum pressure for water that they would be able to supply for future residents.

6. LOCAL REPRESENTATION

Applicants own consultation

- 6.1. The application is supported by a Statement of Community Involvement that explains a consultation programme was undertaken with Councillors and local residents who were given a chance to ask questions and provide feedback.
- 6.2. An initial public exhibition was held on 10 December 2015 at the Linc Centre, 70 Fern Street, London from 4PM – 8PM. This concerned the redevelopment of the site to provide three blocks ranging from 3 – 7 storeys to provide 65 new dwellings, bicycle parking, new north – south pedestrian link from Compton Close and a new east-west pedestrian link between Watts Grove and Gale and two disabled spaces on Gale Street.
- 6.3. In January 2017, residents in the area were updated on the current proposals with a newsletter. In March 2017, the applicant undertook door to door consultation to update residents and advise of the submission of the planning application.
- 6.4. In response to concerns raised regarding the previously proposed open access pedestrian link through the scheme from Compton Close through the site, the proposal was amended to include the provision of gated access for the northern connection between the site and Compton Close. This would provide vehicular access for refuse collection. A further amendment has reduced the pedestrian

access for the prospective occupants of the site, with a review of this approach if/when the site to the south comes forward.

- 6.5. A second consultation took place on 10 July 2017, during the course of the application, at 413 Mile End Road, London at 7PM. Residents were notified via newsletter Issue 2. The event was to update residents on the amendments to the scheme.

Statutory Consultation

- 6.6. A total of 51 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press. A further re-consultation took place on 17/08/2017.
- 6.7. Three letters of representation were received, two in objection and one petition signed by 21 residents of Compton Close.
- 6.8. 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:

Amenity

- Loss of privacy/overlooking impacts from units above the height of Ladyfern House.
- Increased air pollution
- Overshadowing/Loss of Light to Ladyfern House
- Loss of privacy; increased noise level; traffic and footballing; parking problems; rubbish dumping and clearance problems through the creation of the north-south public walkway.

Transport

- Increased car parking problems in the area.
- Inadequate disabled parking spaces

Others

- Increase in anti-social behaviour from the proposed north-south route
- Impact of proposal upon rights to quiet and private enjoyment of existing property (Human Rights Act)
- Disturbance during construction works
- Devaluation of apartments in Ladyfern House.

Response to Representation

- 6.9. Local residents' concerns are noted. Planning issues raised in terms of loss of light, loss of privacy, increased parking difficulty, increased noise and anti-social behaviour have been addressed in the report below. Other matters raised in respect of devaluation of properties within the vicinity of the site are not considered to be a material planning consideration.
- 6.10. Following submission of the application at the end of March 2017, the proposal has been revised to address both the residents' and the consultees (internal & external) concerns. The amendments resulted in the provision of approximately 1.8m high temporary gates; omission of the entrance canopy side panel to Block A;

enlargement of the cycle parking storage to accommodate 6 larger cycles; revision of the bin stores and providing internal access to all bin storage facilities; providing privacy screens to some windows and balconies and additional defensible space to south west corner of Block A.

7. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Housing
- Amenity Space and Public Open Space
- Neighbouring Amenity
- Highways and Transportation
- Waste
- Energy and Sustainability
- Environmental Considerations (biodiversity, noise and vibration, air quality, contaminated land, flood and health)
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

Land use

7.2. This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.

7.3. At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

7.4. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) state that the Mayor is seeking the maximum provision of additional housing in London.

7.5. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.

7.6. The site is unallocated and the proposed development would provide 65 residential units of a range of much needed new homes on this vacant and underutilised site, contributing towards the regeneration and revitalisation of this part of the borough.

- 7.7. The introduction of a residential development on site is therefore considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

Density / Quantum of Development

- 7.8. Policies 3.4 of the London Plan (MALP 2016) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 7.9. The London Plan (policy 3.4 and table 3.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 7.10. The site is situated in a location which has public transport accessibility PTAL rating of 2, which indicates poor accessibility to public transport. However, there is access to several public transport nodes within walking distance to the site and decent interchange options as well.
- 7.11. The proposed density would be 691 habitable per hectare based on 184 habitable rooms; this is higher than the London Plan's recommended guidelines which suggest between 200 and 450 hrph.
- 7.12. The London Plan Housing SPG advises at paragraph 1.3.51 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. However, to be supported, schemes which exceed the ranges in the matrix must be of a high design quality 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;
 - 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 SPG;
 - 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).

- 7.13. Paragraph 1.3.52 goes on to state that where these considerations are satisfactorily addressed, the London Plan provides sufficient flexibility for such higher density schemes to be supported.
- 7.14. An interrogation of this proposal against these standards in the London Plan Housing SPG is set out in the following sections of this report.

London Plan Policy 3.4 'Optimising housing potential'

Housing SPG Design Standard 6 – Tests for exceeding the 'Sustainable residential quality density matrix'	Assessment
Local context and character & design principles.	The context and character of this part of Watts Grove is considered appropriate in principle for the proposed scheme. Three to seven storey + are prevalent within the area.
Public transport connectivity	The site has a PTAL2 'poor accessibility' with access to several public transport nodes within walking distance to the site. There is no suggestion that development in the area should be restrained due to inadequate public transport connectivity and capacity increases are in hand. TfL raise no objection.
Design quality	London Plan policy 3.5 says the relative size of all new homes in London is a key element of this strategic issue. Officers are supportive of the overall design
Place making	The scheme could be considered to contribute to the creation of a ' <i>place</i> ' at the northern part of Limehouse Cut.
Potential for large sites to define their own setting	The site is not sufficiently large to define its own setting.
Residential mix and dwelling types	The unit mix is considered acceptable, albeit without any market housing.
Management and design of refuse/food waste/recycling and cycle parking facilities	Considered satisfactory.
Location	Considered appropriate for higher density development.

Summary

- 7.15. As detailed in this report, officers consider that the proposal would optimise the development potential of the site rather than resulting in overdevelopment that is inconsistent with strategic policy.

Design

Policies

- 7.16. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

- 7.17. National Planning Practice Guidance sets out seven qualities a well-designed new or changing place should exhibit:-
- be functional;
 - support mixed uses and tenures;
 - Include successful public spaces;
 - be adaptable and resilient;
 - have a distinctive character;
 - be attractive; and
 - encourage ease of movement
- 7.18. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 7.19. Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

Local context

- 7.20. The site is situated within the Lower Lea Valley Regeneration and Growth Area. The two nearest centres are the Chrisp Street District Centre approximately 650m to the south west, and the Devons Road Neighbourhood Centre, around 250m to the north.
- 7.21. It is identified as an area of priority to protect and improve local distinctiveness, character and townscape in areas of high growth. The Bow Common area in which the site is located is described as a family focused residential neighbourhood set around the civic spine of St Paul's Way.
- 7.22. The site itself is located outside of the Limehouse Cut Conservation Area; its boundaries are closely drawn around the canal and the historic buildings adjoining it.
- 7.23. Surrounding application sites are mainly 3 to 7 storeys with the exception of the two storey houses in Compton Close cul de sac to the northern side of site.
- 7.24. Taller buildings are located at the main transport nodes along the Limehouse Cut and within the surrounding area, exists a number of new developments.
- 7.25. Immediately adjacent to the site is the former Watts Grove depot where the development has recently completed to provide 148 residential flats, in buildings up to 7 storeys in height.
- 7.26. The above assessment of the local context allows for a number of conclusions about the townscape in this area to be drawn and to support the proposed height of development.

The Proposal

- 7.27. The proposal seeks the erection of three blocks on site. The massing strategy is a composition of clustered building volumes alternating and adjusting to their

immediate urban conditions with varying parapet lines to give the development a distinct identity within the emerging development context.

- 7.28. The seven storeys block is located on the eastern corner of Watts Grove and 6 storey on the western corner and then stepping down to five, four and step up to six storeys on the corner of the new north south link. The block running back towards Compton Close is then stepped down from five to three storeys. The eastern block (Block C) will accommodate all of the Tower Hamlets Living Rent units while central and the western blocks (Blocks B & A respectively) will accommodate the London Affordable rent and Intermediate units. All wheelchair accessible and adaptable units are located on the ground floor of Blocks A and B. Access to block C is provided from Watts Grove and access to block B is provided from the proposed public realm while access to block A is provided from Gale Street.
- 7.29. Block A is proposed to be part 5 storeys where it adjoins the existing development of Ladyfern House and rises to 6 stories as the development approaches the southern part of the application site and reduces to 5 and 4 stories linking Block B. The scale and massing of this block is considered to respect the existing built form of Ladyfern House and the development within Gale Street and Hawgood Street. The building line is also proposed to mirror that of Ladyfern House with the provision of some defensible space for the new residential block proposed at ground floor level. Principal entrances are proposed at ground floor level to provide some ground level interaction from the proposed development. Separate individual access is also proposed into the ground floor units which will also provide constant pedestrian movement along the western southern routes.
- 7.30. Block B (Central Block) is split into a part 3 storey, part 5 storey and part 6 storey block. The proposal would be part 3 storeys at the northern end of the block to provide a transition between the two storey dwelling houses at Compton Close and the proposed development. The proposed building would then rise to 5 stories in the middle and 6 storey to the southern side of the site, where the site would meet the proposed pedestrian walkway. The principal pedestrian access into this block would be from the southern pedestrian walkway through the public realm. Blocks A and B are arranged around a central courtyard area and each block has a separate stair and lift core accessed at ground floor level.



Street elevation of Block A

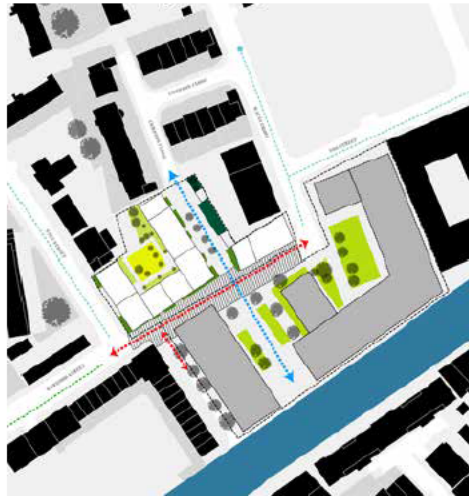


Street elevation of Block B

- 7.31. Block C is proposed to be part 5 storey on part closer to the public realm and part 7 storey with its principal access from Watts Grove. David Hewitt House abuts the proposal site to the south and is an existing residential block of four stories in height. The proposed development at Block C would abut the proposed pedestrian walkway and bring forward the potential redevelopment of sites to the south of application site.
- 7.32. Communal amenity space, on-site play space for 0 - 11 years age groups and publicly accessible open space would be provided. The scheme would also include 2 wheelchair accessible parking spaces (to be provided when required), and 104 cycle parking spaces for the residents.

Analysis

- 7.33. The proposed three blocks are arranged on the site to address the existing street alignments of Gale Street and Watts Grove. Within the site the buildings are connected and arranged to create strong frontages along the access routes east-west and north-south that have been introduced. The offset distances of these buildings have been carefully considered which resulted in the creation of east-west and north-south routes and the communal courtyard area.
- 7.34. One of the major benefits of the scheme are the proposed connections from north to south which is to be gated at the request of many residents of Compton Close, however, this link would provide servicing to Block B and in the long run, an obligation is recommended to open up this route if an appropriate development at Anchor Wharf to the south comes forward.
- 7.35. Another proposed pedestrian link is the east-west route providing a wider walkway along the southern edge, which would be much more beneficial when development at the southern side of site (Anchor Wharf) is developed. This route is also to be secured within the legal agreement and will help connect the Council's scheme at the former Watts Grove depot with Furze Green open space to the west.
- 7.36. The design framework has been tested against future development to the south on the Anchor Wharf, including testing the massing against a potential scheme on Anchor Wharf, to ensure both sites can come forward appropriately. The images below are an example of the consideration given within the Design and Access Statement.
- 7.37. Example of the framework test are shown below:



- 7.38. The building entrances are well positioned and the proposed ground floor units have acceptable defensible space. The proposal creates an internal communal courtyard play area for the development and provides a number of residential units with ground floor private amenity space. The level of amenity space provision is discussed in greater detail within the Amenity section of this report.
- 7.39. Concerns have been raised of the potential for the pedestrian route to increase anti-social behaviour. A suitable condition will be secured to ensure appropriate landscaping, lighting and maintenance of this route is provided to secure a safe and secure route for passers-by and existing and future residents.
- 7.40. The massing strategy was considered as a composition of clustered building volumes alternating and adjusting to their immediate urban conditions with varying parapet lines to give the development a distinct identity within the emerging development context. The proposed scheme has been designed to respect the context of the surrounding area, which comprises a wide variety of housing typologies, such as the two storey dwelling houses at Compton Close and taller flatted developments on both Gale Street and Watts Grove.
- 7.41. The proposed built form, siting, mass and bulk would be considered to be an appropriate response to the scale of adjoining development with an improved landscaping located at the centre of the proposed development.



- 7.42. A large area of public realm landscaping is proposed as part of the new north-south route from Compton Close and the east – west link between Gale Street and Watts Grove (measuring approximately 556m²). The boundary adjoining Compton Close would have an installation of 1.8m high entrance gate to ensure security of the access.
- 7.43. The design has been extensively consulted on during pre-application and application stage. During the course of the submission, the applicant has submitted amended plans to respond to the comments raised at pre-application meetings regarding the architectural quality. The amended design is considered to respond well to the site located on southern side of site (Anchor Wharf) which would potentially be redeveloped at a later date; adjoining sites; the roads to the west north and south and the open space created to the north-south of the site. The architecture is discussed further within this report and in summary is considered to be acceptable.
- 7.44. The elevational treatment and details of the scheme have been influenced by the brick detailing and historic of the surrounding area. A high grade stock brick is proposed for the external envelope to enhance and articulate the buildings sculptural forms. The proposed materials details will be consistent across all the facades for the façade design to create an ordered language with the use of repeated elevational components with subtle changes of window opening sizes, brick panels, recessed balconies, perforated brick and changes in brickwork pattern.



Elevation, views and balconies

- 7.45. In summary, the proposed materials are in keeping with the approach taken within nearby developments and ensure the proposed buildings are likely to integrate within their local contexts. The materials will also be secured by way of condition. As such, the scheme is considered to make an appropriate local response as illustrated in some of the local views.
- 7.46. It is therefore considered that the proposal would result in a scheme that would be very well connected to its surroundings and would provide a development that can be used safely and easily. The proposal is considered to comply with policy 7.2 of the London Plan (2016), Policy SP10 of the CS and Policy DM23 of the MDD.

Heritage

Policies in Chapter 7 of the London Plan (2016 as amended) and policies SP10 and SP12 of the CS and Policies DM24, DM26 and DM27 of the MDD seek to protect and enhance the character, appearance and setting of heritage assets and the historic environment.

- 7.47. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF.
- 7.48. This section of the report considers the implications for the application in respect of the setting of both conservation areas along with any other assets that may be impacted.

Setting of the Limehouse Cut Conservation Area

- 7.49. The application site is located to north of the Limehouse Cut conservation Area and proposal would not be visible from distant views from within the conservation area.
- 7.50. The proposed buildings, constructed from brick and designed to respond to the context, would be of considerably high quality and provide active frontages. It is considered that the proposals would not have significant impact on the setting of this conservation area, given the separation distance between the site.

- 7.51. It is therefore considered that proposals would sustain and enhance both the character and appearance of the Limehouse Cut Conservation Area to accord with relevant Development Plan and NPPF policies in this respect.

Housing

- 7.52. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “... housing applications should be considered in the context of the presumption in favour of sustainable development” and “Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.”
- 7.53. The application proposes 65 residential units (Use Class C3) units at the application site). Tower Hamlets annual monitoring target as set out in the London Plan 2016 (MALP) is 3,931.
- 7.54. Policy 3.3 of the London Plan seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 7.55. The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

- 7.56. The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 7.57. The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out SP02 (3a) of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 7.58. Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that “given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%.”

- 7.59. Managing Development Document Policy DM3 (3) states ‘Development should maximise the delivery of affordable housing on-site’.
- 7.60. The scheme provides a total of 65 affordable housing units. The provision of 100% affordable housing exceeds the local plan policy target of between 35-50% and as such, is supported by officers.
- 7.61. The applicant is able to provide this level of affordable housing due to grant funding from the GLA in relation to the Intermediate units. The applicant has also applied for LBTH grant to help finance the twenty units for rent, which will be 16 units rented at Tower Hamlets Living Rents and 4 wheelchair accessible units rented at London Affordable Rents. The award of this grant is not yet confirmed, and is likely to be reported to the Grants Determination (Cabinet) sub-Committee in October 2017.

Housing Mix

- 7.62. Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, 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 for rent to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes.
- 7.63. The following table below compares the proposed target mix against policy requirements:

		Affordable Housing					
		Affordable/Social Rented			Intermediate		
Unit size	Total Units	Scheme Units	% scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %
1 Bed	24	6	37	30	18	40	25
2 Bed	28	10	43	25	18	40	50
3 Bed	13	4	20	30	9	20	25
4 Bed	0	0		15	0		
Total	65	20	100	100	45	100	100

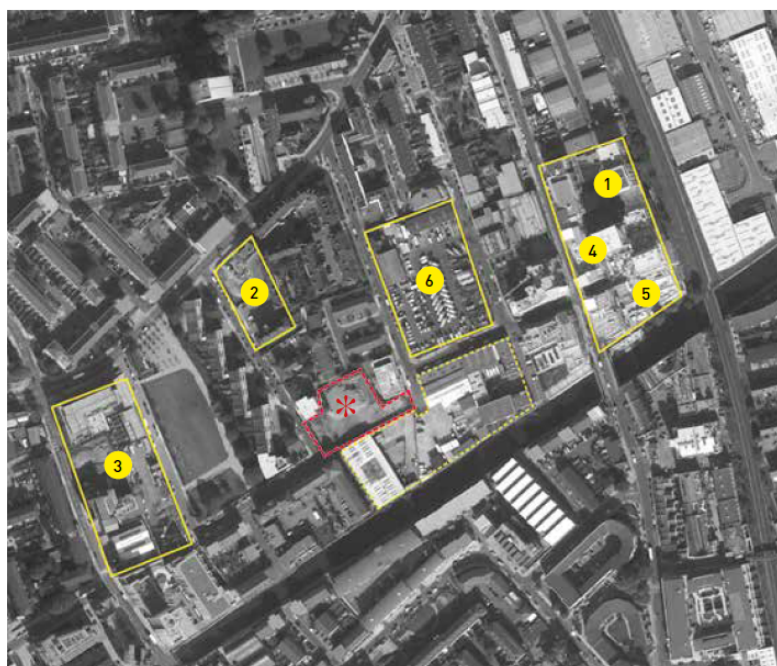
- 7.64. DM3 (3.3) states that the Council will give favourable consideration to proposals which exceed its strategic target of 50% affordable housing. The current proposal is 100% affordable as earlier stated which exceeds the Council’s affordable provision target and is strongly supported.
- 7.65. Overall the scheme would provide 20% of family units which is substantially under the policy requirements of 30%. There are a total of 45 intermediate units which are intended to be Shared Ownership and are made up of 18x1b, 18x2b and 9x3b. There is an overprovision of 1 bed relative to policy; however, given the low amount of units this is skewed easily.

- 7.66. The amended tenure split by unit is 31:69% in favour of intermediate, departing significantly from the Councils policy requirement of 70:30 in favour of rented. However, in this case, officers consider it acceptable given the overall % of affordable, the tenure complimenting neighbouring schemes (as shown in the sections below), and the specific viability approach with grant funding.
- 7.67. It is also noted, if the site was development as a typical mixed-tenure scheme with 35% affordable housing and a 70:30 tenure split in favour of rented, the resulting rented accommodation is likely to be less than what is being proposed now. As such, whilst the proposal has an unusually high level of intermediate, officers are satisfied that this is not at the expense of rented accommodation, which has also been maximised on site. This is shown in the following comparison.

	Private	Rented	Intermediate
Current Scheme	0	58	126
Typical 35%	120	45	19

Table comparing the current scheme with a typical 35% affordable scheme based on 184 habitable rooms and a policy compliant tenure split of 70:30

Mix and balance community



The regeneration of this area has been ongoing for a number of years. Key projects in the vicinity of the site include:

- 1 Caspian Wharf , Violet Road**
Change of use for the provision of nine residential units.
- 2 Oakfield House**
Replacement of eight dwellings and erection of 21 new residential units.
- 3 16 - 24 and 48 - 50 Bow Common Lane**
Development of 129 units and commercial space.
- 4 Caspian Wharf and Lewis House**
Mixed use development of four and eleven storeys including 142 residential units
- 5 Caspian Wharf, 1 - 3 Yeo Street**
Revised application for the provision of four to nine storey buildings comprising 390 residential units and commercial space.
- 6 Watts Grove Depot**
Residential development approved by the London Borough of Tower Hamlets comprising 149 units up to 7 storeys in height.

PLAN SHOWING APPROVED SCHEMES AROUND THE PROPOSED SITE

- 7.68. The above plan shows a number of approved schemes within the vicinity of the site. Whilst they all have an element of affordable the overall numbers vary. The following table provides a mix of the housing tenures within the approved schemes.

Site	Private units	Rented units	Intermediate units	Total units
1,4,5 PA/05/01647 PA/08/01763 PA/12/02956	558	101	52	711
2	14	5	2	21
3	87	31	11	129
6	0	148	0	148
Total	659	285	65	1009
Total with proposed scheme	659	303	112	1074

- 7.69. It is important to note, the mix does not include existing housing that has not recently been developed, however does demonstrate that of the 1009 consented units within the above sites, just 65 are intermediate and the split between rented and intermediate is 81:19. As such, the 45 intermediate units will help complement the existing housing mix and provide a mix and balanced community overall, within the vicinity.
- 7.70. On balance, whilst there is some conflict with policy targets, the scheme overall provides a balance of different unit sizes which contributes favourably to the mix of units across tenures within the borough as a whole as well as recognising the needs of the borough as identified in the Council's Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

Wheelchair Accessible Housing and Lifetime Homes Standard

- 7.71. Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 7.72. 7 wheelchair homes are proposed on the ground floor of blocks A and B, with 4 for London Affordable rent suitable for wheelchair applicants and 3 for intermediate tenure being easily adaptable homes.
- 7.73. This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Two disabled accessible on- street car parking space would be provided on Gale Street when required.

Quality of residential accommodation

- 7.74. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02 (6) and SP10 (4) of the CS which supports high quality well-designed developments.
- 7.75. Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific

advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

- 7.76. All of the proposed flats meet or exceed the London Plan minimum internal space standards and the new Nationally Described Space Standards. The minimum floor-to-ceiling height also exceeds 2.5m which is in accordance with relevant policy and guidance.
- 7.77. There are no north facing single aspect units and on a typical floor plan comprising 15 units, of those units, 11 units or 73% would be dual aspect.
- 7.78. The proposed internal cores serving a maximum of 5 residential units within blocks A and B, and maximum of 3 residential units within block C, would comply with the recommended 8 flats per core and accord with the objectives of the London Mayor's Housing SPG.
- 7.79. The proposed residential units have been well designed given the constraints on site. The relationship has been managed well with the adjoining Ladyfern House site and David Hewitt House; the proposal would have adequate separation distances between habitable room windows of the existing developments (15.7m away from Ladyfern House and 27m away from David Hewitt House) and the proposed development.
- 7.80. Officers note that there are two units within the ground floor of block C with poor outlook facing south. Although these units would be dual aspect, the main habitable room would be within approximately 2.5m of a wall at a minimum of 1.8m high, which is not desirable. However, out of the proposed 65 units only 2 would suffer significantly poor outlook and on balance this is considered acceptable in this instance. Furthermore, this impact is likely to be in the short term as the site to the south is expected to be redeveloped in due course.

Typical floor plan



- 7.81. Within the proposal, all units will be Part M compliant with level threshold and door opening widths to comply with Part M of the Building Regulations. All internal stairs will be suitable for ambulant disabled in accordance with Part M. External routes within public spaces will be level with all public spaces and routes being fully accessible.
- 7.82. Subject to conditions, it is considered that the proposed development would provide high quality residential accommodation for future occupants in accordance with London Plan policy 3.5 and policies SP02(6) and SP10(4) of the CS.

Internal Daylight and Sunlight

- 7.83. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the surrounding existing and future occupants of new developments.
- 7.84. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."
- 7.85. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 7.86. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 7.87. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.
- 7.88. The applicant has submitted a Daylight & Sunlight report which has been reviewed by an independent consultant appointed by the Council and concludes that the proposed development has maximised the daylight sunlight provision within the development while protecting the amenity of existing surrounding residents.
- 7.89. The Council's consultant has advised, "*of the 179 rooms tested 152 meet the requirements, whilst there are shortfalls against the BRE recommendations, these are limited to 27 rooms. We are of the opinion that this is a high level of compliance in the context of an urban environment*"

- 7.90. In relation to sunlight, the Councils consultant has advised that of the 116 rooms tested 100 meet the recommendations of the BRE guide. This is a pass rate of around 86%. It is further advised that since the BRE guide acknowledges that it is not always possible for every dwelling to be well situated to receive direct sunlight, it is considered that this is a high level of compliance in the context of an urban location. We are therefore of the opinion that the results should be considered acceptable.
- 7.91. The impact on neighbouring sites is considered in detail under the impact on neighbouring amenity section below.

Amenity space and Public Open Space

- 7.92. For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied. The following plan shows the allocation of amenity spaces within the proposal.



Private Amenity Space

- 7.93. Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 7.94. The application proposes designated private amenity space to all of the flats which are generally in compliance with the above policy standard. The private amenity space within the ground floor units are in form of terraces and balconies to upper floor units. The terraces are generally located to the rear and balconies mainly recessed with few projecting balconies with Block B facing the proposed new north south route.

Communal Amenity Space

- 7.95. Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 105sqm.
- 7.96. Paragraph 4.7 of the Managing Development Document states '*communal amenity space should be overlooked, and support a range of activities including space for relaxation, gardening, urban agriculture and opportunities to promote biodiversity and ecology*'
- 7.97. The proposal would provide approximately 189sqm of communal amenity space which is in excess of the 105sqm requirement. The communal amenity space is located within the courtyard blocks of A and B.
- 7.98. Given the above, the quantum and quality of the communal amenity space is therefore considered acceptable.

Child play space

- 7.99. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.
- 7.100. The scheme is predicted to contain 22 children split across the different age group (0-15 years of age) using the GLA child yield calculations as per the LBTH Planning Obligations SPG. The following is a breakdown of the expected number of children per age group:
- Under 5 years 11
 - 5-11 years 7
 - Over 12 years 4
- 7.101. In accordance with London Plan Guidance a total of 217sqm of play space is required for all three age groups. The applicant is proposing a total of 258sqm of play space within the scheme, 143sqm of which is located within the communal amenity courtyard and 115sq.m integrated within the new public realm along the new north-south route between blocks B and C. In addition, the communal amenity space of the site in the north-south, east-west link and communal garden are 'genuinely playable' and can be used as informal play for all ages.
- 7.102. The proposed child play provision is significantly in excess of the minimum requirements by approximately 40sq.m. The indicative landscaping proposals included in the Design and Access Addendum submitted with the application envisage that the majority of play space would be provided within the courtyard between blocks B and C, and to the rear of block C, where it is most accessible and well-overlooked from the windows of the proposed development.
- 7.103. The play and amenity provision has been given two separate characters, identifying the internal private courtyard of blocks A and B as a natural and softer play area

utilising elements of natural and unprescribed play. While the public realm courtyard and publicly accessible area between blocks B and C maintains a more robust and contemporary approach with harder materials and appropriate play surfacing. These character types and play provided are selected for their appropriateness based on potential users with restricted public accesses to the courtyards where external factors such as vandalism and misuse may occur. For the older children (teenagers), there are other open /play spaces within 400 – 800m from the site are Barlett Park, Alton Street open space, Langdon Park, Jolly Green and Mile End Park which could cater for the need of older children.

7.104. Overall, the proposed communal amenity and play space areas would be acceptable, in accordance with the aforementioned policies. A condition would be included to secure the details of landscaping and play facilities. .



Landscape indicative plans

Public Open Space

7.105. The proposal includes the provision of an additional 306sq.m of public realm landscaped amenity area as part of the new north-south route and a further 250sq.m of public realm landscaped amenity in the new east-west pedestrian link.

7.106. The design and quantum of the public realm and setting of the building has been carefully considered throughout the pre application discussions and planning process to maximise its accessibility and usability. The benefits of the scheme would include improving accessibility for residents in the area.

7.107. The design strategy for the ground floor of the building maximises the level of active frontage with ground floor residential entrances facing onto the access route and the public open space area. This will help to provide a visual connection with

the public spaces around the site. This strategy would accordingly help to maximise activity and animation within this space.

- 7.108. Further detail on the north/south route as amended including the installation of gates would help to address issues raised by local residents in terms of increased footfall, anti-social behaviour, loitering and security of both existing and prospective occupiers. Officer considered the opening up of the route to be an advantage to the area in terms of permeability and connectivity through the site and wider area; however, given the residents' concerns, the amended proposals would restrict access to the space in order to ensure security.
- 7.109. The proposed public realm for future occupants are considered to be appropriate given the high density nature of the scheme and constrained nature of the site. It will provide an attractive and pleasant area of public realm to the benefit of local residents.

Conclusion

- 7.110. The proposed development would provide all four forms of amenity space required on site and includes a large external ground floor child playspace on a constrained site. The proposed amenity strategy ensures that an appropriate quantum and quality of amenity space would be delivered on the site overall. The development as a consequence would result in a development which would provide high quality living conditions and spaces for enjoyment for future residents.

Neighbouring Amenity

- 7.111. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Privacy

- 7.112. It is not considered that any loss of privacy or overlooking would occur as a result of the proposed habitable windows given the separation distances which range from approximately 16metres to 27metres away from the existing residential developments within the immediate vicinity of application site.
- 7.113. Within the northern part of block B which is located on boundary adjoining Compton Close, there are no windows directly facing Compton Close, it is therefore not considered that there would be any loss of privacy caused by the development to existing residents.
- 7.114. In Block C, the proposed bedroom windows facing the east west link (south elevation) and the northern elevation will have privacy screen, privacy screen details to be achieved via condition.
- 7.115. The balconies at the south west corner of Block A have been designed to face away from Alphabet house and the southern elevation of these balconies will have privacy screens. The other windows on this elevation are secondary living room windows which are not likely to result in significant loss of privacy to neighbours.

- 7.116. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the proposed new buildings and existing facing buildings on neighbouring sites.
- 7.117. Overall, with appropriate condition imposed, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

Daylight, Sunlight and Overshadowing

- 7.118. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.119. Surrounding the application site exist a number of residential properties which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, these are discussed below.

Daylight

- 7.120. A technical study of the impacts upon daylight and sunlight has been submitted with the application and updated in the course of the application which looks at the development on the neighbouring properties using both an empty site and the previous substation on site as the baseline.
- 7.121. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 7.122. However, as outlined above, officers consider the appropriate assessment is to calculate whether the habitable rooms in these buildings will be left with above minimum levels of daylight for their current use rather than necessarily maintaining most of the daylight that they currently receive.
- 7.123. BRE guidelines recommend the following ADF values for dwellings. These are:
- 2.0% - Kitchens
 - 1.5% - Living Rooms
 - 1.0% - Bedrooms
- 7.124. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 7.125. The submitted study assesses the impact of the development on existing properties surrounding the development site. The study makes an assessment of a number of surrounding properties namely, 5 and 6 Compton Close, David Hewitt House, Ladyfern House, 1, 2, 3 and 4 Gale Street and 1 and 2 Alphabet House and the recently completed Watts Grove Depot development.

- 7.126. The report demonstrates that for all residential units tested, with the exception of David Hewitt House, the daylight and sunlight results would be in accordance with the BRE Guidelines.
- 7.127. The results indicate that of the 55 windows tested, 16 do not meet the minimum VSC recommendation. The report indicates that 3 of the windows falling short of the recommendations at Alphabet House are secondary windows. It furthermore notes that 2 of the 3 windows falling short of the requirements at David Hewitt House serve bedrooms, which are recognised by the BRE guide as being less important.
- 7.128. In respect of the Ladyfern House, out of the 16 windows tested, 3 will fall outside the pass/negligible categories. The results are shown in the following table:

Assessment			
VSC Reductions (% Loss)		Number of windows	
		Proposal	Taking into account substation
20-30% "Minor Adverse"		3	2
30-40% "Moderate Adverse"		2	0
40% + "Major Adverse"	40-60%	1	0
	60-80%	0	0
	80-100%	0	0
Total:		6	2

Table showing percentage reduction for Ladyfern house:

- 7.129. It is noted that the total number of windows in the columns above do not tally with the total number of windows assessed, owing to there being no 'pass' section within the table. Therefore, outside of the total windows above, all windows assessed meet the BRE guidelines. Only one window would be treated as suffering a 'major adverse' impact due to the development when the baseline is an empty site. The impact is considered acceptable overall.
- 7.130. Using the NSL, the results indicate that of the 51 rooms tested, 14 do not meet the minimum NSL recommendation. The numbers of rooms falling short of the requirements have been identified to be bedrooms, as above, the BRE guide recognises that bedrooms could be acceptable at negligible to minor adverse impact.
- 7.131. In addition 14 rooms serving the Council's site to the northeast of the site have been tested. In all cases the rooms are marginally impacted with rooms retaining at least 95% of their former values.
- 7.132. Officers and the council's consultant considered that given the low number of failures and the urban location of the site, the impact of the development on daylight to neighbouring properties is considered on balance to be acceptable.

Sunlight

- 7.133. Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight).

- 7.134. The results indicate that out of the 24 windows tested, 3 do not meet the minimum direct sunlight hours targets. This is a pass rate of around 87%, this is considered to be a good result in the context of an urban location. It follows that the sunlight impact on the existing neighbouring properties would be considered acceptable on balance.

Overshadowing to gardens and open spaces

- 7.135. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that “it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March”.
- 7.136. The report submitted with the application has not applied the BRE Overshadowing to Gardens and Open Spaces test to the neighbouring gardens surrounding the site. Given that there are no gardens or amenity areas directly to the north of the development site, the officers and the Council’s consultant considered that the proposed development will therefore not create any new areas which receive less than two hours of sunlight on 21 March. The proposed development therefore satisfies the BRE overshadowing to gardens and open spaces requirements.
- 7.137. In conclusion the Councils consultant has advised that *“1.1.1The majority of the windows and rooms tested meet or surpass the BRE numerical recommendations. Whilst some windows and rooms do not meet the recommendations, the results are not unusual in the context of an urban location. The BRE guide explains that the numerical guidelines should be interpreted flexibly, since natural lighting is only one of many factors in site layout design. A balance should therefore be sought between daylight and sunlight considerations and all other material planning considerations when deciding whether to grant planning permission. We are therefore of the opinion that since this scheme achieves a high level of compliance with the BRE recommendations, and is situated in an urban location, there is no daylight and sunlight related reason why planning permission should not be granted for the scheme.”*

Visual amenity / sense of enclosure

- 7.138. Given the location and separation distance of surrounding facing residential properties, the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of loss of outlook and sense of enclosure.
- 7.139. In conclusion, it is considered that there would be no significant detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

Highways and Transportation

Policy Context

- 7.140. The NPPF and Policy 6.1 of the London Plan (MALP 2016) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 7.141. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network,

ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

- 7.142. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

Site context and proposal

- 7.143. The site has a poor public transport accessibility level (PTAL) of 2. The site is currently accessed from Devon Road.
- 7.144. The proposal remain as per the previously approved scheme as a car free development with the proposal to provide two designated parking bays for disabled occupiers on Gale street.
- 7.145. Policies 6.13 of the London Plan and policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 7.146. Following consultation with the council's highways officer, officer has advised that the proposed two on-street disabled parking bays should only be provided when and if required.
- 7.147. Should planning permission be granted, a clause has been suggested in the s106 heads of terms restricting parking permit by residents and with the proposed parking bays.

Servicing and deliveries

- 7.148. The servicing arrangement will follow the previously approved scheme on site with the possibility of using the route via Compton Close as additional route for servicing.
- 7.149. The scheme will provide three separate refuse storage areas for each of the blocks. The refuse collections are to take place from 3 dedicated bays; each core has direct access to a separate refuse area. The bin stores have been revised following consultation with the council's waste management officer, to meet the capacity requirements with each block having separate bulk storage area.
- 7.150. It is proposed that refuse collections will not be blocking the highway, given the proposed opening up of Compton Close. It is considered acceptable on balance.

Cycling

- 7.151. The applicant has proposed a total of 104 cycle parking spaces for the residents of the scheme within and is located in the courtyard area for Blocks A and B and along the north-south route for Block C.
- 7.152. Following the highways officer's comments, amendments have been made to the proposed cycle parking storage with the proposed enlargement of the storage area to accommodate 6 larger bikes and to meet the minimum aisle widths.
- 7.153. In addition, the storage type has been amended to include 96 spaces for Josta type and 2 visitors' parking space outside Block B entrance.

- 7.154. This meets the London Plan requirement and is proportioned appropriately in terms of the number of cycle spaces for each tenure.
- 7.155. The details of the proposed cycle stands (with reference to the London Cycling Design Standards (LCDS)) will be secured by condition.

Walking and Public realm

- 7.156. At this stage, the boundary to the north with Compton Close is to be gated with vehicular access to facilitate refuse collection. However, long term, the site has been designed to enable a potential route to be developed north-south which would connect Compton Close with the Limehouse Cut. This is dependent on an appropriate form of development at Anchor Wharf to the south.
- 7.157. It is also noted that the scheme also proposed a walkway through east-west side of site, this will improve permeability and improve access from the Councils Depot scheme to Furze Green, this is strongly supported.

Trip Generation

- 7.158. A multi-modal assessment has been undertaken and is considered acceptable by LBTH highways officer and TfL.
- 7.159. A draft Travel Plan has also been submitted and a full Travel Plan will be secured by the s106.

Construction Traffic

- 7.160. Should the application be approved, the impact on the road network from construction traffic would be controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans. The Demolition and Construction Logistic Plans will need to consider other developments on Watts Grove and also the feasibility of using the waterways for the transportation of freight.

Waste

- 7.161. Collection of waste for a development will take place on site as detailed in the previous section. The waste collection will occur from Watts Grove, Gale Street and Compton Close. Refuse collections will occur once per week.
- 7.162. LBTH will shortly be adopting new capacity guidelines and working across the borough to enforce this as a requirement rather than a minimum or maximum waste container capacity, for all existing and new developments.
- 7.163. The guidelines are more in line with British Standards and a recent waste composition analysis conducted externally for the borough, with the ambition to reduce residual waste capacity and increase dry recycling capacity.
- 7.164. The proposed storage design and capacity as amended would be considered acceptable for once a week collection.

Energy & Sustainability

- 7.165. The NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

- 7.166. The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 7.167. London Plan 2016 Chapter 5 deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025 (Policy 5.1).
- 7.168. London Plan Policy 5.2 sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 7.169. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From 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.
- 7.170. Core Strategy Strategic objective SO3 of the Tower Hamlets seeks to incorporate the principle of sustainable development including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 reiterates the Mayor's CO2 reduction targets and requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 7.171. Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and is zero carbon from 2019.
- 7.172. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require the proposed development to comply with optional requirement G (36) (2)9b of the 2010 Building Regulations in relation to water consumption.
- 7.173. The applicant must ensure that they comply with Policy 5.6 of the London Plan and install energy systems in accordance with the following hierarchy:
- 1) Connect to existing heating or cooling networks.
 - 2) Site wide CHP
 - 3) Communal heating and cooling.
- 7.174. The submitted Energy and Sustainability Statement (Mendick Warring LTD – January 2017) has followed the principles of the Mayor's energy hierarchy, and seeks to focus on Be Lean stage to reduce energy demand and Be Green to integrate renewable energy technologies. The applicant has investigated the use of a communal heating system (CHP), served by either a CHP engine or a communal

gas boiler. A communal system has been discounted due to the lack of space to accommodate a plant room and the increased costs of a communal system, which are likely to be borne by the future residents through higher service and maintenance costs. Due to the relatively small scale of the proposed development, in this specific instance, an individual boiler system is considered accepted.

- 7.175. The current proposals are anticipated to achieve CO2 emission reductions of 45.3% through Be Lean and Be Green measures. The cumulative CO2 savings from these measures would accord with the London Plan policy at 37%, and the LBTH policy requirements to achieve a 45% reduction in CO2 emissions.
- 7.176. Based on the current proposals there is a shortfall to policy DM29 requirements which equates to an annual shortfall of 31.4 tonnes of regulated CO2. The Energy Statement identifies the requirement to meet the shortfall through a carbon offset payment and this approach is supported for the development.
- 7.177. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2016 which states:

‘...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.’

- 7.178. 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 2016).
- 7.179. For the proposed scheme it is recommended that a figure of £56,520 is sought for carbon offset projects as identified in the submitted Energy Statement, this can be achieved via S106.

Environmental Considerations

Landscaping and Biodiversity

- 7.180. Core Strategy SP04 is concerned with ‘Creating a green and blue grid.’ Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 addresses ‘Living buildings and biodiversity.’ Policy DM11-1 requires developments to provide elements of a ‘living buildings’ which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 7.181. The existing site has limited ecological value as confirmed in the updated ecology report.
- 7.182. The Council’s Biodiversity officer has advised that there will be no significant impacts on biodiversity as a result of the proposal. Much of the site is dominated by

the invasive non-native buddleia, it does nevertheless provide some wildlife habitat, and its loss would be a minor adverse impact on biodiversity.

- 7.183. In terms of biodiversity enhancements, the proposals include small areas of green roofs on the cycle and bin stores, and landscaped planting at ground level which would include the planting of native and wildlife-beneficial herbs and shrubs. Although no green roofs are proposed for the roofs of the main buildings, the ground-level landscaping includes a good range of nectar-rich flowers, which will provide food for bees and other pollinating insects for much of the year. This will contribute to an LBAP target.
- 7.184. The Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS and DM11 of the Managing Development Document.

Noise, Vibration and odour

- 7.185. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 7.186. Policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD 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.
- 7.187. The submitted Noise Survey and Assessment (Revision Three) considers existing noise levels from a variety of noise sources surrounding application site.
- 7.188. In terms of the completed development, the assessment considers the noise effects on future residents at the facades of the development. The ES states there will be negligible significance on the proposed development. The noise and vibration from the service plant (such as energy centre and lifts) has not been submitted with the application, this can be achieved via condition.
- 7.189. In order to ensure the noise is acceptable for the new residential units, noise will be controlled by way of condition in terms of a compliance condition (for instance ensuring the units achieve the noise levels achieve the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions).
- 7.190. It is considered that proposed arrangements would ensure that the development would be compliant with the NPPF and development plan policy.

Air Quality

- 7.191. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.

- 7.192. The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.
- 7.193. The air quality assessment shows that the development will have a negligible impact on the local air quality and that the development meets the air quality neutral requirements.
- 7.194. The LBTH Air Quality officer reviewed the Environmental Statement submitted with the application and considered the air quality acceptable.
- 7.195. The construction assessment is acceptable and any relevant dust and emissions mitigation must be included in a Construction Environmental Management Plan, along with a program for dust monitoring. All on site non road mobile machinery must comply with the GLA's emission limits for Non Road Mobile Machinery.
- 7.196. Subject to safeguarding conditions, it is considered that the impacts on air quality are acceptable and any impacts would be outweighed by the regeneration benefits that the development would bring to the area.
- 7.197. As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution

Demolition and Construction Noise and Vibration

- 7.198. The potential adverse effects from construction noise and vibration levels can be minimised by the mitigation methods such as heightened boundary hoarding with good acoustic qualities, liaison with occupants of the adjacent properties, establishment of noise and vibration action levels, periodic monitoring of noise and vibration levels and the switching off of plant and equipment when not in use which would be employed to ensure that the noise levels are acceptable.
- 7.199. The nearest residential developments to be considered are the developments at Ladyfern House, nearest properties on Compton Close, David Hewitt House and Alphabet House. Construction works, are likely to include activities that would be likely to increase noise and vibration levels. The submission of a construction management plan and environmental plan via condition would therefore be required to reduce the noise and vibration impacts on the neighbouring properties and ensure that all works are carried out in accordance with contemporary best practice.
- 7.200. Should planning permission be granted there would also be conditions controlling the hours of construction (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).
- 7.201. Subject to safeguarding conditions, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during construction in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Contaminated Land

- 7.202. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a Geo-Technical Report which assesses the likely contamination of the site.
- 7.203. The Council's Environmental Health Officer has reviewed the documentation, and advises that subject to conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues. Relevant conditions would be included on any planning permission if granted.

Flood Risk and Water Resources

- 7.204. The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 7.205. The site is located in Flood Zone 1 and is less than one hectare in area. The annual risk of flooding is less than 1 in 1000 (0.1%) chance in any year and means that the site is within a low risk area.
- 7.206. The application is supported by a Flood Risk Assessment (FRA) and surface water drainage strategy to assess run off and discharge rates from the site. The Flood Risk Appendixes demonstrates the development will not increase the risk or severity flooding elsewhere.
- 7.207. In relation to surface water run-off, the sustainable drainage officer has no objection to the proposal and advises that the green roofs are secured by way of condition. The surface water management requirements should be controlled by way of condition. Thames Water advises that conditions could also appropriately address water demand and wastewater capacity.
- 7.208. In summary, subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

London City Airport Safeguarding Zone

- 7.209. London City Airport officer has raised no aerodrome safeguarding objection to the scheme.

Health Considerations

- 7.210. 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.
- 7.211. 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.
- 7.212. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- a) Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - b) Providing high-quality walking and cycling routes.
 - c) Providing excellent access to leisure and recreation facilities.

- d) Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- e) Promoting and supporting local food-growing and urban agriculture.

7.213. As detailed in the previous section, the proposed development would promote sustainable modes of transport, improve permeability through the site, provide communal amenity space and provide sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Impact upon local infrastructure / facilities

7.214. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation.

7.215. The NPPF requires that planning obligations must be:

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

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

7.217. The applicant has agreed to meet the entire financial contributions as set out in the S106 SPD in relation to:

- Enterprise and Employment Skills and Training;
- Carbon Off-Setting
- Monitoring contribution

7.218. The applicant has also offered 100% affordable housing scheme with a tenure split of 31:69 between affordable rented and intermediate rent.

7.219. Given that the proposed scheme would be less viable with the 50/50 rent split; there will be need to establish the required rents and this can be achieved via S106.

7.220. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and residential travel plans.

7.221. The financial contributions offered by the applicant are summarised in the following table:

Heads	Planning obligation financial contribution
Employment, Skills, Construction Phase Skills and Training	£23,560.00
Carbon off set initiatives	£56,520.00
Monitoring	£3,500
Total	£83,580

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

OTHER

Financial Considerations

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

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

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

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

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

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

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

7.227. As regards Community Infrastructure Levy considerations, Members are reminded that the London Mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved.

7.228. It is estimated that the development would be liable for Tower Hamlets CIL at approximately £209,958.00 and Mayor of London CIL at approximately £209,958.00. However, given the proposed housing is affordable housing, it is likely no actual payment would be applicable due to the relief that would be available.

7.229. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional

social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

- 7.230. Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £115,623.00 in the first year and a total payment of £396,741.00 over 6 years.

Human Rights Considerations

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

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

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

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

- 7.234. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

- 7.235. 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.

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

- 7.237. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the

European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

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

Equalities Act Considerations

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

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.240. The provision of residential units, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Part M 4(2). and 10% would comply with Part M 4(3) and be wheelchair accessible and adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.

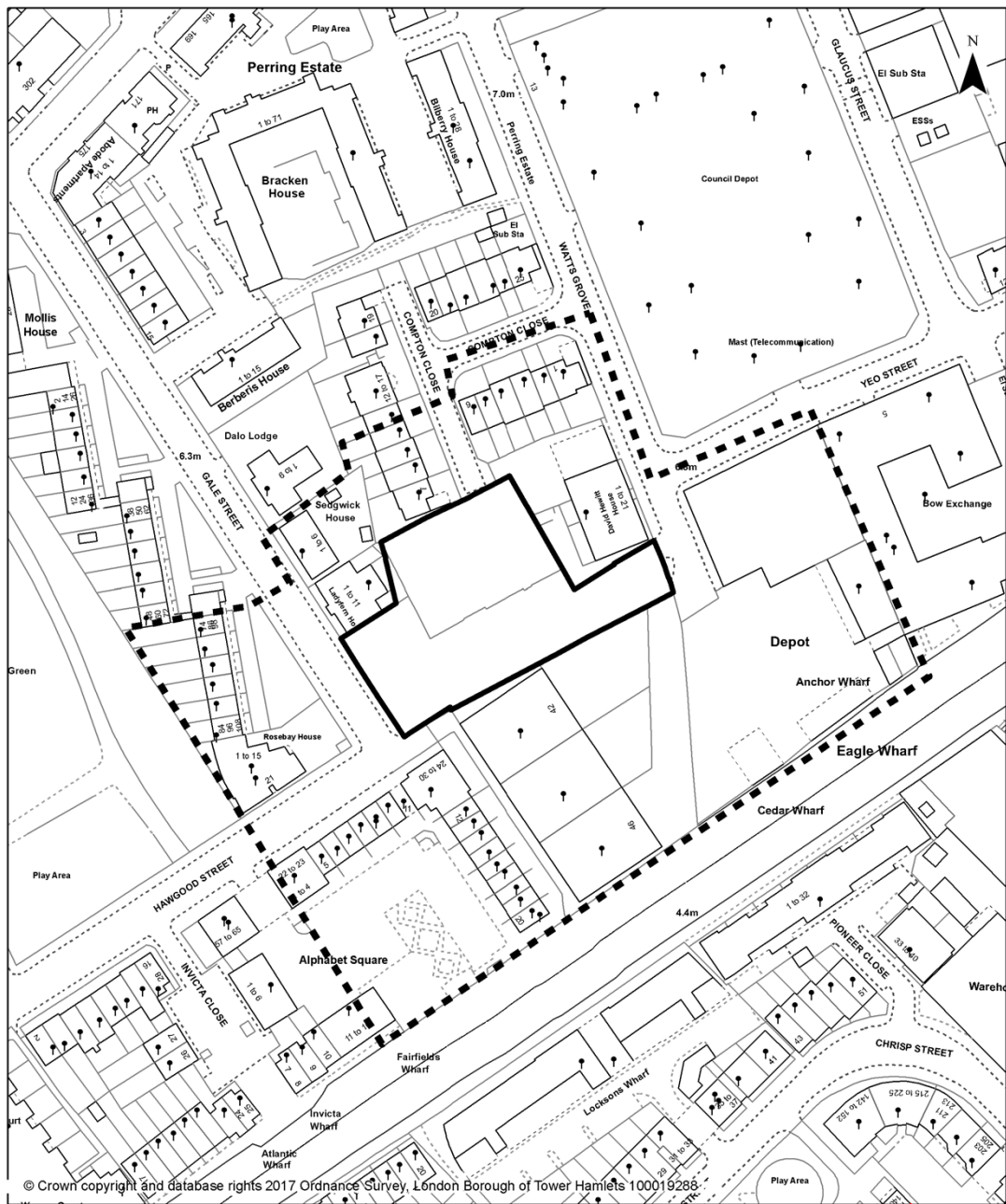
7.241. The introduction of accessible north – south route with associated public realm would also increase permeability and promote social cohesion across the site and within the borough generally.

7.242. The proposed development would be considered to have no adverse impacts upon equality and social cohesion.

8.0 Conclusion

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

Appendix A – Site consultation boundary



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■ Consultation

▭ Planning Application Site Boundary

■ Statutory Listed Buildings

■ Locally Listed Buildings

Planning Application Site Map
PA/17/00732

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

Scale @ 1:1,250

10 5 0 10 20 30 Meters

GIS for Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 13/09/2017

Agenda Item 5.3

Committee: Development Committee	Date: 11 th October 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Listed Building Consent
Case Officer: Kirsty Gilmer	Ref No: PA/17/02088
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: The Royal London Hospital, Whitechapel Road, London, E1 1BB

Existing Use: Vacant (former hospital use)

Proposal: Soft-strip works involving removal of fixtures, fittings and partitions associated with the former hospital; and limited works of structural investigation and materials testing

Drawing and documents: Drawings
15095_(01)_P100 P01 Existing Site Plan;
15095_(01)_P149 P01 Existing Lower Ground Floor Plan;
15095_(01)_P150 P01 Existing Upper Ground Floor Plan;
15095_(01)_P151 P01 Existing First Floor Plan;
15095_(01)_P152 P01 Existing Second Floor Plan;
15095_(01)_P153 P01 Existing Third Floor Plan;
15095_(01)_P154 P01 Existing Fourth Floor Plan;
15095_(01)_P155 P01 Existing Fifth Floor Plan;
15095_(01)_P160 P01 Existing Roof Plan;
15095_(12)_P149 P01 Proposed Lower Ground Floor Plan;
15095_(12)_P150 P02 Proposed Upper Ground Floor Plan;
15095_(12)_P151 P02 Proposed First Floor Plan;
15095_(12)_P152 P01 Proposed Second Floor Plan;
15095_(12)_P153 P01 Proposed Third Floor Plan;
15095_(12)_P154 P01 Proposed Fourth Floor Plan;
15095_(12)_P155 P01 Proposed Fifth Floor Plan;
2150861 - Sl.10 T3 Proposed Lower Ground Floor Plan;
2150861 - Sl.11 T3 Proposed Upper Ground Floor Plan;
2150861 - Sl.12 T3 Proposed First Floor Plan;
2150861 - Sl.13 T3 Proposed Second Floor Plan;
2150861 - Sl.14 T3 Proposed Third Floor Plan;
2150861 - Sl.15 T3 Proposed Fourth Ground Floor Plan;
2150861 - Sl.16 T3 Proposed Roof Plan;

Documents

- Soft Strip and Structural Investigation Works Report, prepared by AHMM Architects dated 24.07.17;
- Addendum Note to Soft Strip Application, prepared by AHMM dated 17th September 2017;

- Transport note for the soft strip application, prepared by Transport Planning Practice dated September 2017;
- Historic Impact Assessment draft 4 dated September 2017, prepared by Richard Griffiths Architects;
- Conservation Management Plan, draft 3, prepared by Richard Griffiths Architects dated June 2017.

Applicant:	London Borough of Tower Hamlets
Ownership:	London Borough of Tower Hamlets
Historic Building:	Grade II Listed Building
Conservation Area:	Located within London Hospital Conservation Area and opposite Whitechapel Market Conservation Area

2. EXECUTIVE SUMMARY

- 2.2 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010) and Tower Hamlets Managing Development Document (2013), the London Plan (2016) and National Planning Policy Framework (2012) and has found that:
- 2.3 The proposed works have been sensitively considered to ensure the special architectural and historic interest of the Grade II listed building is preserved. As the proposed works are all internal, there is no impact on the London Hospital Conservation Area and the adjacent Whitechapel Market Conservation Area. The proposal therefore preserves and enhances the character and appearance of the surrounding conservation areas.
- 2.4 In accordance with the Arrangements for Handling Heritage Applications Direction (2015), Historic England has confirmed that they do not need to be notified and the application does not need to be referred to the Secretary of State (via the National Planning Casework Unit) as it does not meet the criteria for notification set out within the Direction.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT Listed Building Consent subject to the conditions and informatives as set out below:
- 3.2. 1. Time Limit of 3 years;
 2. Development in accordance with approved plans;
 3. Watching brief;
 4. Method Statement;
 5. Detailed protection measures including examples; and,
 6. Construction management and safety assessment.

Informatives: discussions will need to be held with the council's building control department regarding any asbestos removal.

4. SITE AND SURROUNDINGS

- 4.1. The application site is located to the south of Whitechapel Road opposite Whitechapel Underground Station, Crossrail Station (which is currently under construction) and Whitechapel Market. To the east the site is bounded by East Mount Street and to the south and west by the modern Royal London Hospital buildings including the Dental Hospital and the main hospital building.
- 4.2. Whitechapel Road is a TfL red route and a bus lane and separate cycle lane run directly past the site. A bus stop and cycle hire docking station are located in the public realm beyond the site boundary to the north.
- 4.3. The site itself accommodates the former Royal London hospital building. The Listing description of the London Hospital states:

Begun 1751. Architect Boulton Mainwaring. Later alterations and additions. Brick with slate roof. Central advanced block of 7 bays with pediment over 5 bays, clock in tympanum and balustraded parapet. Arcaded ground floor with rusticated brick arches. Windows separated by pilasters through 1st and 2nd floors with 2 pairs at each end. Eastern reveal had round arched window with tracery and similar one remains on facade. Flanking recessed 6 bay wings to east and west 4 storeys and dormers leading to eastern advanced wings of 11 bays. Yellow brick, stone cornice to parapet. Band above 1st floor. Gauged flat arches to recessed windows.

- 4.4. The Hospital has been in its current location since 1757 and has expanded and adapted over the years to respond to the need of those living in the East End at the time. Notable changes include the additional wings at each end of the original building in the 1770's. Following this, the Alexandra Wing to the west and the Grocers wing to the east in the mid to late 1800s. The grand frontage facing Whitechapel Road was completed in 1891. At this time, a new chapel was added to the centre of the Whitechapel Road elevation. In the early 1900s, two new storeys were added to the top of the existing blocks facing Whitechapel Road.
- 4.5. In the last 100 years the interior has been adapted to upgrade and modernise the hospital facilities. The Alexandra Wing was demolished in 1967 to make way for the Dental Hospital and the majority of the southern portion of the Grocer's Wing for the new Holland wing.
- 4.6. Since the relocation of the medical operations in 2013 to the new hospital buildings immediately to the south of the site, the building has remained vacant. Much of the previous hospital equipment and fittings remain within the building.

5. PROPOSAL

- 5.1. The application is for soft strip and investigation works at the former Royal London Hospital building. The proposed works will all be internal to the Grade II listed building.
- 5.2. The soft strip works include the removal of the following at lower ground to fifth floor level:

- Internal Linings
- Door Frames
- Skirtings and raised access floors
- Lightweight Walls
- Partitions back to structural walls
- Floor Finishes (excluding Terrazzo)
- Suspended ceilings
- Encasement to columns
- Sanitaryware
- Medical fixtures, Fittings & Equipment
- Mechanical, Electrical & Public Health services.
- Specialist removal of Asbestos embedded within the elements described above.

5.3. In addition to the above, detailed structural investigations are proposed in a number of locations throughout the building. This is to ascertain the condition of the existing building structure. As the building has been extended and modified over the years, the investigation works are spread across different areas of the building to include different aspects of the structure which have developed over time. There are less structural investigation works to the areas of the building with historic significance.

5.4. As part of this, the proposal also involves the removal of asbestos which has been identified within the existing fabric of the building. Only two areas within the building have been identified as being of historic significance which require specialist asbestos removal consisting of the underside of the east and west staircases and the ceiling to the fourth floor theatre space.

6. RELEVANT PLANNING HISTORY

6.1. The application site has an extensive planning history. The most relevant planning history relates to the development of the new hospital building as detailed below:

- PA/04/611 - Redevelopment and refurbishment of the Royal London Hospital, as per the attached Schedule A overleaf. Approved 31/3/05
- PA/05/123 - Listed Building Consent for the refurbishment of and alterations to the Royal London Hospital in connection with its redevelopment as detailed on the attached Schedule A. Approved 31/3/05
- PA/15/00108 - Removal and re-siting of Royal London Hospital war memorial plaque from within the former ground floor foyer of the old Royal London Hospital Front Block Building. To be re-sited on the wall of the Stepney Way public atrium in the new hospital building. Approved 04/11/2016.

7. POLICY FRAMEWORK

7.1. 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:

7.2. **Government Planning Policy**

National Planning Policy Framework 2012
National Planning Practice Guidance 2014

7.3. **Spatial Development Strategy for Greater London - London Plan 2016 (MALP)**

7.4 Local character
7.6 Architecture
7.8 Heritage asset

7.4. **Tower Hamlets Core Strategy 2010**

SP09 – Creating attractive and safe streets and spaces
SP10 - Creating Distinct and Durable Places
SP12 - Delivering placemaking

7.5. **Managing Development Document 2013**

DM20 – Supporting a sustainable transport network
DM23 - Streets and the public realm
DM24 - Place-sensitive design
DM25 - Amenity
DM27 - Heritage and the historic environment

7.6. **Supplementary Planning Documents include**

Whitechapel Vision Masterplan SPD (December 2013)
London Hospital Conservation Area Character Appraisal and Management Guidelines (2007).

8. CONSULTATION

8.1. The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

External Consultees

Historic England

8.2. Historic England has advised that they do not need to be notified on this application.

TfL

8.3. Whitechapel Road forms part of the Transport for London Road Network (TLRN) which TfL is the highways authority for. The site is in proximity to the Whitechapel underground station and the Whitechapel Crossrail station which is currently under construction. Outside the site lies a bus stop and bus lane running along Whitechapel Road as well as cycle hire docking station and cycle lane running alongside the bus lane on Whitechapel Road. Clarification was required regarding the vehicle movements and construction impacts of the

proposal. The applicant has confirmed that the anticipated vehicle movements are low (6-12 vehicles a day for waste removal) with the existing access points to be used and all activity would take place within the site. In addition, confirmation was provided that Fleet Operator Recognition Scheme (FORS) will be used to transfer waste out of the site and that right turn movements into the site will be promoted to reduce the risk to oncoming cyclists which is acceptable. TfL has confirmed that they have no further comments and a Construction Logistics Plan will not be required for the proposal.

8.4. No comments were received from the following organisations:

- BARTS and the NHS Trust
- Royal London Hospital Museum
- Save Britain's Heritage
- The Society for the Protection of Ancient Buildings
- The Spitalfields Trust
- Ancient Monuments Society
- Council for British Archaeology
- East End Preservation Society
- 20th Century Society
- The Victorian Society
- Georgian Group

Internal Consultees

LBTH Conservation and Design Officer

8.5. No objections. Conditions and informatives required regarding protection measures of historically significant items and advice is required from Building Control department regarding asbestos removal.

Highways officer

8.6. Clarification required regarding the transportation aspects of the proposal in order to allow a full assessment of the impacts on the highways network. A supporting Transport Note has been submitted which includes vehicle swept path analysis, number of vehicles anticipated per day (6-12 vehicles per day), use of existing access arrangements with all activity taking place within the site. Despite this, there remains a concern from the highways officer regarding the current access and the conflicts with the cycle superhighway and the visibility for vehicles exiting (and to some extent entering) which is reduced when a bus is at the bus stop.

Officer comment: whilst it is noted that TfL is highway authority for Whitechapel Road and they have not objected to the proposal, officers are of the opinion that the highways officer has provided their professional judgement on the proposal. On this basis officers recommend a condition is attached to the decision notice requiring further information relating to construction management and safety assessment before any works take place

Arboricultural officer

8.7. No comments received.

9. LOCAL CONSULTATION

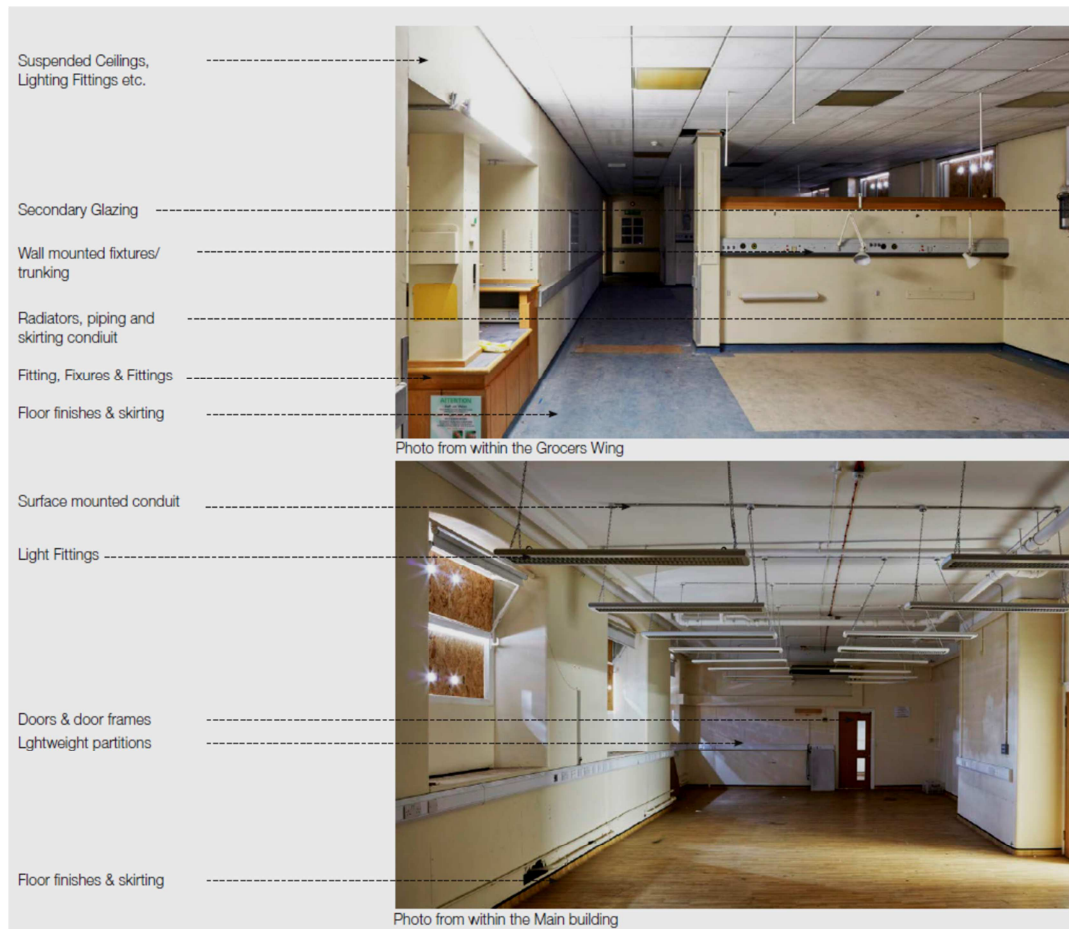
- 9.1. A total of 173 planning notification letters were sent to nearby properties as detailed on the map appended to this report. The application has also been publicised by way of several site notices around the site and advertisement in the local press.
- 9.2. No letters of representation were received on the submission.

10. MATERIAL PLANNING CONSIDERATIONS

- 10.1. When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Pursuant to Section 72 of the above mentioned Act a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 10.2. The main issue for Members' to consider is whether the proposed works are appropriate in this respect.

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

- 10.3. London Plan policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate and requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 10.4. Adopted CS Policy SP10 seeks to protect and enhance the boroughs Heritage Assets and policy DM27 of the Managing Development Document seeks to ensure development, does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting; is appropriate in terms of design, scale, form, detailing and materials in its local context and that it enhances or better reveals the significance of the asset or its setting.
- 10.5. The proposed works are all internal and do not affect the external appearance of the building.
- 10.6. As detailed previously, the proposal includes removal of much of the later additions within the listed building including the later hospital fixture and fittings including the lightweight partitions, suspended ceilings, floor finishes. The following photographs show examples of the later hospital additions to the building within both the main building and within the Grocer's Wing.



Images showing the later additions to the building in the Grocer's wing (top image) and Main Building (lower image)

- 10.7. Officers consider that the later additions have only limited interest as part of the relatively recent phases of development. They are not considered to be part of the important historic fabric. By removing more of these later additions, officers are of the opinion that it will reveal more of the important historic building fabric prior to the last 100 years.
- 10.8. The Heritage Impact Assessment submitted with the application has identified parts of the existing building fabric which are of particular significance. These include such things as the historic staircases at the east and west of the building, the historic chapel, plaques and memorials throughout the building, the former operating theatres, stained glass window on the rear elevation /classical door surround, clock facing Whitechapel Road, railings external to the building and a cast iron foot scraper located outside the building. Some examples of those parts of the building of historic significance are shown in the images below which are to be retained as part of the proposed works.



Image showing stairs located within eastern part of the building including steel framed balustrade with timber handrail. A similar staircase is located within the western part of the building



Image showing Memorial door surround located at ground floor level

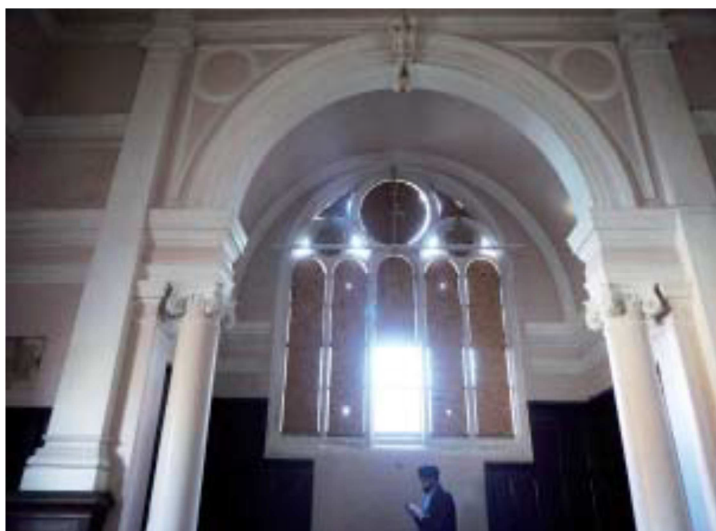


Image showing The Chapel space at first floor level

- 10.9. Officers consider the level of significance as detailed within the Heritage Impact Assessment to be appropriate.
- 10.10. It is noted that the proposals would involve no loss of the original fabric which is being preserved as a result of the soft strip works described above. There is a lack of information regarding the method statement for removal works and also with regards to protection measures for historic features. These will be secured by way of condition.
- 10.11. Subject to the above conditions, officers are supportive of the proposed soft strip works which would not be detrimental to the historic or architectural importance of the listed building and would cause no harm to the heritage asset. The proposed alterations would not alter the fabric or identity of the listed building.
- 10.12. In terms of the structural investigation works and asbestos works, it is noted that whilst these will be carried out throughout the building, the applicant has been careful to ensure the structural investigation works are limited in the areas of the building with historic significance. In terms of the removal of asbestos, this again will be throughout the building with only two areas identified as being of historic significance requiring specialist asbestos removal. This includes the underside of the east and west staircases and the ceiling to the fourth floor theatre space. Officers recommend that further discussions are held with the council's building control department regarding the removal of the asbestos from the site. Given the limited nature and level of detail provided regarding the structural investigation works and the asbestos work, officer consider they would not cause harm to the heritage asset or alter the fabric or identity of the listed building.
- 10.13. Overall, it is considered that the proposal would have an acceptable impact on the character of the Grade II listed building. In line with s16 of the Planning (Listed Building and Conservation Areas) Act 1990 the development would preserve the special architectural interest of the listed building, according with the aforementioned planning policies. Furthermore as the works are all internal there is not considered to be any impact on the surrounding London Hospital Conservation Area or nearby Whitechapel Market Conservation Area.

Highways

- 10.14. Core Strategy policy SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity and requires the assessment of traffic generation.
- 10.15. The site has an excellent public transport accessibility level (PTAL) rating of 6a/6b. The site fronts Whitechapel Road on its northern elevation which is within the control of TfL. To the east of the site, East Mount Street is a private road.
- 10.16. The existing site has two access points to the east and west of the site. From the submitted Transport Note the applicant shows that all material removed in skips will use the eastern access and other material in smaller vans will use the western access point. As requested by TfL, the contractor will be a member of FORS and left turn movements by HGV over the Cycle Super Highway will be minimised.

10.17. It is noted that LBTH's highways officer has concerns regarding the conflicts in using the existing access; however, it is noted that these are existing accesses and are within TfL's control rather than LBTH's remit. Whilst TfL have not objected to the proposal, officers are of the opinion that the highways officer has provided their professional judgement on the proposal. On this basis officers recommend a condition is attached to the decision notice requiring further information relating to construction management and safety assessment before any works take place. Subject to the aforementioned condition, officers consider the highways and transportation aspects of the proposal to be acceptable.

11. CONCLUSION

11.1. The proposed works will preserve the special architectural and historic interest of the Grade II listed building as required by the statutory tests set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals will not cause any harm to the significance of the building.

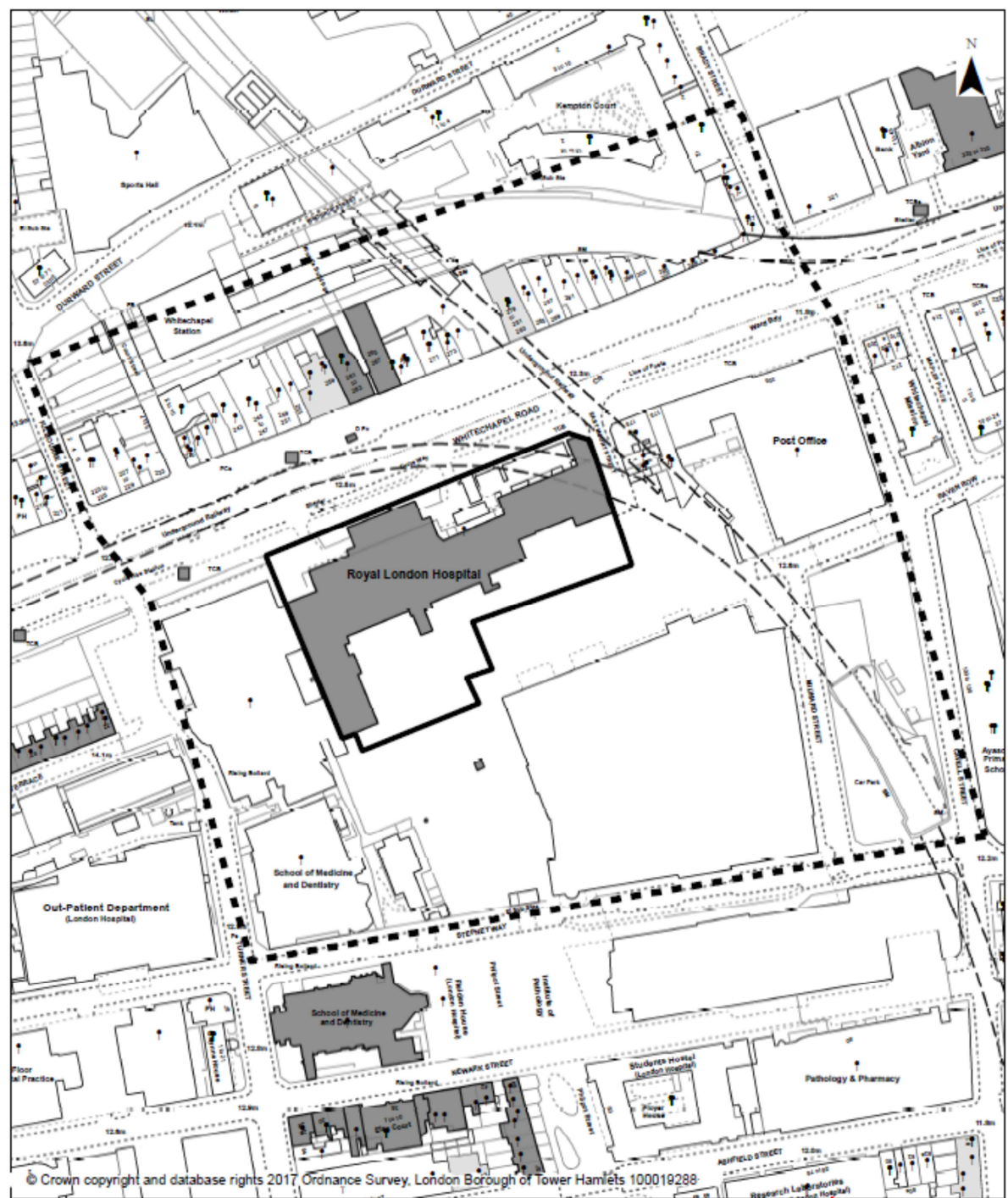
11.2. In terms of the impact on the London Hospital Conservation Area and the adjacent Whitechapel Market Conservation Area, the proposals do not include any works which will affect the external appearance of the building. On this basis, it is considered that the proposal will preserve the character and appearance of the London Hospital Conservation Area, in accordance with the National Planning Policy Framework, and statutory tests set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

11.3. As such, the proposal accords with the aims of Sections 7 and 12 of the NPPF, policy 7.8 of the London Plan, policy SP10 of the CS, policy DM27 of the MDD, which seek to ensure works to listed structures preserve features of special historic and architectural interest.

1.1. ALL other relevant policies and considerations have been taken into account. Listed Building Consent should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections as set out in the RECOMMENDATION at the beginning of this report.

APPENDIX 1

Planning application site map




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-  Consultation Area
-  Planning Application Site Boundary
-  Statutory Listed Buildings
-  Locally Listed Buildings

Scale @ 1:1,700
 25 12.5 0 25 50 75 Meters

Planning Application Site Map
PA/17/02088

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


 GIS for Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 13/09/2017

