

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 17 August 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 David Edgar
Councillor Sirajul Islam, Councillor Md. Maium Miah, Councillor Gulam Robbani,
Councillor Shafi Ahmed, Councillor Julia Dockerill and Councillor Asma Begum

Substitutes:

Councillor Danny Hassell, Councillor Denise Jones, Councillor John Pierce, Councillor
Muhammad Ansar Mustaqim, Councillor Oliur Rahman, Councillor Chris Chapman,
Councillor Peter Golds and Councillor Shah Alam

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 15 August 2017**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 16
August 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.

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

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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 - 12)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 13th July 2017.

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

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director 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 Strategic Development Committee.

PAGE NUMBER	WARD(S) AFFECTED
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4. DEFERRED ITEMS

None.

5.	PLANNING APPLICATIONS FOR DECISION	15 - 16	
5 .1	Enterprise House, 21 Buckle Street, London E1 8NN (PA/16/03552)	17 - 66	Whitechapel

Proposal:

Demolition of existing office building and erection of a 13 storey building (plus enclosed roof top level plant storey) rising to 56.32m (AOD) containing 103 unit aparthotel (C1 Use) with B1 Use Class office workspace at ground and mezzanine level with an ancillary café (A3 Use Class) and hotel reception space at ground floor, together with ancillary facilities, waste storage and associated cycle parking store.

Recommendation:

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

5 .2	562 Mile End Road & 1a, 1b, 1c Burdett Road (PA/16/00943)	67 - 124	Mile End
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Proposal:

Demolition of existing buildings and construction of a mixed use development comprising part 3-storey, part 8-storey and part 12-storey building, 46 residential units, up to 832sqm (GIA) flexible commercial floorspace (A1, A2, B1 and sui generis nightclub), landscaping, public realm improvements, access and servicing (including 1 disabled car parking space; 92 cycle parking spaces; and associated highway works) and other associated infrastructure.

Recommendation:

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

**5 .3 73-77 Commercial Road, London, E1 1RD
(PA/17/00734)**

125 - 180

Whitechapel

Proposal:

Demolition and redevelopment of site to provide a single storey basement, together with ground plus ten storey building. Proposed mix of uses to include 420sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1- A5) and the provision of 4,658 sqm (GEA) of office floorspace (Use Class B1), along with cycle parking provision, plant and storage, and other works incidental to the proposed development.

Recommendation:

That the Committee resolve to GRANT planning permission subject to any direction by The London Mayor, the prior completion of a Section 106 legal agreement, conditions and informatives.

5 .4 225 Marsh Wall, E14 9FW (PA/16/02808)

181 - 250

**Canary
Wharf**

Proposal:

Full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey (maximum AOD height 163.08m) comprising 332 residential units (Use Class C3); 810 square metres of flexible community/ office floorspace (use class D1/ B1); 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking; resident amenities; public realm improvements; and other associated works.

The application is accompanied by an Environmental Impact Assessment.

Recommendation:

That subject to any direction by the London Mayor, planning permission is APPROVED subject to the prior completion of a legal agreement to secure planning obligations, conditions and informatives.

**Next Meeting of the Strategic Development Committee
TBC**

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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 STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 13 JULY 2017

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

Members Present:

Councillor Marc Francis (Chair)
Councillor David Edgar
Councillor Md. Maium Miah
Councillor Shafi Ahmed
Councillor Julia Dockerill
Councillor Asma Begum
Councillor Danny Hassell (Substitute for Councillor Sirajul Islam)

Other Councillors Present:

Councillor Andrew Wood

Apologies:

Councillor Sirajul Islam
Councillor Gulam Robbani

Officers Present:

Jerry Bell	(East Area Manager, Planning Services, Place)
Nasser Farooq	(Team Leader, Planning Services, Place)
Richard Humphreys	(Planning Officer, Place)
Fleur Francis	(Team Leader - Planning, Governance)
Zoe Folley	(Committee Officer, Governance)

1. ELECTION OF VICE-CHAIR FOR THE COMMITTEE FOR 2017/18

It was proposed by Councillor Asma Begum and seconded by Councillor Danny Hassell and **RESOLVED**

That Councillor David Edgar be elected Vice-Chair of the Strategic Development Committee for the Municipal Year 2017/2018.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were declared.

Councillor Marc Francis declared a personal interest in agenda item 6.1 82 West India Dock Road, E14 8DJ and land to the east (including West India Dock Road) and bounded by the DLR line to the south, part of the Pennyfields to the east and part of Birchfield Street to the north (PA/16/01920). This was on the basis that he was a Member of the Committee that considered an application for this site and resolved to defer it on 2nd February 2010. He also pointed out he was not present at the 16th March 2010 meeting where the Committee reached a final decision on the application

3. MINUTES OF THE PREVIOUS MEETING(S) - TO FOLLOW

RESOLVED:

That the minutes of the meeting of the Committee held on 28 June 2017 be agreed as a correct record and signed by the Chair.

4. 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

5. DEFERRED ITEMS

None

6. PLANNING APPLICATIONS FOR DECISION

6.1 82 West India Dock Road, E14 8DJ and land to the east (including West India Dock Road) and bounded by the DLR line to the south, part of the Pennyfields to the east and part of Birchfield Street to the north (PA/16/01920)

Update report tabled.

Jerry Bell (East Area Manager, Planning Services) introduced the application for the erection of a part 18, part 37 storey residential and hotel led development and other associated works.

The Chair invited the registered speakers to address the meeting.

Councillor Andrew Wood spoke in opposition to the application. He stated that he was speaking on behalf of the Limehouse Community Forum. He stated that the application site was in the Limehouse ward, not the Canary Wharf ward, therefore the proposals conflicted with the tall buildings policy that directed taller buildings to the Canary Wharf cluster. Furthermore, the site lay outside the Isle of Dogs Opportunity Area so did not have any specific targets for the delivery of new homes and the development would be too dense for the application site. He also expressed concern about the roof top play space, in terms of child safety and also the over reliance on local parks given they were some distance away from the site. As a result of these issues, he considered that the application would be unsuitable for family homes. Councillor Wood also expressed concerns about the highway impact given the lack of parking in the area and the width of the roads. He also considered that the plans would harm the setting of the nearby conservation areas and should be refused due these concerns similar to the Whitechapel Sainsbury's decision. He also considered that whilst the affordable housing offer met the policy target, there would not be that many affordable units. There would also be air quality issues.

Mark Gibney (Applicant's representative) spoke in support of the application. He commented that the plans had been subject to a lengthy period of engagement with officers over a three year period. The applicant felt that the issues had been resolved. It would be a high quality development and all of the issues raised by the GLA in their Stage 1 report had now been addressed. The sunlight and daylight impacts would be acceptable and the microclimate concerns could be mitigated by conditions. Historic England had not raised any concerns about the proposals. The impact on heritage assets would be less than substantial. The public benefits of the application would offset any harm so the proposal would comply with policy tests.

Mr Gibney and a colleague responded to questions from the Committee. In response to questions about consultation with Officers, he advised that the

application had been amended to address their concerns. The response from officers at the pre application stage was that this would be an on balance decision based on the public benefits of the application.

In relation to the planning history, Mr Gibney stated that the previous scheme sought to provide a hotel led development. It was felt that the hotel use would generate employment and was generally supported. Furthermore, despite the increase in the height of the proposal, the impacts would not be that dissimilar to the previous proposals both in terms of the heritage and amenity impacts. Similarly, it was felt that the impacts from the density would be appropriate. He considered that the proposed density of the scheme, as corrected in the update report, complied with the London Plan guidance. The speakers also stated that their method of calculating the density of the proposal (that included the adjacent land where the public realm would be located) had been approved by the GLA and could be considered fair and reasonable. The speakers also highlighted some of the key features of the play space strategy and the public realm improvements.

In response to further questions, the speakers outlined the wind mitigation measures and the transport plans. They also discussed the merits of the layout of the proposals, compared to the previous scheme and the impact on Cayman Court. They also responded to questions about the height of the proposal in relation to the viability assessment and the affordable housing offer.

Richard Humphreys (Planning Services) presented the application drawing attention to advice in the Update Report about the wind impact assessment adding that a late representation had been received from the applicant with regard to the BRE wind assessment.

The Committee were advised of the planning history, the nature of the site and the wider area in which the applicant intended to fund landscaping improvements to Council owned highway land. Mr Humphreys advised of the character of the surrounding area, its policy status and the key features of the proposals including the recent revisions to the application in respect of the increase in the affordable housing offer and size of the communal amenity space. Child play space provision could now be met on site. As a result of these changes, the recommended refusal reason 4 'Amenity Space' now falls away.

In terms of the land use, officers considered that the proposed residential development and hotel scheme would be appropriate for the site. The application would provide new housing including an adequate level of affordable housing, create employment and public realm improvements.

The proposed density and the resultant height, bulk and relationship with adjoining properties would result in significant adverse impacts. As a result, the plans did not meet the criteria in the London Plan for exceeding the recommended density range for the site. The sunlight and daylight impacts including those to Cayman Court would be greater than the previous

application. It was also considered that the applicant's approach to measuring the density of the application did not comply with the London Mayor's SPG methodology.

The development would also conflict with the development plans criteria for tall buildings and would adversely impact on the setting of heritage assets. There were also concerns about the microclimate measures.

Overall, Officers considered that the unacceptable impacts were serious and would significantly outweigh the potential public benefits of the application. Officers were therefore recommending that the planning permission be refused.

The Committee asked questions about the sunlight and daylight impacts on Cayman Court, and how they differed from the 2010 consented application it was explained that the 2010 proposal had a three storey element opposite Cayman Court rather than a thirty storey element now proposed. As a result the impacts on Cayman Court would be greater. Whilst the number of windows affected would be broadly similar, the impacts on the windows would be more severe.

The Committee also asked questions about the density assessment in view of the conflicting views about the methodology. In response, Officers outlined the guidance in the London Mayor's SPG. Officers considered that it would be reasonable to base the assessment on the three scenarios detailed in the Committee report but not the fourth scenario including the wider public realm. Whilst contributions were offered to fund works to Council owned land there were no arrangements with Asset Management over the use of the highway land.

Officers also clarified their concerns about the wind conditions and outlined the results of the Building Research Establishment review, as referred to in the update report. In summary, the BRE felt that the proposed mitigation measures would not be sufficient in the long term.

In conclusion, Members expressed a number of concerns about the application.

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

That Subject to any direction by the Mayor of London, planning permission be **REFUSED** at 82 West India Dock Road, E14 8DJ and land to the east (including West India Dock Road) and bounded by the DLR line to the south, part of the Pennyfields to the east and part of Birchfield Street to the north for the erection of a part 18, part 37 storey building comprising 20,079 m². (GIA) of residential floorspace (Class C3) (202 residential units comprising 69 x 1 bed, 100 x 2 bed and 27 x 3 bed and 6 x 4 bed), 11,597 m². (GIA) of hotel floorspace (Class C1) consisting of 320 hotel rooms with ancillary bar and restaurant area, 89 m². (GIA) of flexible retail and community floorspace (Class A1, A2, A3, D1 and D2), 1,729 sq. m. (GIA) of ancillary floorspace

comprising associated plant, servicing areas, cycle parking and refuse stores, demolition and replacement of the existing Westferry DLR staircase, creation of a new 'left turn only' vehicular access from West India Dock Road, hard and soft landscape improvements to the adjacent areas of highway and public realm and other associated works (PA/16/01920) for the following reasons as set out in the Committee report (excluding the recommended refusal reason on 'Amenity Space' following changes to the application)

Site design principles

1. The proposal amounts to overdevelopment that seeks to maximise not optimise the development potential of the site. There would be conflict with London Plan 2016 Policy 3.4 '*Optimising housing potential*' (including Table 3.2 - '*Sustainable residential quality density matrix*'), Policy 3.5 '*Quality and design of housing developments*,' Policy 3.6 '*Children and young people's play and informal recreation facilities*,' Policy 7.6 '*Architecture*', Tower Hamlets Core Strategy 2010 Policy SP02 '*Urban living for everyone*,' Tower Hamlets Managing Development Document 2013 Policy DM4 '*Housing standards and amenity space*' and the Mayor's '*Housing*' Supplementary Planning Guidance 2016. This is explained further in the reasons below.

Urban design and heritage assets

2. Planning permissions for the redevelopment of 82 West India Dock Road in 2007 and 2010 determined that a tall building would be appropriate to mark Westferry DLR station. The building now proposed is very different in terms of height, mass and resultant impact. The proposed height, mass and scale would be excessive relative to local character. There would be a failure to preserve or enhance the character and appearance of three surrounding conservation areas and adverse impact on the setting of buildings of architectural or historic interest causing either substantial or less than substantial harm to designated heritage assets. There is particular concern about impact on the Grade 1 Warehouse at West India Dock, the group of Grade II buildings at Limekiln Dock and the Grade 1 St. Anne's Church together with their associated conservation areas.

The proposed development consequently conflicts with planning policy at national, regional and local levels. The scheme would not be consistent with NPPF Chapter 7 '*Requiring good design*' paragraphs 58 and 59, Chapter 12 '*Conserving and Enhancing the Historic Environment*,' London Plan Policy 7.4 '*Local character*', Policy 7.7 '*Location and design of tall and large buildings*', Policy 7.8 '*Heritage assets and archaeology*', Tower Hamlets Core Strategy Policy SP10 '*Creating distinct and durable places*' and the Managing Development Document Policy DM24 '*Place sensitive design*,' Policy DM26 '*Building heights*' and Policy DM27 '*Heritage and the historic environment*.' Whilst the proposal would result in public benefits by bringing a long vacant site back to beneficial use, by the provision of new housing including affordable homes and employment within the hotel; it is not considered these would outweigh the harm that would be caused and such public benefits could

be achieved by an alternative scheme paying regard to its context and not causing such demonstrable harm.

Impact on the surroundings

3. The development would unacceptably impact on the amount of daylight and sunlight that would be received by surrounding properties, with a commensurate increased sense of enclosure, significantly breaching 7 guidance in the Building Research Establishment's publication '*Site Layout Planning for Daylight and Sunlight a guide to good practice*' 2011. There is particular concern about impacts on Cayman Court and Compass Point, Salter Street. The extent and severity of the impacts are such that the development would cause significant harm to the amenity of nearby occupiers and be inconsistent with the London Plan 2016 Policy 7.6 '*Architecture*', Tower Hamlets Core Strategy 2010 Policy SP10 '*Creating Distinct and durable places*' and the Managing Development Document 2013 Policy DM25 '*Amenity*.' The impacts indicate that the proposed density, height, massing and layout of the scheme are inappropriate and significantly outweigh the potential public benefits of the scheme.

Microclimate

4. It has not been satisfactorily demonstrated that the proposed development would result in satisfactory microclimate conditions within the development, within the surrounding public realm and for users of the Docklands Light Railway. This conflicts with London Plan 2016 Policy 7.7 '*Tall and large scale buildings, the Mayor's Sustainable Design and Construction SPG 2014, Tower Hamlets Core Strategy 2010 Policy SP10 'Creating distinct and durable places' and Tower Hamlets Managing Development Document 2013 Policy DM24 'Place sensitive design' and Policy DM26 'Building heights.'*

The meeting ended at 8.20 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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

Agenda Item 5

Committee: Strategic Development	Date: 17 th August 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 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

LOCAL GOVERNMENT ACT 2000 (Section 97)

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

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

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 5.1

Committee: Strategic Development Committee	Date: 17 th August 2018	Classification:	Agenda Item No:
Report of: Corporate Director of Place		Title: Planning Application for Decision	
Case Officer: Gareth Gwynne		Ref No: PA/16/03552 Ward(s): Whitechapel	

1.0 APPLICATION DETAILS

Location: Enterprise House, 21 Buckle Street, London, E1 8NN
Existing Use: Vacant Office (B1 Use Class)
Proposal: Demolition of existing office building and erection of a 13 storey building (plus enclosed roof top level plant storey) rising to 56.32m (AOD) containing 103 unit aparthotel (C1 Use) with B1 Use Class office workspace at ground and mezzanine level with an ancillary café (A3 Use Class) and hotel reception space at ground floor, together with ancillary facilities, waste storage and associated cycle parking store.

Applicants: OCM Luxembourg Buckle Street Apart-Hotel SARL
Owner: OCM Luxembourg Buckle Street Apart-Hotel SARL
Historic Building: N/A
Conservation Area: N/A

Drawing Numbers

a-098.0 Rev. A;	a-099.0 Rev. B;	a-100.0 Rev. C;
a-101.0 Rev. B;	a-102.0 Rev. B;	a-103.0 Rev. B;
a-103.1 Rev. B;	a-104.0 Rev. A;	a-104.1 Rev. A;
a-105.0 Rev. A;	a-106.0 Rev. A;	a-107.0 Rev. A;
a-107.1 Rev. A;	a-108.0 Rev. A;	a-109.0 Rev. A;
a-110.0 Rev. C;	a-111.0 Rev. C;	a-112.0 Rev. C;
a-113.0 Rev. C;	a-113.1 Rev. C;	a-113.2 Rev. B;
a-114.0;	1-114.1;	z-100.0 Rev. C;
z-101.0 Rev. C		

Supporting Documents

Planning Statement, December 2016
Design and Access Statement, December 2016
Townscape and Visual Impact Assessment, November 2016
Townscape and Visual Impact Assessment Addendum, June 2017
Heritage Assessment, November 2016
Historic Environment Report Rev 2, November 2016
Daylight / Sunlight Report, 1st December 2016
Daylight/ Sunlight addendum report, 21st March 2017
Consultation Statement, 30th November 2016
Economic Benefits Statement, June 2017
Sustainability Statement, November 2016
Building Survey Report
Office Marketing Report, November 2016
Construction Management Plan, November 2016
Waste Management Strategy, April 2016

Phase 1 Environmental Assessment, 1st December. 2016
Needs Assessment for an Aparthotel, July 2017
Transport Statement, 26th April 2017
Draft Travel Plan, 29th November 2016
Framework Construction Logistic Plan, 30th November 2016
Acoustic Design Report 30th November 2016
Wind Microclimate Assessment, 28th November 2016
Air Quality Assessment, November 2016
Surface Water Disposal Report Rev. 1 (20-3-2017)
Energy Strategy Rev. E
Sustainability Statement, November 2016

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 as set out in this report, and recommend approval of planning permission.
- 2.2 The proposed development is considered to be acceptable in planning policy terms and, on balance, the adverse impacts of the development are considered acceptable when weighed against the benefits of the proposal. The benefits of the proposal include new jobs on site (circa 60 full time equivalent), additional visitor expenditure benefiting the local economy, and a raft of employment and training initiatives which would be secured through planning obligations. The employment and training initiatives exceed those typically secured for a development of this size and nature, and have been successfully negotiated and agreed with the applicant SACO. These include an Employment Training Pool Fund, four (4) approved Apprenticeships/Traineeships, and a Social Compact with the Council.
- 2.3 In land use terms the principle of development is accepted with the net reduction in office employment floor space considered acceptable based on the two year marketing evidence providing for the existing office accommodation and evidence of continuing high market demand for short stay guest accommodation in the Borough and across London more widely.
- 2.4 The proposed architectural treatment of the building is well considered with a strong and distinctive design involving a clear and coherent base, a well-defined middle and top – ‘crown’ treatment to the building. The arrangement of the ground and mezzanine first floor provide for an externally attractive, and well activated relationship to street. The aforementioned architectural features set alongside the reduction are considered to address the detrimental townscape/canyon effects of the scheme upon Buckle Street and beyond that contributed to the previously refused scheme exhibiting clear and demonstrable signs of overdevelopment of the site.
- 2.5 The scheme marks a significant reduction in height compared to the previously refused mixed use office/short stay serviced apartment scheme for the site. The reduction in height is considered to address the previous reasons of refusal in terms of the impact of a tall building in this location upon the setting and streetscape views of a cluster of statutorily listed building located immediately to the south west of the application site.

- 2.6 The scheme, like its refused predecessor, presents adverse daylight/sunlight impacts to neighbouring residential neighbours and tangible issues surrounding outlook and sense of enclosure. However officers on balance consider based on the reduction in height of the scheme, the alterations to design and with further analysis provided of the degree and source of the amenity impacts to neighbours it is not considered the degree of adverse amenity impacts to residential neighbours is such as to warrant a recommendation for refusal.
- 2.7 Subject to imposition of relevant planning conditions and a legal agreement the scheme raises no unacceptable issues in respect of highways and transportation, servicing, energy, sustainability, inclusive design and quality of future visitor and office accommodation.

3.0 RECOMMENDATION

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

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

3.2 Financial Obligations:

- a) A contribution of £13,296 towards employment, skills, training for construction job opportunities;
- b) A contribution of £6,476 towards employment, skills, training for end phase job opportunities;
- c) To set aside the Employment Training Pool Fund which shall be made available and publicised to all persons employed as part of the construction or end user phases of the Development – proposed as £30k which means a fund of thirty thousand pounds (£30,000.00) to be set aside and made available for persons employed as part of the construction or end user phases of the Development to provide financial support for such persons to gain a recognised diploma or higher qualification in hospitality management with such fund to be targeted at employees from within the Borough.
- d) Crossrail ‘Top Up’ of £73,483 (approximate figure after discounting payment of Mayor of London Community Infrastructure Levy (CIL) subject to indexation); and
- e) Monitoring fee £6,000 (£500 per s106 Head of Term)

Total: £129,255

3.3 Non-financial Obligations:

- a) Owner agreeing to a restriction on hotel/ serviced apartment (use class C3) operator taking block bookings from travel operators using coach drop offs/collection through use of Section 16 of the Greater London Council (General Powers) Act 1974.

- b) Owner agreeing to a commuted sum towards future provision of an on-street accessible parking and service bays through use of Section 16 of the Greater London Council (General Powers) Act 1974.
 - d) Access to employment, involving:-
 - Reasonable endeavours to gain minimum 20% local procurement.
 - Reasonable endeavours to gain minimum 20% local labour in Construction.
 - e) Provide a minimum of four (4) approved Apprenticeships/Traineeships for Local Residents during the construction phase and end-user phase of the Development.
 - f) Discounted rents to the workspace for those living in the Borough. The % discount to be agreed.
 - g) Use Reasonable Endeavours to ensure that all persons who take jobs in relation to the construction and end-user phases of the Development shall be given information in relation to the document titled SACO Mentoring Programme in the form annexed to this Schedule
 - h) Use Reasonable Endeavours to ensure that all jobs in relation to the construction and end-user phases of the Development are recruited, offered and managed in accordance with the documents titled Social Compact with the London Borough of Tower Hamlets and LEAD SACO Personal Growth and Development Programme
 - f) S278 agreement to address the surrounding highway.
 - g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.
- 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

1. Three year time limit
2. Compliance with approved plans and documents
3. Cycle parking facilities shall be retained for the lifetime of the development
4. Demolition between months of September and February
5. 10% of C1 units shall be fully wheelchair accessible
6. maximum stay of 90 consecutive days
7. 24hr servicing shall be provided
8. telephone line shall be provided within each room with no opportunity for personal lines
9. rooms shall be charged at weekly rates
10. the use shall be secured in the form of a license not a lease

10. occupants of the rooms shall not have exclusive possession of the room, and access will be provided for substantial services including room cleaning

Pre-commencement

11. Archaeology - written scheme of investigation
12. Land contamination
13. Construction Environmental Management Plan, including details of working hours, construction traffic movements, control of dust, air pollution and noise pollution, mitigating measures to minimise impact on adjoining residential and commercial occupiers.

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

14. Detailed drawings and samples of all external materials
15. Details of measures to mitigate overlooking and light spill out
16. Landscaping and public realm (including the following):
 - a) Roof top soft landscaping
 - b) Biodiversity improvement measures
 - c) Hard landscaping
 - d) Street cycle stands
 - e) CCTV and other external security measures
 - f) Ground levels & thresholds – inclusive access
17. Details of surface water drainage and SUD's (to include reducing existing site discharge by 50%)
18. Piling Impact and Method Statement
19. End specification energy strategy, to include details of delivery of 50% reductions in CO2 emissions, plus air quality neutral assessment for CHP

Pre-occupation

20. Delivery and Servicing Management Plan including end user waste management strategy and plan
21. Travel Plan
- 22: Secure by Design Accreditation
23. Details of all roof top and other externally ventilated plant and mechanical equipment including details of break out noise levels
24. Water supply infrastructure capacity study

Post-occupation

25. Review of microclimate with requirement to provide wind mitigation measures for any adverse wind impacts not previously modelled for

Informatives

1. Thames Water - Groundwater Risk Management Permit
 2. Environmental Health – Noise & Vibration
 3. Subject to a S106 agreement
 4. CIL
 5. Subject to a S278 agreement (Highways improvements)
- 3.7 Any other conditions considered necessary by the Corporate Director of Place.

4 PROPOSAL

- 4.1 The proposal is to demolish the existing 5 storey building and erect a 13 storey building, plus enclosed roof top plant storey, rising 42.6m in total from pavement level (56.32m AOD).
- 4.2 The proposed development would occupy 3,447sq.m (GEA) of floor space. The building would house 103 one bedroom serviced apartments and one two bedroom serviced apartments (C1 use class) on the upper floors. The mezzanine floor level would provide office (B1(a) use class) floor space. The 'front of house' section of the ground floor level would occupy 130sq.m and provide accommodation for some additional employment workspace (B1 use class) alongside a small ancillary café (A3 use class) and hotel reception space. The rear section of the ground floor level would provide back of house function spaces, including cycle storage, a laundry room and a waste storage room.

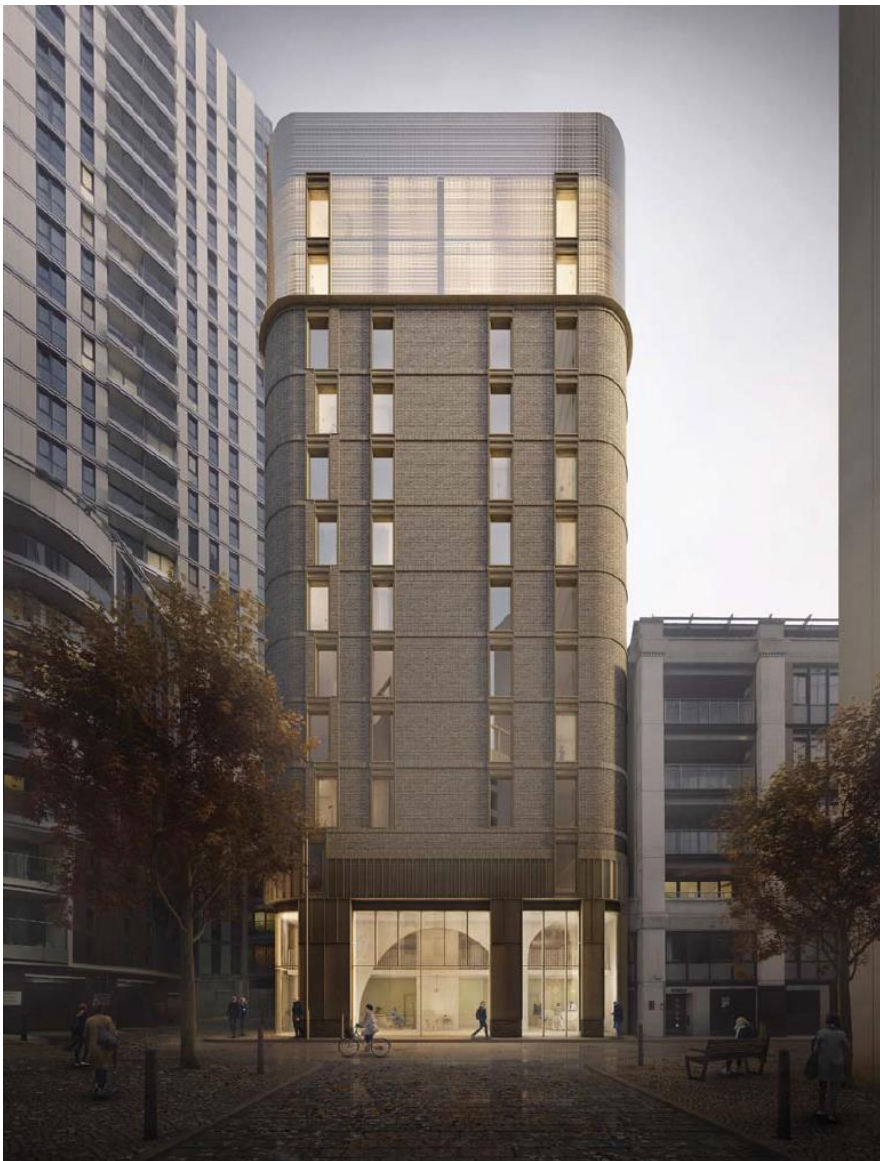


Figure 1: CGI of scheme showing north elevation (with the Altitude development to left of scheme and City Reach, 19 Leman Street to right)

4.3 Aparthotels and short stay serviced apartments fall into the same C1 use class as hotels with stay limited to less than 90 consecutive days.

5 SITE, SURROUNDINGS and DESIGNATIONS

5.1 The application site of No 21 Buckle Street is located in Aldgate and is office (B1 Use) building known as Enterprise House. The applicant states the site has been vacant since May 2014.

5.2 The site is small and is almost square in shape measuring approximately 18 metres by 15.5 metres and occupies an area of approximately 279sqm.



Figure 2: Application Site, (also showing the cluster of listed buildings set around corner of Alie Street and Lemnan Street)

5.3 The existing building occupies the entirety of the site and sits within an established street building block. The street block is bounded by Buckle Street to the north, Lemnan Street to the west, Alie Street to the south and Plough Street to the east.

5.4 The existing building on site fronts onto Buckle Street and this street serves as the northwest edge of the site and Enterprise House also fronts onto Plough Street (to the northeast) a very small short cul-de-sac street that runs off Buckle Street. The south western edge of the site attaches to the flank end wall of No. 19 Lemnan Street (also known as City Reach a 6 storey building).

5.5 To the rear of the site (on the south eastern site edge) there is a small courtyard space that serves a complex of listed buildings associated with the St George's German Church. No. 55-57 Alie Street contains the Grade II listed former St George's German and English Schools, a three storey building facing onto Alie Street (that has been converted into a set of residential flats). To the rear of the School building and within the courtyard and physically abutting the development

site is the two storey Grade II listed former St George's German and English Infants' School (converted into two residential flats).

- 5.6 The Grade II* St George's German Church opens onto Alie Street and is attached to the western end of No 55-57 Alie Street. To the west of the Church is attached the Grade II Dispensary Building that occupies the street corner site of Alie Street and Lemn Street.
- 5.7 The site is in a designated Archaeological Priority Area. The site is not located within a conservation area. There are a number of conservation areas in the vicinity, the nearest being the Whitechapel High Street Conservation Area set approximately 70m to the north. The site falls within the background 'viewing corridor' of View 25.A.1, 25.A.2, 25.A.3 of the London View Management Framework in respect of views of Tower of London World Heritage Site as viewed from the side of the Thames outside City Hall.
- 5.8 The site is within the Central Activities Zone and the City Fringe (Tech City) Opportunity Framework Area as defined by the London Plan and falls within the boundaries of the Borough's (2007) Interim Framework Aldgate Masterplan.
- 5.9 The nearest underground station is Aldgate East less than 150m walk from the site and the site has excellent public transport accessibility with a PTAL rating of 6b.
- 5.10 The core of Aldgate has been an area of rapid change in terms of built development as well benefiting from significant degree of recent improvements in the public realm, as the road gyratory is largely dismantled and new developments have been built.
- 5.11 To the immediate north of the application site, on the north side of Buckle Street, is the mixed use Aldgate Place development that is partially occupied and moving towards full completion. The scheme contain three tall towers set alongside the recently completed 23 storey serviced apartment development at No 1 Buckle Street/ No 15-17 Lemn Street site (also operated by SACO the site owner to this application scheme). A new pedestrian route runs northeast through the Aldgate Place development to Commercial Road and Whitechapel High Street, containing an identified 'pocket' green space'. To the south of the site and set on the south side of Alie Street is the 3.65 hectare mixed use residential led Goodman's Field development that is a mix of mid height buildings and taller slender towers.
- 5.12 Set just to the east of the site is the completed Altitude residential led development that rises to 28 storeys but which also includes a lower part 8 and part 4 storey podium base residential building that wraps around the corner of Buckle Street and Plough Street (known as Goldpence Apartments).

6 RELEVANT PLANNING HISTORY

Application site

- 6.1 PA/15/01141 Planning permission refused 11th December 2015 for "demolition of existing office building and erection of a ground plus 17 storey mixed use building (AOD 74.7m to parapet) comprising 1,185sq.m of office space (B1 Use Class) and 106 (C1 Use

Class) serviced apartments (2,985sq.m) together with ancillary facilities and associated cycle parking.

The four grounds of refusal are set out below

- 1) The development would cause substantial harm to the amenities and living conditions of occupiers of adjoining and adjacent residential properties through substantial loss of daylight and sunlight, significant loss of outlook, overbearing nature of the development including undue sense of enclosure.
- 2) The proposed development exhibits clear and demonstrable signs of overdevelopment by virtue of:
 - a) Its adverse amenity impacts to residential neighbours;
 - b) from its detrimental townscape impacts resulting from the proposed height, scale and mass of the development set on a small, tightly confined site situated upon a narrow street and set within an established lower scale urban street block;
 - c) the unacceptable relationship to other tall development set to the east and north of the site that limits the opportunity to achieve a tall building on this site that is compatible with objectives of sustainable development and delivering high quality place-making within Aldgate.
- 3) The proposed development would result in significant harm to the setting of the Grade II* listed St George's German Church and to the Grade II listed Dispensary Building, the former St George's German and English Schools, the former St George's German and English Infants' School by reason of the height, scale, mass of the development set in immediate proximity to these designated heritage assets and the developments impact upon local townscape views of this cluster of listed buildings. The public benefits associated with the proposal, include upgraded employment floorspace, additional short term visitor accommodation housing were not considered to overcome the harm to the setting of the neighbouring listed buildings.
- 4) In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Highways and Energy and Sustainability the development would fail to mitigate its impact on local services, amenities and infrastructure.

Surrounding Sites

Aldgate Place

- 6.2 PA/13/00218 Planning permission was granted on 10th October 2013 for a mixed use scheme comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. The scheme includes 463 residential units, office space (2,687sqm), hotel (7,980sqm), retail and leisure (1,334sqm) uses along with new areas of open space. This development is currently under construction.

15-17 Leman Street and 1A Buckle Street

- 6.3 PA/14/ 00286 Planning permission granted 28th March 2014 to change from 251 room hotel to an apart-hotel (168 short stay suites) with associated changes to the internal layout and elevation
- PA/11/03693 Planning permission was granted on 14th June 2012 for erection of a 23 storey (86.20m AOD) 251 bedroom hotel with ancillary A3/A4 uses
- PA/09/02430 Planning permission was refused on 11th February 2010 for erection of a 23 storey with ancillary A3/A4 uses. Allocation was subject to an appeal, the Planning Inspectorate dismissed the appeal on 17th December 2010

Altitude Towers, at 61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street

- 6.4 PA/07/01201 On 14 March 2008 planning permission was granted for demolition of existing buildings and erection of two buildings of 7 and 28 storeys (93.8m AOD) in height to provide 235 units, A1/A3 on ground floor and 1351sq,m of B1 office space (set over 6 floors). This development is completed

Goodman's Fields

- 6.5 PA/09/00965 On 17th February 2011 planning permission was granted for a mixed use residential led scheme involving erection of four courtyard buildings of 5-10 storeys, 6 buildings of 19-23 storeys and erection of a 4 storey terrace along Gower's Walk containing 772 residential flats, student accommodation, a hotel, a primary care health centre, retail space, commercial uses (Class A1-A4) and creation of public open spaces 15-17 Leman Street. This development currently under construction

City Reach, 19 Leman Street and turning the corner into Buckle Street

- 6.6 PA/02/1748 On 31st March 2003 planning permission was granted for a part six part seven storey building comprising offices on the basement and ground floor level and 22 x 2 bed residential units on the upper floors.

7 POLICY FRAMEWORK

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of planning applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies; it contains some of the most relevant policies to the application:

7.3 LBTH Local Plan - Core Strategy (CS) adopted 2010

Policies:

- 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
- SP07 Improving education and skills
- SP08 Making connected places
- SP09 Creating attractive and safe streets and spaces
- SP10 Creating distinct and durable places
- SP11 Working towards a zero-carbon borough
- SP12 Delivering Place-making
- SP13 Planning Obligations

7.4 LBTH Local Plan - Managing Development Document (MDD) adopted 2013

Policies:

- DM0 Delivering Sustainable Development
- DM1 Development within the Town Centre Hierarchy
- DM7 Short Stay Accommodation
- 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 Transport of Freight
- DM22 Parking
- DM23 Streets and Public Realm
- DM24 Place Sensitive Design
- DM25 Amenity
- DM26 Building Heights
- DM27 Heritage and Historic Environment
- DM28 World Heritage Sites
- DM29 Zero-Carbon & Climate Change
- DM30 Contaminated Land

7.5 LBTH Supplementary Planning Guidance/Documents

- Planning Obligations SPD (2016)
- Aldgate Masterplan Interim Guidance (2007)

7.6 London Plan (as amended March 2016)

Policies:

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London in its global, European and UK Context
- 2.5 Sub-regions
- 2.9 Inner London
- 2.10 Central Activity Zone – strategic priorities
- 2.11 Central Activity Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity Areas and Intensification Areas

- 2.14 Areas for Regeneration
- 2.18 Green Infrastructure
- 3.1 Ensuring Equal Life Chances for All
- 4.1 Developing London's Economy
- 4.2 Offices
- 4.5 Visitor Infrastructure
- 4.7 Retail and Town Centre Development
- 4.3 Mixed-use Developments and Offices
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

7.7 London Plan Supplementary Planning Guidance/Opportunity Frameworks/ Best Practice Guidance documents

- London View Management Framework SPG (2012)
- Character and Context SPG (2012)

- Sustainable Design & Construction SPG (April 2014)
- Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Control of Dust and Emissions During Construction and Demolition SPF (July 2014)
- Shaping Neighbourhoods: Character and Context SPG (June 2014)
- London World Heritage Sites SPG – Guidance on Settings (March 2012)
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG (April 2013)
- Central Activities Zone (March 2016)
- Sustainable Design and Construction SPG (April 2014)
- City Fringe Opportunity Area Planning Framework (December 2015)
- Mayor’s Climate Change Adaptation Strategy
- London World Heritage Sites (March 2012)
- Mayor’s Climate Change Mitigation and Energy Strategy
- Mayor’s Water Strategy

7.8 Government Planning Policy Guidance/Statements

- The National Planning Policy Framework 2012 (NPPF)
- The National Planning Policy Guidance (NPPG)

7.9 Other documents

- Tower Hamlets *Aldgate Connections* study (May 2011)
- Tall Buildings: Historic England Advice Note 4 (December 2015)
- Understanding The Demand For And Supply of Visitor Accommodation In London to 2036 (GLA, 2013)
- Projection of Demand and Supply for Visitor Accommodation in London to 2050 (GLA , April 2017)

8.0 **CONSULTATION RESPONSES**

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

8.2 The following were consulted and made comments regarding the application, summarised below:

Internal LBTH Consultees

Energy Officer

8.3 No objections to the proposed energy and sustainability strategies for the development.

Biodiversity Officer

8.4 No objection subject to imposition of condition that ensure (a) demolition shall be undertaken between September and February inclusive to avoid harm to nesting birds and (b) biodiversity enhancements are gained including installation of nest boxes including swifts and possibly house martins and the inclusion of nectar-rich planting on the biodiverse roofs

Employment & Economic Development

- 8.5 No objection subject to the following obligation secured by legal agreement, if the scheme is granted
- 8.6 20% of the construction and end phase workforce to be local residents of Tower Hamlets. A financial contribution of £13,296 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development and a monetary contribution of £6,480 towards training and development of unemployed residents in Tower Hamlets towards them gaining access to the end phase employment opportunities this development shall bring. Two apprenticeships required during the construction phase.

Environmental Health

EH air quality

- 8.7 No objection, subject to appropriate planning conditions .
- The choice of heating plant has not yet been finalised therefore the Air Quality Neutral Assessment for building emissions is only indicative and will need to be conditioned for re-assessment once the chosen plant has been finalised to ensure that it complies with the Air Quality Neutral Policy.
 - Construction mitigation measures have been set out. These need to be instigated throughout the duration of construction. A finalised construction/demolition environmental management plan detailing air quality effects will need to be prepared

EH - land contamination

- 8.8 No objection subject to a condition to deal with potential land contamination.

Highways & Transportation

8.9 *Transport Assessment*

The submitted transport assessment is acceptable. The scheme will not adversely affect the safety or capacity of the local highway network. However the demolition / construction phase of the proposal will have a significant impact on Buckle Street with cumulative impacts arising from other intensive development in the area. A Construction Management Plan will be required to be submitted to address this matter in full.

8.10 *Car Parking*

The proposal is for a car free development, which is acceptable. No provision is being proposed for accessible parking. There are concerns regarding the pressure on the current accessible parking space in Buckle Street. A commuted sum to be provided for the provision of additional on street facilities if required. Travel Plan need to include measures to curb patrons and visitors to the site arriving by private vehicles.

8.11 *Cycle parking*

Cycle parking provision complies with minimum London Plan standards.

8.12 Servicing

Servicing proposed to take place on-street in Buckle Street, with refuse being collected from Plough Street, a cul-de-sac. This replicates how current building operates: whilst far from ideal to have servicing take place from street is acceptable given the site is constrained and off-street servicing would be difficult.

8.13 There is a suggestion of a new service bay on-street as part of the serviced apartment consent for the site. This bay is on public highway and accessible to anyone who is legitimately carrying out loading / unloading and is not designated to one development alone. It will, therefore, be available (if empty) for the development to use. The quantum of development in this area which relies on the public highway for servicing means that Buckle Street will be in danger of becoming little more than a service road. A commuted sum needs to be agreed for a period of 3yrs from occupation to provide for additional formalised service bays if required.

8.14 The following would be required by condition or legal agreement to any planning permission which may be granted:

- Travel Plan for staff and C2 guests.
- A commuted sum for additional formalised disabled bay and service bays if required.
- Details of design of on street secure cycle stands.
- Construction Logistics Management Plan, with deliveries avoided at peak hours.
- Service Management Plan with details of joint servicing arrangements using off street servicing from their partner serviced apartment hotel site at No 1 Buckle Street.
- Compliance condition that bins will not be left for any time on public highway.
- A S278 agreement is required.
- All cycle storage facilities are to be retained and maintained for their permitted use throughout the life of the development.
- A legal agreement that restrict operator from taking block bookings from travel operators using coach drop offs/collection.

Waste & Recycling Team

8.15 No objection, subject to S278 agreement including works to ensure there is a dropped kerb from pavement to carriageway (to manoeuvre refuse and recycling bins to the vehicles) plus imposition of a prior to occupation condition requiring provision of a Waste Management Plan (WMP) that includes

- Evidence of commercial waste contract in place in respect of daily collection.
- A commitment that development's facilities management will ensure bins are available at the doors (inside) on a 'just in time' basis on day of collection.
- Evidence of scheme compliance with relevant British Standards: BS5906:2005 Waste management in buildings – Code of practice; Building Regulations 2000, Part H6; British Standard EN 840

Sustainable Urban Drainage System (SUDS) Officer

- 8.16 The updated surface water drainage strategy in principle complies with the local and London plan. No objection subject to a pre-commencement condition should be applied to ensure flood risk is not increased.

External Consultees

Historic England (HE)

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

As per Historic England's comments in respect of a previous application (PA/15/01141), "*Historic England maintain that the proposal will have an impact on the setting of nearby designated heritage assets, including the Grade II* listed German Lutheran Church of St George. As such we continue to remind your council of its statutory duty to pay special regard to the desirability of preserving the setting of listed buildings Planning (Listed Buildings and Conservation Areas) Act 1990, and that the National Planning Policy Framework specifies that the significance heritage assets can be harmed through development within their setting (Paragraph 130).*

Georgian Group (formerly Georgian Society)

- 8.18 No comments received.

Historic Chapels Trust

- 8.19 No objection to scheme, following further dialogue between the Trust and the applicant and further information provided that addressed our previous concerns (subject to a planning condition to secure the design measures to avoid overlooking and light pollution)

Ancient Monument Society

- 8.20 No objection to scheme, following amendments received to the application

Historic Royal Palaces

- 8.22 No comments received.

Greater London Archaeology Advisory Service (GLAAS)

- 8.23 Appraisal of this application using the Greater London Historic Environment Record and desk top information submitted with the application indicates that the development would not cause sufficient harm to justify refusal of planning permission provided that a condition is applied to require an written scheme of investigation to be undertaken to advance understanding and ensure any remains found are suitably recorded and safeguarded if appropriate.

Metropolitan Police Designing Out Crime Officer

- 8.24 Following a review of the scheme, no objection, subject to a condition for the scheme to achieve Secured by Design accreditation, which should be achievable.

Greater London Authority (including Transport for London's comments)

Principle of development

- 8.25 The re-provision of an element of B1 office space on the site, and the introduction of hotel and café is supported

Urban design and tall buildings

- 8.26 The layout, massing, architecture and materials are supported. The use of different materials, and in particular the glazed masonry top section, introduces a distinctive piece of architecture to the area

Strategic Views, World Heritage Sites and historic environment

- 8.27 The proposal will not be visible in any strategic views, it will not have any impact on the World Heritage Site and it will not cause harm to the significance or the setting of neighbouring listed buildings and conservation areas.

Inclusive design

- 8.28 10% of the apart-hotel units shall be wheelchair accessible

London Fire and Emergency Planning Authority (LFEPA)

- 8.29 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 (TW)

- 8.30 No objection in respect to scheme's impact on sewerage infrastructure capacity. Should scheme be approved conditions should be attached in respect of (a) impact piling and methodology statement, (b) the inclusion of a non-return valve or other suitable device to avoid the risk of backflow from the sewerage to ground level during storm conditions to minimise groundwater discharges into the public sewer and informatives in respect of (c) Groundwater Risk Management Permit and (d) Thames Water providing customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves and the developer should take account of this minimum pressure in the design of the development

National Grid

- 8.31 No specific comments to make on application.

EDF Energy

- 8.32 No comments received.

NATS

- 8.33 No objection. The proposed development does not conflict with safeguarding criteria

London City Airport

8.34 No comments received.

London Underground Infrastructure Protection

8.35 No comment to make on the application.

BBC Reception Advice

8.36 No comments received.

Hackney Council

8.37 No comments received

Corporation of London

8.38 No comment to make on the application.

Southwark Council

8.39 No comment to make on the application.

Environment Agency

8.40 No comments to make as consider the proposal to be low risk in respect of the environmental constraints that fall under their remit.

9.0 LOCAL REPRESENTATION

9.1 Over 440 neighbouring properties were notified about the application by letters issued on 9th January 2017 and invited to comment. The application has also been subject of a press notice and benefited from the display of site notices located on Buckle Street and Alie Street. Following receipt of amended drawings the application was consulted upon again in May 2017 including fresh site notices, letters to neighbours and a press notice, with the 21 day period of public consultation completed on 2nd June 2017.

9.2 A petition has been received and 28 individual representations, including those reported in Section 8 of this report from Ancient Monument Society and Historic Chapel Trust. 23 of the individual representations object to the scheme and 3 representations write in support of the proposal.

9.3 The grounds of objection relate to:

- Loss of daylight and sunlight, loss of outlook, loss of privacy
- Scale of development considered out of character with the rest of the low rise street block in which the site exists
- Give undue sense of enclosure, visually be overbearing
- Loss of relief between taller buildings and lower buildings
- Proposal does not meet local needs including new housing
- Greater additional vehicular traffic, congestion, risk pedestrian safety
- Detract from the sense of local community,

- Be detrimental to resident's well being;
- Health concerns from removal of asbestos
- Result in loss of property value.
- No new development on the site should exceed the height of the existing building on site
- Any new development in the area should provide new parking and publically accessible parking space

(Officer Comment: Loss of property value is not a material planning consideration)

9.4 The three letters set out that the scheme will help support local businesses and be a positive addition to the area.

9.5 The petition is signed by 42 individual residents from 33 flats within the Goldpence Apartments, Buckle Street, within the Altitude development). The petition states they oppose the planning application for the following reasons

- 1) *"The development would take away the light from our street, flats and surrounding area severely impacting the health and wellbeing of Tower Hamlet residents. A number of flats will lose between 50-100% of each window's light if the development is allowed.*
- 2) *The development does not in any way meet the resident's needs, we need more play areas, parks, community centre and other local amenities*
- 3) *The development would lead to an increase traffic and congestion in an already busy and small street. This will lead to increased pollution and danger to the children here who have nowhere to walk and play safely*
- 4) *The development would take away from our community feel. We do not want a hotel being building when there are so many hotels within a few hundred metres. We want the building and any proposed development to significantly contribute to the local fabric of the community*
- 5) *The development would take away privacy from a large number of local flats. This would lead to a significant sense of enclosure and being caged in. This is even more pertinent following the completion of Aldgate Place*
- 6) *The development would overlook Goldpence and not be in keeping with the low rise nature of the local area. This so called 'stepping up' profile of the building does not take account of the lower and smaller Goldpence apartments meaning we feel ignored and not considered by the proposals*
- 7) *The negative impact this proposal will have on us is comparable to the similar application which was rejected a couple of teats ago. We request that the Council reject this application again. We also very concerned about the pollution noise and required access for the construction of such a significant building on such a small site"*

10. MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the committee must consider are set out below (with report section number in brackets):

- Land Use (11)
- Design (12)
- Heritage and townscape Implications (13)
- Amenity (14)

Other Considerations

- Highways & Transportation (15)
- Noise and Dust (16)
- Contaminated Land (17)
- Flood Risk & Water Resources (18)
- Energy and Sustainability (19)
- Biodiversity (20)
- Waste (21)
- Microclimate (22)
- Planning Obligations (23)
- Other Financial Considerations (24)
- Human Rights (25)
- Equalities Considerations (26)

11.0 Land Use

- 11.1 Chapter 1 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business.
- 11.2 The site is located within the London Plan designated Central Activities Zone (CAZ) and City Fringe Opportunity Area. London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock.
- 11.3 Core Strategy Policy SP06 concerns economic development and supports the provision of a range of employment land uses and spaces. Policy DM15 of the Managing Development Document concerns Local Job Creation and Investment. Policy DM 15(1) states upgrading and redevelopment of employment sites outside of spatial policy area will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown that the site has been actively marketed or that the site is unsuitable for continue employment use due to its location, viability, accessibility and condition.
- 11.4 The applicant has provided over 2 years marketing evidence that meets the marketing requirement of Policy DM15. In addition the applicant has provided a report detailing how the existing building is in poor condition, is not fit for purpose, nor readily lends itself to meeting the current needs of the office supply market
- 11.5 The site is not in the borough's designated Preferred Office Location (POL) and based on the 2 year marketing information provided and given the poor suitability of the existing building to meet office demand the net loss of office floor space on site is considered acceptable in planning terms. A number of employment and training initiatives are recommended to be secured through planning obligations. The employment and training initiatives significantly exceed those typically secured for a development of this size and nature, and are provided in-kind by the applicant SACO. These include an Employment Training Pool Fund, four (4) approved Apprenticeships/Traineeships, and a Social Compact with the Council as set out in the planning obligations section of this report.

Short Term Visitor Accommodation

- 11.6 London Plan Policy 4.5 – *Visitor Infrastructure* – seeks new visitor accommodation to be located in appropriate locations. Within the CAZ, Policy 4.5 states strategically important visitor accommodation provision should be focussed in CAZ fringe locations and where this is an existing concentration it should be resisted, except where provision will not compromise local amenity or the balance of local land uses. Policy 4.5 recognises the need for apart-hotels, subject to consideration of the potential impacts on housing capacity.
- 11.7 Policy SP06 of the Core Strategy seeks to concentrate hotels, in specific locations, including the City Fringe and Central Activities Zone in which the application site lies. Policy SP06 also recognises hotels and related tourism uses contribute a significant amount to the borough’s economy with over one half of this spend coming from overseas.
- 11.8 Local Plan Policy DM7 – Short Stay Accommodation - seeks to ensure serviced apartments will be managed as short-term accommodation (up to 90 days) and will meet the following criteria applicable to all hotel accommodation, namely:
- a) The size is proportionate to its location within the town centre hierarchy;
 - b) There is a need for such accommodation to serve visitors and the borough’s economy;
 - c) It does not compromise the supply of land for new homes and the Council’s ability to meet its housing targets;
 - d) It does not create an over-concentration of such accommodation or cause harm to residential amenity; and
 - e) There is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements.

Analysis assessed against policy DM7 criteria

- 11.9 Hotel and serviced apartment accommodation is becoming an increasingly common feature of the Aldgate area; including a 168 serviced apartments scheme recently completed opposite this site, at No 1 Buckle Street/15-17 Leman Street (built and currently occupied by SACO the applicant to this current proposal) as well as a 178 apart-hotel suites scheme being built out less than 120 metres to the east of this site at No. 27 Commercial Road plus more traditional type hotels within the Aldgate Place development (also opposite this site) and on Alie Street within the Goodman’s Fields development. The applicant has provided details of 556 existing short stay serviced apartments located within ½ mile of the development and a confirmed supply chain from years 2016 to 2019 (inclusive) of 378 alongside an additional 1577 regular type hotel rooms.
- 11.10 Serviced apartments/aparthotels are relatively new and emerging sub sector of the visitor accommodation industry. In the past corporate companies often purchased flats and apartments in close proximity to their offices with a view to utilising them for visitors (whether clients or employees). This is a costly exercise if the unit is vacant for parts of the year and helps to explain some of the rise in this sub sector and helps explain why this visitor accommodation tends to attract longer stay guests compared with traditional hotels.
- 11.11 The applicant has stated the average guest length of stay at their recently completed ‘Leman Locke’ aparthotel (at No 1 Buckle Street) is 10 days. The proximity of the application site to the City of London, the growth of creative and TMT (Technology, Media and Technology) sectors in City Fringe (including within the Aldgate area), the proximity of many tourist attractions, good public transport

links including to Canary Wharf all appear to be features that generate demand within Aldgate and surrounds for visitor accommodation.

- 11.12 The London Plan seeks to achieve 40,000 net additional serviced visitor bedrooms by 2036 and recognises the need for serviced apartments as part of this provision. This is an annual target of 1,800 serviced visitor rooms per annum London wide. A recently published GLA report estimates demand for 5,158 net additional serviced accommodation rooms for 2015 -2041. Tower Hamlets is estimated to provide 12.5% of the active serviced visitor accommodation 2016-2018 (the 2nd highest in numerical and percentage terms of any London borough) and is estimated to provide the greatest supply increase of any borough from 2016 to 2041, bar the City of Westminster. .
- 11.13 The GLA 2016 report considers that to understand the future need for visitor accommodation it is necessary to come to a view on the likely future demand (namely that within the visitor accommodation sector demand and need are largely indivisible) this contrasts markedly to the housing sector.
- 11.14 London is one of the most visited cities in the world. The 2016 GLA report sets out that visitor accommodation numbers have reached 31.4 million overnight visitors in 2015, up from 26.3 million in 2006 with international growth increasing 50% since 1997. In terms of future demand the report projects “*a need to add a net additional 58,140 rooms to the serviced accommodation supply by 2041, at an average of 2,236 rooms per annum*” and a total of 2,962 new rooms per annum when account is taken for closures. The existing supply of rooms in London is described as tight driving high customer costs for guest accommodation.
- 11.15 Pursuant of Local Plan Policy DM7 (b & d) (i.e. development does not create an over-concentration of such accommodation or cause harm to residential amenity, and there is need for such accommodation to serve visitors and the borough’s economy) the applicant has detailed how within ½ mile of the application site there is a confirmed supply chain (Years 2016-2019) within the Borough of 1,481 serviced visitors rooms, of which 477 are committed to be aparthotel/serviced apartments. The supply pipeline of traditional hotel rooms in this local area is high and this offer of an apart-hotel/ serviced apartments provides for a different type of guest (e.g. business people on extended trips) which allows the economic benefit of an additional segment of the hotel market to be captured within the borough. It also further supports the global financial centre function of the City (Square Mile) and, as evidenced by the applicant, an apart-hotel is likely to cater for these business people given its close proximity.
- 11.16 The applicant estimates the scheme will contribute an annual £1.3m expenditure in the local economy, of which 50% is estimated by the applicant to be the Borough) from visit expenditure. The figure comes from a model of guest spending profile based on Visit Britain data. In the absence of specific evidence on locational spend for guests as a proxy the 2016 Tower Hamlets Retail Capacity Study was reviewed which indicates that 51% of the Borough’s residents stay within the borough for eating out and drinking with Whitechapel being one of the more popular centres (eating out and drinking representing the majority of ancillary guest spending according to Visit Britain). On this basis it has been assume that approximately 50% of guest spend (the £1.3m) will be retained in the Borough and the remainder retained within the London economy (with further supply chain effects). These figures do not include the economic benefits of hotel staff direct jobs which are considered separately as GVA uplift in the Economic Benefits report.

- 11.17 With regard to Policy SP06 (c) the proposal does not conflict with supply of a significant quantum of new homes given the planning policy constraints of delivering new homes on the site and the strategic London Plan Policy 4.2 for renewal of existing outmoded office stock with upgraded office space to help meet the need for employment space in the City Fringe.
- 11.18 With regard to Policy SP06 (e), as set out in further detail in the Highways and Transportation section of this report, the lack of parking provision for coaches is not on balance considered a bar to the delivery of serviced apartment given the legal agreement to exclude bookings involving coach drop off and collections.
- 11.17 As with regard compliance with Policy SP06 (a) and (d) these matters are dealt with in detail later in this report within the Design and Amenity sections below.
- 11.17 The site lies within the designated City Fringe Opportunity Area and is within the CAZ. Site specific constraints means the plot does not lend itself for major redevelopment to provide C3 housing accommodation. Taking these three collective stands together and given the apparent demand for visitor accommodation the scheme is considered consistent with London Plan Policy 4.5, subject to the scheme not compromising local amenity.

12.0 Design

- 12.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 12.2 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
- 12.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site.
- 12.4 SP10 and Policy DM23 and DM24 of the Local Plan 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.
- 12.5 Policy DM26 of the Borough's Managing Development Document sets out criteria that proposals for tall buildings should satisfy, as follows:
- a. be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;

- b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas;
- c. achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements;
- d. provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;
- e. not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;
- f. present a human scale of development at the street level;
- g. where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
- h. not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;
- i. not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;
- j. provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- k. comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and
- l. demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

12.6 Policy DM26 also seeks (where feasible) tall buildings to provide publicly accessible areas within the building including on the ground floor.

Principle of a Tall Building

12.7 Core Strategy Spatial Policy SP10 identifies Canary Wharf and an area of Aldgate, containing the designated Preferred Office Location, as appropriate locations for tall buildings. This policy consideration is reflected on the ground in Aldgate with a set of tall buildings built or emerging including: (i) immediately to the north and north west of Buckle Street; (ii) with Altitude development to the east and (iii) Goodman's Fields to the south that contains a set of tall buildings dispersed across amongst a development of lower rise building. Within the policy context of SP10 and the emerging urban context there is no objection per se to the principle of a tall building in this area of Aldgate, providing the height is subordinate to those found in the adjacent POL and the design approach satisfies all the criteria set out in Policy DM26 and Policy 7.7 of the London Plan with respect to tall buildings.

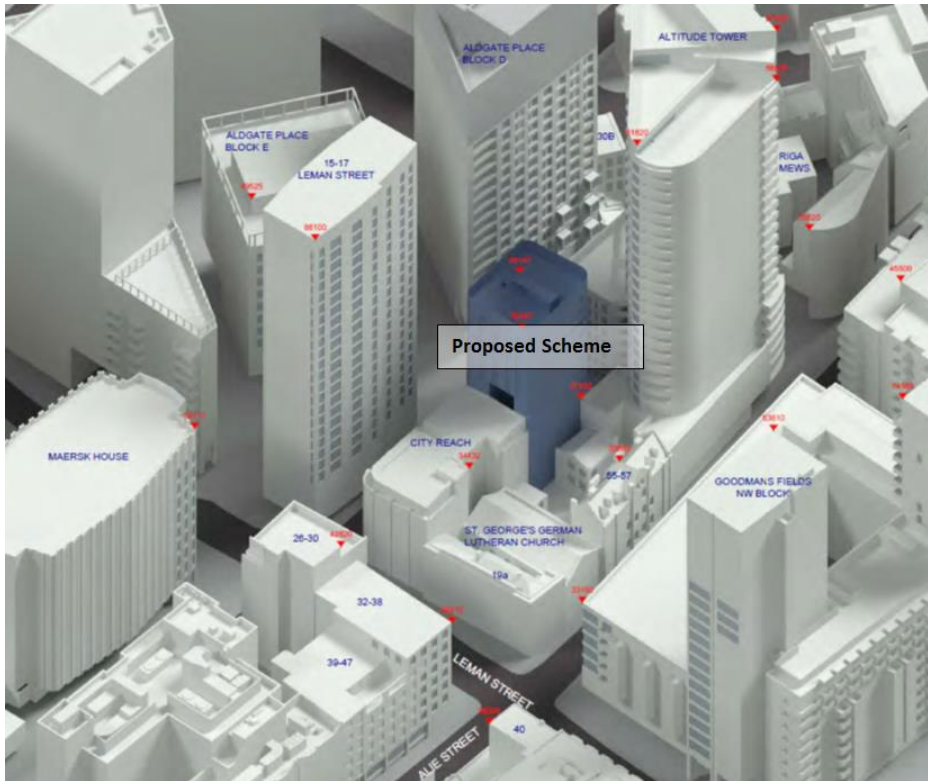


Figure 2: Proposed Scheme (centre of image in darker shade) shown in relation to neighbouring development and built out tall buildings.

- 12.8 Whilst the proposed development is significantly lower in height than the previously refused scheme for this site and is relatively modest in height compared to some other buildings in the immediate locality, it nevertheless remains a proposal that falls within the category of a tall building; given it would be over the 30m threshold for tall building set out in the London Plan and given the building would be substantially taller than other buildings within the established lower storey street grid block in which it would be located.
- 12.9 The physical constraints of the site are many and limiting in respect of successfully delivering a tall building in urban design terms. The site is:-
- very small at 279sqm,
 - located on a narrow street and with a pavement set immediately in front of the development less than 1.5m wide,
 - backs onto a site containing a set of lower storey statutory listed buildings,
 - is located south, at a minimum 10m metre distance from the 1 Buckle Street serviced apartment set at 86.6m (AOD),
 - located less than 17m from the predominantly residential Block D 83.97m (AOD) within Aldgate Place.
- 12.10 As set out in the planning history section to this report, the previous 18 storey scheme for the site was refused as it failed to demonstrate the scheme could overcome site constraints, was overdevelopment of the site, gave rise to an unacceptable relationship to other tall buildings, had detrimental townscape impacts upon Buckle Street and gave rise to an unacceptable degree of adverse amenity impacts to residential neighbours. The form of the previous proposed development failed to conform with the Local Plan Policy DM26 criteria for a successful tall building.

- 12.11 Whilst the current proposal would rise immediately off the back of the pavement, as the previous scheme did, officers on balance consider the scheme would address previously stated concerns over a tall building on this site in respect to giving rise to an unduly cramped overbearing appearance to Buckle Street and a canyon effect to street by virtue of this scheme's; (a) reduction in overall height; (b) through the introduction of a spacious double height ground floor with mezzanine that would help to contribute some sense of space and human scale to the development within the streetscene; and (c) through the enhanced animation to street through gained from the mix of uses within (café, hotel foyer, workspace) at ground and mezzanine floor being readily visible from street and attractively framed by the building superstructure clad in rusticated nickel finish.
- 12.12 The proposed 13 storey height will be surrounded by much taller development, which will limit the scheme's visibility from surrounding streets, as is demonstrated by the applicant's townscape and visual impact assessment.
- 12.13 Longer street views of the development would be limited by the degree of enclosure received from other tall buildings. The scheme would be visible from the street junction of Buckle Street and Leman Street, with oblique view of the north elevation and an oblique view of the upper storeys of the west elevation. A longer street view would also be present from Commercial Road. The latter view of the development would be framed by the new hotel and Building D of the Aldgate Place development. The impact to this latter view is modest enclosing some of the skyline set to the rear of this new pedestrian route through Aldgate Place. The scheme would appear a relatively discrete built element viewed as it would be against the two aforementioned taller and bigger scaled buildings within the Aldgate Place consent and the existing hotel opposite the site at No 1 Buckle Street. The street view of the scheme from corner of Alie Street and Leman Street is dealt with separately in paragraph 13.7 of the report, under heritage considerations.

Architecture

Treatment of Elevations

- 12.14 The elevations incorporate vertical bands of windows and cladding, set within a clearly defined base, middle and top. The base of the proposed building will have a strong and distinctive quality with its rusticated nickel panels, with storeys 4-11 finished in grey brick, which are considered to contrast but relate sympathetically to the stucco and brown and red brick of the listed buildings on Alie Street. A projecting soldier course marking the floor levels helps articulate these middle storeys and provide greater visual interest to the facades.



Figure 3: CGI of glazed ground and 1st (mezzanine) floor incorporating rusticated nickel cladding finish to base with soldier course brick detail set above

- 12.15 The top 2 storeys and the enclosed roof top plant would be a glazed masonry unit, that is intended to reduce the perceived weight of the top section and create a 'diaphanous' appearance, particularly when viewed from the south west, where these floors will be visible over the listed buildings. The lower 7 storeys of the south elevation of the building facing the courtyard to the rear of the former St George's German School would be finished in render following feedback from public consultation of residents of the listed school buildings.
- 12.16 The use of different materials, and in particular the glazed masonry top section, introduces a distinctive piece of architecture to the area, which is welcomed and architecturally contrasts with the undistinguished treatment of the elevation within the previously refused scheme. The top two storeys are also set slightly back from the main line of the façade below with this change set above a projecting cornice detail that helps articulate this subtle change of the façade plane will help alleviate the degree to which the full height of the building would create a shear wall along Buckle Street.



Figure 4: CGI of top and middle treatment of elevation.

- 12.17 The ground floor layout would provide office workspace set alongside a hotel reception area and café open to the general public. Over 80% of the Buckle street elevation would be glazed at both ground floor and mezzanine level providing a high degree of visual permeability that will reinforce the open character of the development derived from the café and the public membership system intended for the workspace (based upon initial engagement the applicant has undertaken with a workspace provider).

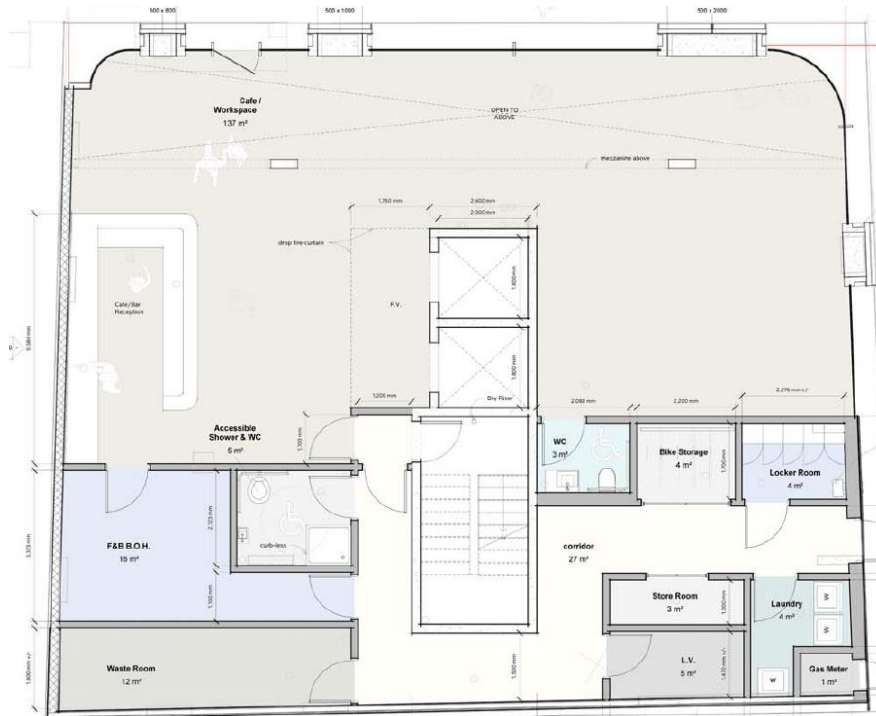


Figure 5: Ground floor layout with front of house active frontages from ancillary café, hotel foyer and B1 use workspace with mezzanine set above

- 12.18 At street level, Plough Street will also benefit from an open glazed appearance with the back of house area to the development as a whole restricted to the rear of the site with back of pavement servicing areas occupying a minimal length of street frontage (a result of servicing and waste collection from the street and access to the bin stores and back of house spaces limited to a single door).
- 12.19 As set out earlier in the report the general arrangement of the ground floor is considered imaginative and should ensure the scheme provides an active and inviting appearance to Buckle Street. The proposed design and mix of workspace and café space lends itself well to the avoidance of unwelcome screening devices set towards the windows that would detract from the open character of the development. The ground floor uses are also integral to the service apartment 'offer' and as such should also help safeguard the future retention of the scheme's well considered ground floor layout.
- 12.20 In light of the above the proposal is considered to comply with London Plan Policy 7.6 which seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site, and local policies SP10 and Policy DM23 and DM24 which are concerned with securing well designed new developments.
- 13.0 Heritage and Townscape**
- 13.1 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan, the Mayor of London SPG's, Local Plan Core Strategy policies SP10 and SP12 and Managing Development Document policies DM24, DM26, DM27 and DM28 of the Borough Managing Development Document (MDD) seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.

- 13.2 London Plan policies 7.11 and 7.12, policy SP10 of the CS and policies DM26 and DM28 of the MDD seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 13.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”. The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, and the more important the asset, the greater the weight should be. Where a development will lead to ‘less than substantial harm’, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Impact on the setting of nearby conservation areas.

- 13.4 The site is not located within a conservation area although there are number of conservation areas in the vicinity including Whitechapel High Street Conservation Area, Brick Lane and Fournier Street Conservation Area, Myrdle Street Conservation Area and Wentworth Street Conservation Area.
- 13.5 A heritage statement was submitted with the application alongside a townscape and visual impact assessment (TVIA). With respect to impact upon views from the above conservation areas, including Whitechapel High Street Conservation Area (the nearest conservation area) officers consider the scheme would have limited impact given (a) sight of the scheme from these conservation areas would be largely shielded by other tall building (built out or consented), (b) the building would be viewed only in long vistas from any conservation area and within the context of a cluster of other tall developments.

Setting of listed building

- 13.6 There are four Listed Buildings within the immediate vicinity of the site; the Church of St George (German Lutheran Church and Vestry) (Grade II*), 19A Lemn Street (Grade II), St George’s German and English Schools (Numbers 55, 57 and 59) (Grade II) and St George’s German and English Infants School (Grade II). Together, the first three of these form an attractive group at an important corner location along Lemn Street (the latter being located to the rear and out of view).
- 13.7 The townscape and visual impact assessment, submitted in support of the application, helps illustrate the effect of the proposed development on this group of listed buildings including from the junction of Lemn Street and Alie Street. In contrast to the previously refused scheme the impact of the development from this key townscape view is considered broadly neutral. This is a result first and foremost from the reduction in height of the development but also through the sensitive architectural handling of the top storeys of the development. The Borough Conservation Officer considers the lower height, compared to the refused scheme, would reduce the degree to which it would overbear the listed structures. Notably, as shown in the viewpoint within the TVIA, the proposed building would occupy a similar degree of sky above the listed buildings as the recently constructed Building D of Aldgate Place building set behind the view.

The impact of the development rising up from the back of the churchyard, upon the interior of the church, upon setting of the listed church from within the churchyard and to the setting of the rear of the listed George's German and English Schools and to the Infants Schools from within the church yard /court yard space is considered limited.



Figure 6: Photograph of existing site from corner of Alie Street and Leman Street with CGI image showing top of scheme (to left of crane) set above Grade II Dispensary. Built out serviced apartment hotel (1 Buckle Street) to left of crane in image an Altitude (to right).

Strategic Views

- 13.9 The Site lies within the backdrop to the Protected Vista obtained from Viewing Location 25A of the London View Framework at Queen's Walk, in the vicinity of City Hall, looking towards the White Tower of the Tower of London. The applicant has submitted views analysis and it satisfactorily demonstrates the development will not impinge upon this protected vista, upon any views of the Tower of London or any of the LVMF viewpoints.

Archaeology

- 13.10 The National Planning Policy Framework (Section 12) and Policy 7.8 of the London Plan (2015) Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process.
- 13.11 A desk based archaeological assessment has been submitted in support of the planning application. It concludes the level of disturbance caused by previous phases of development, and from possible quarrying mean the redevelopment is considered unlikely to result in widespread significant archaeological impact. The desk top study has been reviewed by Greater London Archaeology Advisory Service (GLAAS) who advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature, depth and

extent of the archaeology involved, GLASS advise that further fieldwork prior to the determination of the application is not necessary and recommend a condition to agree and implement a written scheme of investigation. Subject to this condition, the impact of the development on archaeology is acceptable.

14.0 **Amenity**

14.1 Policy DM25 of the Borough's adopted Managing Development Document (MDD) 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. The policy 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.

14.2 In applying Policy DM25 supporting paragraph 25.6 states, "*that Council will take account of the sense of enclosure created by the new development. It is important that layout and massing are considered carefully in order to ensure that they do not create an oppressive sense of enclosure for adjoining development*". In respect to avoiding an unacceptable loss of outlook paragraph 25.4 of Policy DM26 again reiterates that "*the Council will expect careful consideration of the layout and massing of buildings*" to avoid a loss of outlook.

14.3 The previous application as set out earlier report was refused on grounds it would fail to safeguard neighbours residential amenity in terms of loss of daylight and sunlight, undue sense of enclosure, an overbearing nature of the development and unacceptable degree of loss of outlook resulting from the location, proximity and scale of the development.

Privacy/Overlooking

14.4 The scheme has a tight relationship to neighbouring development. The design of the scheme avoids introducing unduly adverse privacy/ overlooking issues to neighbours, specifically to the tall tower within the Altitude development through the careful arrangement of the window openings at the tightest point between the two buildings and through the use of frittered glass to curb the direction of view out from the windows.

14.5 There are habitable room windows within the lower rise section of the Altitude development including within the Goldpence Apartments that face square onto Plough Street and the east elevation of the proposal at a distance of just over 9m. However this closest of window to window relationships is set 'square on' across Plough Street and is a neighbour relationship that already takes place from existing windows set within the street and accordingly officers do not consider this introduces an overall new and unacceptable overlooking issue; albeit the scheme

will be taller than existing building and therefore present some additional privacy issues at upper storey levels. In reaching this conclusion officers are mindful the scheme mitigates the current scope of overlooking, through the introduction of frittered glazing that will limit the direction of view occupants of the serviced apartments will have to look out from the windows, thus avoid privacy issues to neighbouring residents.

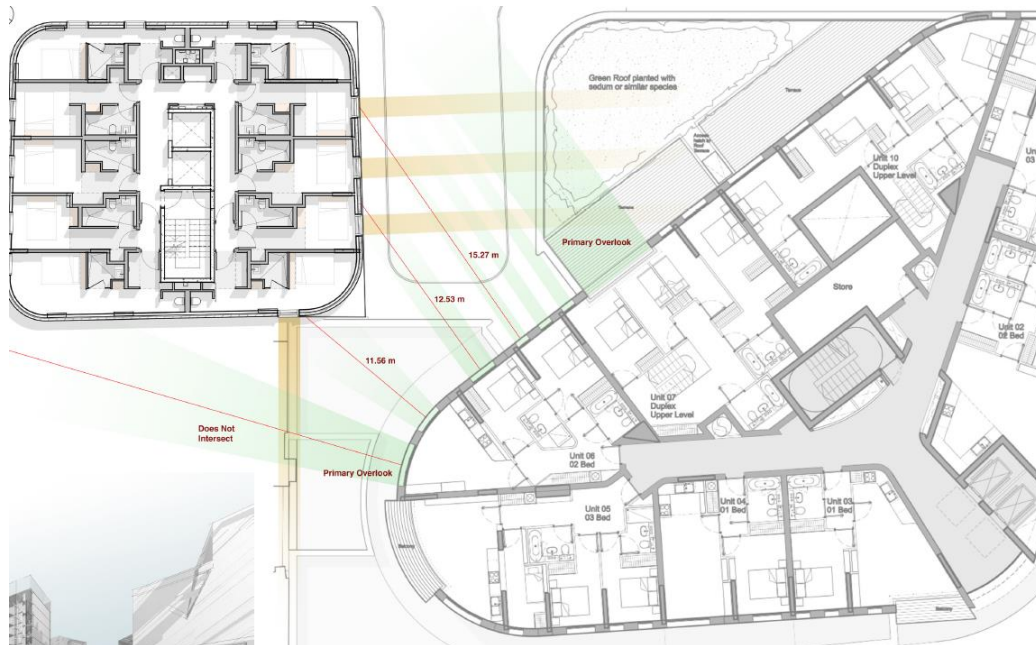


Figure 7: Plan showing relationship between scheme upper floor plan and floors within the tall building of Altitude

- 14.6 Within the main tower element of Altitude the minimum separation distances from habitable rooms within the tower and serviced apartment rooms is approximately 9m but these closest separation distance are all set at oblique angles which limits any potential privacy issues that otherwise might arise. The scheme will use frittered glazing on the windows set closest to the tower of Altitude to mitigate overlooking still further.
- 14.7 The scheme contains windows on the south elevation that would face onto the rear of No 55-57 Alie Street. The minimum separation would be approximately 14m. The windows set below 9th storey would have fixed external louvers set on them to avoid overlooking issues and also designed to minimise light spill from the rooms. Other measures secured by condition will be a room lighting strategy to ensure all lights specified are dimmable, use of guest room key cards to mean no lighting of unoccupied guest rooms remaining lit, and guest rooms will contain lamps in addition to ceiling lights.
- 14.8 The development will be set over a minimum 18m distance from habitable rooms within Block D of Aldgate Place as such it is considered there is no undue overlooking issues as this is consistent with the recommended separation distance set out in Policy DM25 of the Local Plan

Conclusions

- 14.9 The proposed design measures described above if secured by planning condition are considered, on balance, sufficient to address the potential unacceptable issues of privacy resulting from the proximity of the development to neighbouring

residential properties. It is not therefore considered to be a sustainable reason of refusal in respect to overlooking. Furthermore, the previously refused scheme was not refused on privacy/overlooking grounds.

- 14.10 Whilst the development will contain windows set within 11m minimum distance of serviced apartment windows within the development at No. 1 Buckle Street/ 15-17 Lemn Street given the proposed scheme's impacts to this building are limited to visitor accommodation and the relationship is across an established street with an established tight relationship in terms of privacy the scheme is considered acceptable to this site. An opportunity also exists for guests to draw curtains or blinds to gain additional privacy.

Outlook

- 14.11 As with the previously refused scheme the proposed building lies in close proximity to the tall tower within the Altitude development. Between 5th storey and 13th storey the minimum separation distance would be approximately 7m (compared to approximately 10m with the refused scheme).
- 14.12 Within the previous refused scheme the tight relationship between the sites two tall buildings was considered to give rise to a significant impact in terms of outlook from the single aspect residential rooms set between Level 4 and 18 within the Altitude tower, and as such was contrary to Policy DM25 (b) of the Borough's Managing Development Document and this aspect of the design contributed to the 1st reason of refusal. The current applicant has set out within the Design and Access Statement how the individual single aspect residential unit on each floor (within the Altitude tower) would retain long views past the proposed development from the main affected living room on each floor. On balance officers considers within this current scheme the impacts are not considered of a magnitude to sustain a reason of refusal given: (a) the reduction in height compared to the refused scheme reducing the number of habitable rooms affected; (b) given the other design alterations that have reduced the overall degree of adverse amenity impacts to neighbours, and: (c) given the benefit the applicant's perspective drawing (within the Design and Access Statement) provide in understanding how residents would maintain long views past the development from the main window to the affected single aspect living rooms.

Sense of enclosure

- 14.13 Assessing whether a development provides an acceptable or unacceptable sense of enclosure or is unduly overbearing cannot be readily measured in terms of a percentage or a measurable loss of outlook. Rather it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective.
- 14.14 Within the previous scheme the Council concluded the scheme gave rise to an undue sense of enclosure. In arriving at this conclusion (in the strategic development committee report accompanying the previous refusal) officers considered and gave weight to the cumulative impacts of other tall buildings in the immediate vicinity and the height in the context of overall height and design of the refused scheme.
- 14.15 In relation to the current scheme whilst officer recognise the development would still give rise to a greater sense of enclosure to neighbouring development than currently exists on balance these impacts are not of a fact and degree of impact

as to be considered to warrant a reason refusal that could be sustained at a Planning Appeal.

- 14.16 The reduction in height of the current scheme (compared against the refused scheme) set alongside the treatment of the proposed south elevation to the development means the overbearing sense of enclosure to the residents of the existing low rise residential dwellings at No 55-57 Alie Street would be significantly less than would have been experienced on the previous scheme.
- 14.17 In relation to the residents in the part 4 storey part 8 storey blocks of the Altitude facing Plough Street and Buckle Street (identified as Goldpence Apartments) whilst it is acknowledged the proposed 13 storey development would give rise to a greater degree of enclosure than currently exists to the existing 5 storey office building on site it is not considered the relationship provides a reason of refusal in respect to undue sense of enclosure.

Daylight/Sunlight

- 14.18 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.
- 14.19 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.
- 14.20 The applicant submitted a daylight and sunlight report in support of the application. The Council appointed independent daylight/sunlight consultants to review the submitted report. The applicant's assessment shows that the impact of the development on the daylighting and sun lighting to neighbouring residential developments is within BRE guideline levels (i.e. reductions of less than 20%) and are therefore considered to be negligible with the exception of impact to three neighbouring developments, namely 55-57 Alie Street, Altitude development (including the Goldpence Apartments) and the residential Block D within the Aldgate Place development.
- 14.21 The Council independent daylight/sunlight consultant's agree with the authors of the applicant's daylight/sunlight report that the significant impacts to residential neighbours are limited to these three identified residential developments which are considered in detail below and set out in tabulated summary for VSC and NSL and (Tables 1 and 2 respectively) and for comparison purposes the figures for Altitude and No 55 and No 57 Alie Street for the previously refused for the site.

Table 1: Vertical Sky Component (VSC)

Addresses	Number of Windows Tested	Windows Meeting BRE Guidance	BRE guidance exceeding		
			>20-30% (Minor adverse)	>30-40% (Moderate adverse)	>40% (Major adverse)
55-57 Alie Street	25	11	4	10	0
Aldgate Place Block D	181	115	26	27	13
Altitude	551	430	28	28	65

Table 2: No Sky Limit (NSL)

Addresses	Number of Rooms Tested	Rooms Meeting BRE Guidance	BRE guidance exceeding		
			>20-30% (Minor adverse)	>30-40% (Moderate adverse)	>40% (Major adverse)
55-57 Alie Street	11	4	5	1	1
Aldgate Place Block D	113	103	4	1	5
Altitude	297	259	15	6	17

Table 3: Vertical Sky Component Previously Refused Scheme (PA/15/001141)

Addresses	Number of Windows Tested	Windows Meeting BRE Guidance	BRE guidance exceeding		
			20-30% (Minor adverse)	30-40% (Moderate adverse)	40%+ (Major adverse)
55-57 Alie Street	21	1	1	4	14
Altitude	309	94	52	73	90

Table 4: No Sky Limit (NSL) Previously Refused Scheme (PA/15/001141)

Addresses	Number of Rooms Tested	Rooms Meeting BRE Guidance	BRE guidance exceeding		
			>20-30% (Minor adverse)	>30-40% (Moderate adverse)	>40% (Major adverse)
55-57 Alie Street	20	2	3	2	13
Altitude	166	130	13	3	20

55-57 Alie Street

- 14.22 Daylight to 53-55 Alie Street is heavily constrained by the presence of substantial buildings around it making it reliant upon light across the site.
- 14.23 Within the main former school building windows were tested to 6 living areas, 4 kitchens and 1 bedroom. All 6 living rooms are dual aspect. All the rear facing windows serving the living rooms would experience significant VSC reductions of 33%-35% based upon small VSC changes in absolute terms of approximately 3% at ground floor level up to 5% at 3rd storey. All these living rooms would continue to receive VSC results for the windows on the front elevation that meet BRE guidance.
- 14.24 In terms of BRE daylight distribution criteria 1 of the living rooms would meet the BRE guidance, another living room would fall fractionally outside the 20% daylight area and 3 other living rooms would receive reductions of a minor significance set between 23%-27%, with the remaining 1 living room experiencing a more significant 34% reduction. The other five rooms tested (4 kitchens and 1

bedroom) would experience VSC reductions of between 25% to 27% of their existing values. The kitchens are not large rooms so 3 of them would meet the daylight distribution criteria and the 4th would be very close to the BRE guidance target. The affected bedroom would experience a larger daylight distribution loss of 40% but this is a comparatively large room served by a single offset window and as such the Council's consultants do not raise this impact as a major concern.

- 14.25 No failures of VSC or NSL would result from the development in respect of the former Infants school, set at the back of the inner court yard.
- 14.26 The Council's independent consultants conclude although the results for 55-57 Alie Street are not BRE compliant there are mitigating circumstances including the main living rooms all being dual aspect with acceptable daylight distribution maintained to the windows facing the street. The kitchens are relatively shallow so the daylight distribution results are better than one might otherwise expect reflected by the results showing 3 out of 4 kitchens meeting BRE's NSL target. Taking the above considerations into account officers conclude overall the daylight impacts to 53-55 Alie Street are acceptable.

Altitude

- 14.27 551 windows were assessed within the Altitude development for VSC and 297 rooms tested for (NSL) daylight distribution. The Council's daylight consultants note compliance with BRE daylight standards (both VSC and NSL) is largely achieved in Altitude from eighth floor level and above.
- 14.28 65 windows would experience VSC reductions in excess of 40%, 28 windows would experience reduction between 30%-40% and 28 windows experience between 20%-30% losses. Focussing on the windows that would experience more than 30% reduction it is noted 33 of the windows serve main living room or shared kitchen/living dining spaces that are set either below balconies or next to projecting wings.

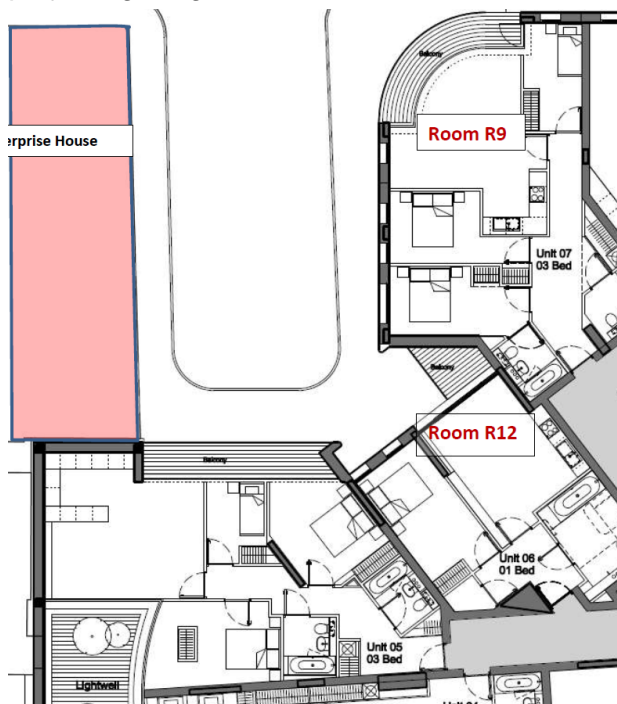


Figure 8: Typical lower floor layout facing site in Goldpence Apartments

- 14.29 The most significant BRE daylight guide transgressions occur to rooms from 1st to 7th floor level facing Plough Street, specifically to the living rooms served by the curved balconies (R9), to the corner through to the recessed living rooms (R12) and the set of bedrooms located between R9 and R12. 7 of these 33 living room windows are to a room on 1st to 7th floor set adjacent to a projecting wing (R12) and have low baseline VSC values from 2.4% to 9.3%. The overall changes in daylight conditions the Council's consultant conclude would be difficult to perceive on the lowest floors but would become more perceptible as one rises further up the 8 storey building. The Council's daylight consultants note given their location adjacent to the projecting wing and tucked into a corner means these rooms will be very sensitive to any change in massing on the site. This is illustrated through the testing of a counterfactual scheme that involves extending the existing building vertically by only 9m (3 storeys in total height). NSL results show that currently, the areas of these rooms with access to direct skylight are from 20% at 1st floor level to 65% at 7th floor. The lit areas would fall to 17% at 1st floor to 29% at 7th floor which translates to percentage reductions of between 25% at 2nd floor level to a maximum 59% at 6th floor (with the losses at 1st floor meeting BRE targets).
- 14.30 It is noted 5 of the windows that fail BRE VSC guidance have a 2nd window which retains better VSC and means the room as a whole maintains good daylight distribution.
- 14.31 7 of the windows that fail are identified as Window W17 (at 1st to 7th floor) with baseline VSC values at 7.8% at 1st floor to 25% at 7th floor and which would experience significant reductions from approximately 45% at 1st floor to 71% at 6th and 7th floor. The findings of the counterfactual 8 storey scheme record noticeable improvements in VSC on 6th and 7th floor (as one might expect as rooms are able to see over the development) but upon the 6th floor the breaches of BRE criteria remain largely the same as with the submitted 13 storey scheme.

Sunlight

- 14.32 29 rooms living rooms or kitchen were tested for loss of direct sunlight. 23 of these rooms would comply with BRE sunlight guidance with the 6 remaining rooms all served by the curved balcony at corner of Plough Street and Buckle Street on floors 2nd to 7th.
- 14.33 14 bedrooms were also tested that face west to the development on floors 1st to 7th on Plough Street. These bedrooms would experiences total loses losses of APSH by up to 60% from 2nd floor to 7th floor. However the winter APSH levels would still remain close to or above BRE 5% target from 3rd floor and above. The 2nd floor adversely affected bedroom already fail BRE's 5% guidance figure.

Conclusions on daylight/sunlight impacts to Altitude

- 14.34 The scheme would have significant daylight impacts on windows set below 8th floor that face the development. However the applicant's daylight reports document highlight how these impacts arise in part from particular design features of the Altitude development notably from the balconies and wings which obstruct daylight to rooms and the fact a series of single aspect flats cluster around the tightly contained Plough Street. The Council's daylight consultants acknowledge these mitigating circumstances help explain the quantity and degree of failures as measured against BRE guidance.

- 14.35 The submitted report shows the daylight impacts of the proposal to the lowest three residential floors of Goldpence Apartments would be limited given the baseline daylight values and sunlight levels are already low. Using as a secondary measure Average Daylight Factor (ADF) it can be evidenced (based on analysis undertaken from the previously refused scheme) that 19 habitable rooms on 1st to 6th floor within Goldpence Apartments already experience an ADF of 0.5% or below and therefore already will rely on electric lighting to light these rooms during the day.
- 14.36 Officers note that to a large degree comparable daylight impacts would be experienced with a 3 storey extension on the application site. The daylight analysis sets out the notable exception to this statement is in respect to reduced impacts gained from a 3 storey to rooms situated on 6th and 7th floor of the Goldpence Apartments.
- 14.37 Taking due consideration of the above factors officers are of the opinion that, on balance, the daylight/sunlight impacts on this site in isolation do not provide a sustainable reason of refusal.

Aldgate Place Block D

- 14.38 181 windows tested within Block D. At 7th floor level and above all the tested rooms and windows meet their respective VSC and NSL targets. At 2nd and 4th floor there will be 2 living rooms with VCS losses of 40% and 45% respectively leaving the rooms with access in absolute terms to direct skylight to 31% and 35% respectively of their room areas. The significant adverse daylight distribution results would be limited to these 2 living rooms and eight bedrooms in similar locations up to 6th floor level.
- 14.39 VSC results to windows facing the site at 1st, 3rd and 5th floor would not meet the BRE recommendations. However the daylight distribution to all the corner living rooms remains very good and virtually unaffected. As such the daylight impacts to these rooms are considered broadly acceptable.
- 14.40 For sunlight, all the west corner living rooms would meet the recommendations of the BRE guide as would all the east corner living rooms and the 4th floor living room behind the winter garden. Most would retain sun in excess of the BRE targets of 25% total APSH and 5% winter APSH. Regarding the bedrooms, although all would fail to meet the recommendations of the BRE guide at 1st floor with a diminishing number of non-compliant rooms on the floors above until all meet the targets at 8th floor. The Council's independent consultants consider the retained values for the majority windows which do not meet the BRE recommendations would still be considered to be good in an urban environment particularly for a bedroom.
- 14.41 In conclusion whilst there are transgressions in BRE guidelines for Block D they are relatively limited and officers draw the conclusion these failings should be treated with a degree of flexibility given the very dense built environment that characterises the whole of the Aldgate Place development.
- 14.42 Daylight/sunlight impacts St Georges Church

With respect to St Georges Church VSC and NSL results have been prepared for the church. APSH sunlight results are not required, given the orientation of the

Church relative to the site. The Council's independent daylight consultants have confirmed (a) the daylight distribution meet the BRE targets), (b) whilst there are VSC transgressions to windows in the elevation facing the site these are not considered unacceptable as they stem from low existing VSC values and small VSC losses in absolute terms.

Inclusive design

- 14.43 The scheme is designed with proper regard to the principles of inclusive design and would provide 10% of the guest rooms as fully wheelchair accessible units in accordance with policy.

Amenity – for future users of the scheme

- 14.44 The development has considered noise and air quality to ensure a suitable internal environment
- 14.45 All bar one of the hotel bedrooms would benefit from natural daylight with external widows providing outlook. With respect to the single guest unit that lacks a window this in isolation is acceptable as there is no planning policy stipulation that hotel bedrooms need to benefit from natural daylight; notwithstanding there London Plan Policy 7.7 requirement for tall buildings to incorporate the highest standards of design and architecture which leads to a reasonable expectation hotel rooms would have windows.
- 14.46 The scheme was originally submitted with windows in the west elevation at 6th and 7th floor. However these were removed and additional windows inserted into the south elevation to address concerns regarding west facing windows neutralising the neighbouring site (namely City Reach, at 19 Leman Street) from gaining a relatively modest vertical extension. It is considered there is no prospect of a significantly taller extension on City Reach, given the relationship to the listed buildings and broader townscape considerations.

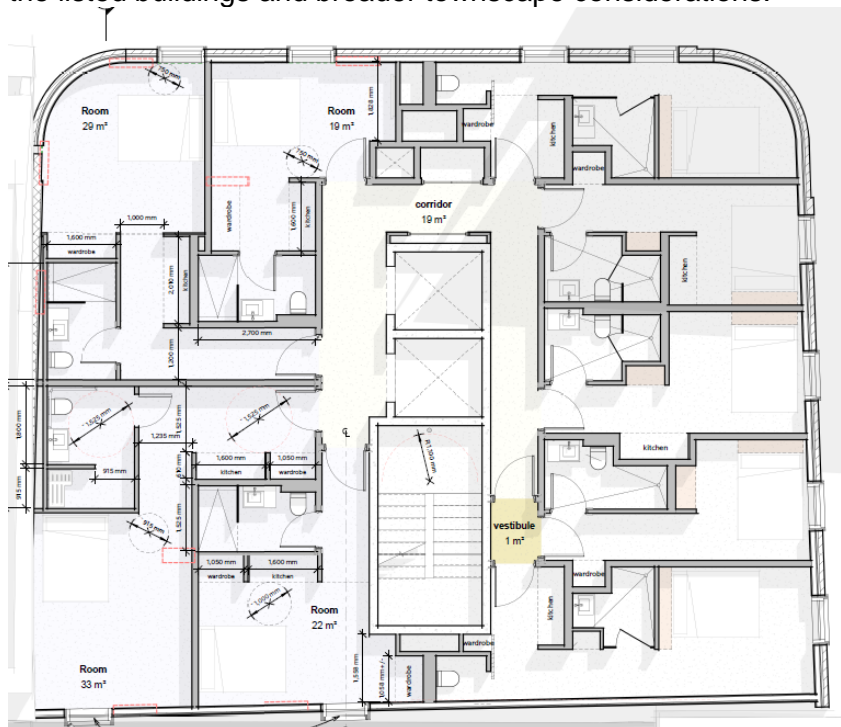


Figure 9: Typical Serviced Apartment Floor Layout

- 14.47 Taken overall the quality of the limited office accommodation and the serviced apartments in terms of internal layout, access to natural light and outlook is considered acceptable.

OTHER MATERIAL CONSIDERATIONS

15 Highways and Transportation

- 15.1 The NPPF and Policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 of the London Plan requires transport demand generated by new development to be within the relative capacity of the existing highway network. London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in MDD Policy DM20 which requires a transport assessment submitted with a development scheme to assess adequate regard has been made for servicing and for safe vehicular movements associated with this.
- 15.2 Core Strategy policies SP08, SP09 and Policy DM20 of the MDD together 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. Cycle provision would comply with relevant London Plan standards.
- 15.3 The applicant submitted a Transport Statement detailing trip generation, servicing arrangements, including waste collection on-street from Plough Street. The scheme proposes no on-site car parking.
- 15.4 The Borough' Highway and Transportation team reviewed the submitted documentation and is satisfied: (i) the completed development would have no adverse impact on the road network; and (ii) the proposed waste collection and servicing arrangements from the street whilst far from ideal is acceptable given it replicates the existing site servicing arrangements, and given the small size of the site that limits opportunity to provide an off-street servicing arrangement on site. It is recommended that the applicant shall prepare a Service Management Plan, secured by planning condition, that will set out details of the scope for joint servicing arrangements using off street servicing from the applicant' other serviced apartment hotel site opposite at No 1 Buckle Street.
- 15.5 To conclude the Borough's Highway & Transportation Team have no objection to the scheme, subject to any consent being granted with planning condition or legal agreements to secure:
- Travel Plan for staff and hotel guests.
 - Commuted sum for additional formalised disabled bay and service bays, if subsequently considered necessary.
 - Details of design of the on-street secure cycle stands.
 - Construction Logistics Management Plan, with deliveries avoided at peak hours.
 - Service Management Plan with details of joint servicing arrangements using off street servicing from their partner serviced apartment hotel site at No 1 Buckle Street.

- Compliance condition that bins will not be left for any time on public highway.
- A S278 agreement is required.
- All cycle storage facilities are to be retained and maintained for their permitted use throughout the life of the development.
- A legal agreement that restrict operator from taking block bookings from travel operators using coach drop offs/collection.

16. Noise and Dust

- 16.1 A Noise and Vibration Impact Assessment has been submitted with the planning application. The assessment concludes that the demolition and construction will not result in adverse impacts to neighbours greater than those experienced from other major developments under construction or completed in the immediate vicinity.
- 16.2 The Council's Environmental Health Team have reviewed the documentation and are satisfied the development's impact in terms of control of noise, dust and vibration to neighbours and future occupants during demolition, construction and occupation phases, subject to the imposition of relevant planning conditions and the powers available to the Council under other legislative frameworks, should planning permission be granted, including construction management plan.

17.0 Contaminated Land

- 17.1 In accordance with the requirements of the NPPF and local plan policy DM30 of the MDD, the application has been accompanied by a land contamination assessment which assesses the likely contamination of the site.
- 17.2 The Council's Environmental Health Officer has reviewed the submitted assessment, and advises that subject to conditions to ensure that further site based assessments and appropriate mitigation measures are taken should contamination be found there are no objections to the scheme on grounds of contaminated land issues, subject to the appliance of an appropriately worded planning condition.

18. Flood Risk & Water Resources

- 18.1 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.
- 18.2 The site is located in Flood Zone 1 and therefore the main risk is from surface water run-off from the development. The site is already built upon and therefore subject to a planning condition to ensure the scheme incorporates SUDS and grey water recycling to reduce surface water discharge to 50% of existing rates in accordance with relevant policy and guidance and recycle water the proposed development complies with the NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 and DM13 of the Borough adopted Local Plan.

19 Energy and Sustainability

- 19.1 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.
- 19.2 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.
- 19.3 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.
- 19.4 The scheme includes a Combined Heat and Power Unit HP will achieve a BREEAM Excellent and as currently specified would achieve the 50% reduction in CO2 emissions in accordance with the London Plan and Local Plan.
- 19.5 To conclude the scheme complies with Chapter 5 of the London Plan and Policy DM29 of the MDD subject to the imposition of planning conditions to (i) secure BREEAM Excellent rating, (ii) to secure the draft energy strategy set out CO2 emissions and (iii) provision of energy saving measures including use of renewable energy technologies on-site.

20 Biodiversity

- 20.1 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.
- 20.2 An ecology report was submitted with the application. The Borough's Biodiversity Officer is of the view the application site is not of any significant biodiversity value and there will therefore be no significant adverse biodiversity impacts.
- 20.3 The Council's Biodiversity Officer is satisfied subject to the application of an appropriate landscape condition that will result in a net gain in biodiversity including biodiverse roof and provision for nesting boxes/spaces for swifts and possibly house martins.

21 Waste

- 21.1 Commercial waste would be collected on a daily basis through a private contractor. Given the constraints of the site refuse collection would be on-street. The Borough's Waste Management Team has reviewed the details of the scheme and is satisfied with the proposed waste storage and collection arrangements, subject to: preparation of a waste management plan detailing opportunities to co-ordinate servicing / waste collections with Lemn Locke level access to street;

provision of a dropped kerb; and an undertaking that the site's future facilities management team present the bins inside the doors before being returned immediately back to bin store after collection.

22 Microclimate

- 22.1 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 22.2 A wind assessment study was submitted with the scheme that involved the testing of the scheme with neighbouring consented schemes in a wind tunnel to model microclimate wind impacts. The study analysis indicated the scheme would not result in any areas on the site or in neighbouring locations being unsafe for people.
- 22.3 The localised wind impacts have been assessed against the Lawson Comfort Criteria for long periods of sitting, short periods of standing/sitting pedestrian transit and so forth in the worst month and summer. The analysis shows there will be no adverse impacts upon a series of tested locations in Buckle Street, Plough Street, or upon roof top podium amenity space with the Altitude development. Within the site boundaries of Aldgate Place development, upon Lemn Street and in the courtyard set between Altitude and No. 77-81 Alie Street there are a few isolated adverse impacts anticipated. However all these spaces are liable to remain both safe and comfortable for their intended use and provide at minimum conditions as suitable for leisure walking.
- 22.4 To conclude, the methodology and the findings of the wind study submitted are considered to not provide a cause for undue concern. Were the scheme granted planning consent a planning condition would be attached to undertake further analysis post occupation to test outcome of predicated wind conditions and address any unanticipated adverse outcomes.

23.0 Planning Obligations

- 23.1 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.
- 23.2 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Are fairly and reasonably related in scale and kind to the development.
- 23.3 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.
- 23.4 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

23.5 The current Planning Obligations SPD was adopted in 2016. The Borough's four main priorities are:

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

The Boroughs other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

23.5 The proposed heads of terms are:

23.6 Financial Obligations:

- a) A contribution of £13,296 towards employment, skills, training for construction job opportunities;
- b) A contribution of £6,476 towards employment, skills, training for end phase job opportunities;
- c) To set aside the Employment Training Pool Fund which shall be made available and publicised to all persons employed as part of the construction or end user phases of the Development – proposed as £30k which means a fund of thirty thousand pounds (£30,000.00) to be set aside and made available for persons employed as part of the construction or end user phases of the Development to provide financial support for such persons to gain a recognised diploma or higher qualification in hospitality management with such fund to be targeted at employees from within the Borough.
- d) Crossrail 'Top Up' of £73,483 (approximate figure after discounting payment of Mayor of London Community Infrastructure Levy (CIL) subject to indexation); and
- e) Monitoring fee £6,000 (£500 per s106 Head of Term)

Total: £129,255

23.7 Non-financial Obligations:

- a) Owner agreeing to a restriction on hotel/ serviced apartment (use class C3) operator taking block bookings from travel operators using coach drop offs/collection through use of Section 16 of the Greater London Council (General Powers) Act 1974.
- b) Owner agreeing to a commuted sum towards future provision of an on-street accessible parking and service bays through use of Section 16 of the Greater London Council (General Powers) Act 1974.
- d) Access to employment, involving:-
 - Reasonable endeavours to gain minimum 20% local procurement.
 - Reasonable endeavours to gain minimum 20% local labour in Construction.

- e) Provide a minimum of four (4) approved Apprenticeships/Traineeships for Local Residents during the construction phase and end-user phase of the Development.
- f) Discounted rents to the workspace for those living in the Borough. The % discount to be agreed.
- g) Use Reasonable Endeavours to ensure that all persons who take jobs in relation to the construction and end-user phases of the Development shall be given information in relation to the document titled SACO Mentoring Programme in the form annexed to this Schedule
- h) Use Reasonable Endeavours to ensure that all jobs in relation to the construction and end-user phases of the Development are recruited, offered and managed in accordance with the documents titled Social Compact with the London Borough of Tower Hamlets and LEAD SACO Personal Growth and Development Programme
- f) S278 agreement to address the surrounding highway.
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

23.8 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and Regulation 122 and 123 tests. Nonetheless, it needs to be emphasized that the applicant's commitment to utilise all reasonable endeavours to deliver the wider public realm vision does not and should not constitute a reason for the granting of planning permission.

24.0 Other Financial considerations

24.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in considering an determining application for planning permission the local planning authority must 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.

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

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

24.3 As regards Community Infrastructure Levy considerations, Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would be payable on this scheme. The approximate net Mayoral CIL contribution is estimated as £147,463.

25.4 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy" (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an

uplift of at least 500sqm). These are material planning considerations when determining planning applications or planning appeals. Prior to final adjustment for payment Mayor of London CIL (determined at time of CIL liability notice is issued on commencement of development) the Crossrail top up is £73,483.

24.5 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the uplift of floor space of the proposed development. The estimated chargeable Borough CIL contribution for this development is approximately £630,030

25 Human Rights

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

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

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

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

25.4 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.

25.5 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.

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

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

26. Equalities Considerations

26.1 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis will be required which is proportionate to proposed projects and their potential impacts.

26.2 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:

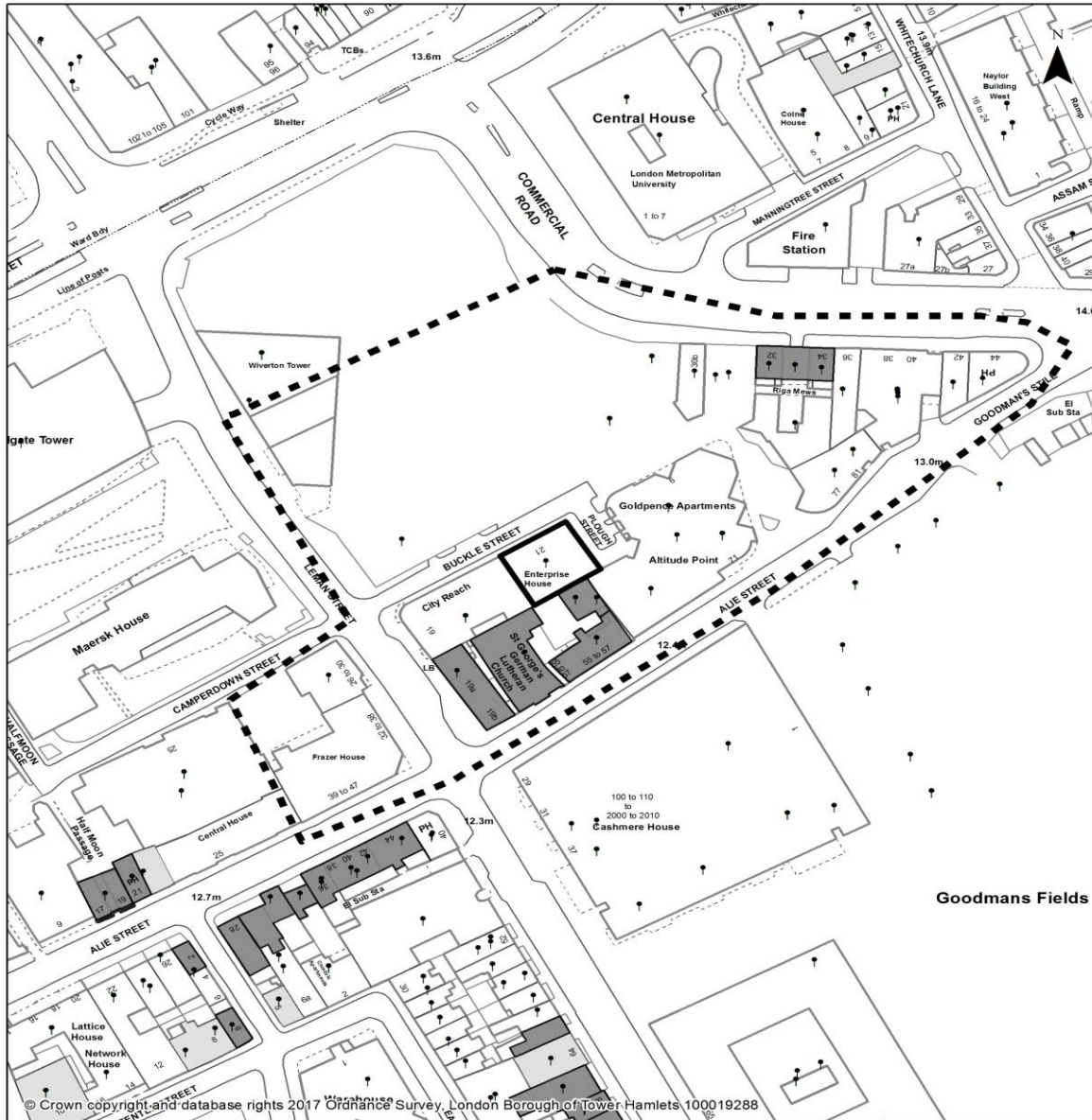
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share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

26.3 The workspace within the scheme lends itself for use by local start-up businesses with the opportunities and flexibility it provides in enabling people to take up the B1 space on a short term basis and an ability to rent as few as one individual desk space. This component of the scheme, taken alongside the requirement to use local labour and services during construction and at end phase, supports community wellbeing and social cohesion.

26.4 The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development

27 Conclusion

27.1. 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.



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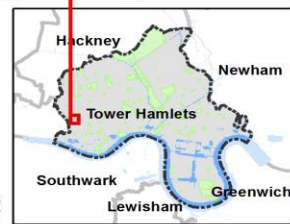
- Land Parcel
- Consultation
- Planning Application Site Boundary
- Statutory Listed Buildings
- Locally Listed Buildings

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

Planning Application Site Map PA/16/03552

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

TOWER HAMLETS
 GIS for Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 03/07/2017



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Agenda Item 5.2

Committee: Strategic Development	Date: 17 th August 2017	Classification: Unrestricted
Report of: Director of Place	Title: Applications for Planning Permission	
Case Officer: Brett McAllister	Ref No: PA/16/00943	
		Ward: Mile End

1.0 APPLICATION DETAILS

Location:	562 Mile End Road & 1a, 1b, 1c Burdett Road
Existing Use:	Vacant nightclub (sui generis) Existing nightclub (sui generis) 2 retail units (use class A1) Minicab office (sui generis)
Proposal:	Demolition of existing buildings and construction of a mixed use development comprising part 3-storey, part 8-storey and part 12-storey building, 46 residential units, up to 832sqm (GIA) flexible commercial floorspace (A1, A2, B1 and sui generis nightclub), landscaping, public realm improvements, access and servicing (including 1 disabled car parking space; 92 cycle parking spaces; and associated highway works) and other associated infrastructure.
Drawings:	953 PL 001, 953 PL 002, 953 PL 003, 953 PL 004, 953 PL 005, 953 PL 099 Rev. E 953 PL 100 Rev. F, 953 PL 100(b) Rev. C, 953 PL 101 Rev. D, 953 PL 102 Rev. E, 953 PL 103 Rev. D, 953 PL 104 Rev. D, 953 PL 105 Rev. D, 953 PL 106 Rev. D, 953 PL 107 Rev. D, 953 PL 108 Rev. D, 953 PL 109 Rev. D, 953 PL 110 Rev. D, 953 PL 111 Rev. D, 953 PL 115 Rev. D, 953 PL 200 Rev. C, 953 PL 201 Rev. E, 953 PL 202 Rev. D, 953 PL 203 Rev. C, 953 PL 300 Rev. D, 953 PL 301 Rev. D, 953 PL 302 Rev. C, 953 PL 303 Rev. D, 953 PL 310 Rev. B, 953 PL 311 Rev. B, 953 PL 312 Rev. B, 953 PL 313 Rev. B, 953 PL 314 Rev. B, 953 PL 400 Rev. B, 953 PL 401 Rev. A, 953 PL 402 Rev. A, 953 PL 403 Rev. A, 14.44.101 Rev. B, 14.44.102 Rev. A, 14.44.103 Rev., 14.44.104 Rev. A, 14.44.105 Rev. B, 14.44.106 Rev. C,

Documents:

- Fire Strategy and Material Specification
- Design & Access Statement by BUJ Architects
- Design & Access Addendum Note by BUJ Architects (Dec 2016)
- Design & Access Addendum Note II by BUJ Architects (March 2017)
- Daylight & Sunlight by GVA
- Daylight & Sunlight Addendum by GVA (Sept 2016)
- Daylight & Sunlight Addendum Statement by GVA (March 2016)
- Shadow Analysis Study (April 2017)
- Flood Risk Assessment by Walsh Group
- Transport Statement by Cole Easdon
- Technical Note by Cole Easdon (March 2017)
- Planning Statement by Signet Planning as updated by Letter by WYG dated 22 December 2016
- Heritage Statement, Townscape and Visual Impact Assessment by Stephen Levrant Heritage Architecture (March 2017)
- Air Quality Impact Assessment by Aecom
- Archaeological Desk Based Assessment by CGMS
- Environmental Noise Assessment by Sharps Redmore
- Geo-technical and Geo-environmental Interpretative Report – Rev. 3 by CGL
- Overheating Assessment Rev. C by BBS
- Retail Impact Assessment by RPS
- Statement of Community Engagement by Bestzone Ltd.
- Structural & Civil Engineering Stage C Report by Walsh Group
- Sustainability Report by FHP
- Viability Report by Gerald Eve LLP
- AVR/VVM Methodology Statement and Camera Record
- Wind Microclimate Study by BMT Fluid Mechanics
- Email from BMT Fluid Mechanics (March 2017)
- Spatial Planning and Overheating Report by FHP
- Planning Schedule of Accommodation by BUJ dated 27/07/2017

Applicant: Bestzone Ltd.

Ownership: Bestzone Ltd.

Historic Building: No listed buildings on site.

Conservation Area: Not in a conservation area but adjacent to Tredegar Square and Clinton Road conservation areas. Also near to Ropery Street conservation area.

2.0 EXECUTIVE SUMMARY

2.1 This report sets out revisions made to the planning application at 562 Mile End Road & 1a, 1b, 1c Burdett Road. This application was considered by the Strategic

Development Committee on two previous occasions, 16 February 2017 and 25 April 2017.

- 2.2 At the 16 February committee, members were minded not to accept officers' recommendation to grant planning permission for the erection of a building up to 15 storeys, proposing 52 residential units and commercial floorspace. The concerns raised by members included:
1. Height, bulk and massing and impact on townscape
 2. Density and overdevelopment of the site
 3. The servicing provision
 4. Loss of the community facility
 5. Design of the proposal
 6. Air Quality issues
- 2.3 Following committee, officers worked with the applicant and secured amendments to the planning application and sought to address the issues raised. The changes were presented to committee on 25th April and included the following:
1. The bulk and massing of the scheme was reduced by lowering the height of the 15-storey tower to 12-storeys with a reduced parapet and reduction of the northern shoulder element by a further storey.
 2. The material treatment of the 3-storey element using a red brick to match the 8-storey element to the southern half of the site to further break up the massing.
 3. The density of the scheme was reduced from 1,671hrph to 1,422hrph.
 4. The housing tenure mix was amended with the provision of 35% affordable housing by habitable room and a 66-34 split in favour of affordable rented units.
 5. The affordable rented units would be provided at 50% London Affordable Rent and 50% LBTH Living Rents in line with LB Tower Hamlets updated rental policy.
 6. Further information was provided with regards to the servicing arrangements which TfL support subject to appropriate conditions; daylight/sunlight/overshadowing impacts improved marginally; as did design and heritage and microclimate.
 7. Appropriate air quality mitigation measures would be subject to conditions.
- 2.4 At committee members were minded not to support officer recommendation for the same 6 reasons as at the February committee (listed above).
- 2.5 This report now considers an amended application that includes a basement nightclub. The full description of development is: demolition of existing buildings and construction of a mixed use development comprising part 3-storey, part 8-storey and part 12-storey building, 46 residential units, up to 832sqm (GIA) flexible commercial floorspace (A1, A2, B1 and sui generis nightclub), landscaping, public realm improvements, access and servicing (including 1 disabled car parking space; 92 cycle parking spaces; and associated highway works) and other associated infrastructure.
- 2.6 The amended drawings show a nightclub within the basement with an entrance at ground floor level on Wentworth Mews, similar to the existing arrangement. An access lift from ground floor level is also provided down to basement level. Within this layout option the basement and ground floor spaces have been re-organised slightly to account for the nightclub unit, with proposed commercial space, plant, refuse, energy centre and storage space re-arranged. Residents' cycle storage is relocated to ground floor level with a minor increase in the mezzanine level to the commercial

unit providing an additional 9.6sqm floor area to compensate for the changes at basement and ground level.

- 2.7 The existing nightclub serves a particular part of the gay community and can be considered to be of some public value, given sexual orientation is a protected characteristic under the Equalities Act 2010. The applicant has proposed a planning obligation to be secured in a Section 106 Agreement to provide first refusal to an operator that caters for the current specific use of the nightclub, within the basement of the new development, to re-provide the existing nightclub. Should the existing operator not come forward prior to occupation of the unit, a re-location strategy secured by a legal agreement is proposed, which would be in place to assist in finding another site for this unique club within Tower Hamlets.
- 2.8 As the description of development has materially changed, a new round of public consultation has been undertaken and the application is being reported to committee in full.
- 2.9 In terms of other matters, the development would result in the provision of 35% affordable housing by habitable room (8 affordable rented units and 4 intermediate units).
- 2.10 The residential quality of the scheme would be high. Out of the 8 affordable rented units 38% would be of a size suitable for families (3 bed+ units). All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements. All of the dwellings would meet the Lifetime Homes equivalent standards and 4 units would be provided as wheelchair accessible.
- 2.11 The report acknowledges that the height of the building would be taller than those in the surrounding area. Through the staggered massing and robust materials used in the design it is considered that the proposal would relate well with the local area. The reduction in the height of the proposal to 12 storeys, ensures the building relates better with adjacent properties whilst continuing to ensure the building achieves its designed aim of providing a landmark for a revitalised Mile End town centre that would deliver good quality homes and commercial space at this large junction and transport hub.
- 2.12 Officers consider that any adverse heritage impacts are minor and are less than substantial, and the impact from the earlier scheme has been reduced further still by the reduction in height.
- 2.13 There would be some localised amenity impacts from the development but overall the impacts would be acceptable. Officers consider that the design and massing of the development would minimise any adverse amenity implications.
- 2.14 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.15 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

2.16 The officer recommendation is to grant planning permission. However, given the context of the previous committee decisions and to expedite the decision making process, if the committee are minded not to accept the recommendation a list of reasons for refusal, that reflect the committees previous position at the meeting on 25 April 2017 is set out in Appendix 2.

3.0 RECOMMENDATION

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

Financial Obligations:

- a) A contribution of **£18,696** towards employment, skills, training for the construction phase
- b) A contribution of **£21,850.95** towards employment, skills, training for the end user phase
- c) A contribution of **£12,780** towards Carbon Off-Setting.
- d) Commuted sum to meet the full costs of securing an accessible car parking space on Eric Street should there be demand
- e) **£4,000** monitoring fee (£500 per individual S.106 Heads of Terms)

Total £57,326.95

3.5 Non-financial Obligations:

- a) Affordable housing 35% by habitable room (12 units)
 - 66% Affordable Rent at Borough affordable rental levels (8 units)
 - 34% Intermediate Shared Ownership (4 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
 - 20% Local Labour in End User Phase
 - 6 Apprenticeships
- c) Car-permit free agreement;
- d) Securing and delivering accessible public realm;
- e) Option agreement for an operator catering for the specific existing nightclub use to take basement unit, with an obligation to ensure the existing operator is consulted;
- f) Re-provision strategy for existing nightclub including financial assistance up to **£10,000**, if the existing nightclub operator decides not to take the unit when consulted under obligation 'e' above.
- g) Any other planning obligation(s) considered necessary by the Corporate Director of Place

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

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

3.6 Conditions:

1. Three year time limit
2. Compliance with approved plans and documents;
3. All lifts operational prior to occupation of the relevant part of the development;
4. Approval of all external facing materials including brickwork, render, cladding, window reveals, frames and screening, doors and canopies, guttering, post boxes, soffits and all rooftop structures, including flues and satellite dishes;
5. Approval of details for all hard and soft landscaping, boundary treatment and child playspace;
6. Approval of details of the wheelchair housing specification/standards;
7. Approval of details of all Secure by Design measures (Part 2 Secure by Design Accreditation in consultation with Metropolitan Police);
8. Details of biodiversity enhancements including details of green roofs;
9. Detailed specification, tilt angle and location of photovoltaic panels;
10. Drainage Strategy (including SUDs);
11. Hours of construction and demolition;
12. Demolition and Construction Management/Logistics Plan;
13. Delivery, Refuse and Servicing Management Plan in consultation with TfL;
14. Travel Plan including Trip Generation Forecast;
15. Scheme of ground contamination investigation and remediation;
16. Details of cycle storage;
17. Details of noise and vibration mitigation measures to prevent noise transmission from the nightclub to occupiers of the building or surrounding premises;
18. Post completion, prior to occupation, testing in relation to noise and vibration
19. Control of hours of operation for the nightclub;
20. Customer dispersal management strategy for the night club;
21. Details of air quality mitigation measures;
22. Details of piling, all below ground works and mitigation of ground borne noise (Design and method statement in consultation with London Underground);
23. Scheme of highway improvement works;
24. The accessible parking bay shall only be made available to a resident in possession of a blue badge and should be retained and maintained for the life of the development.
25. No cranes shall be erected on the site unless construction methodology and details of the use of cranes in relation to location, maximum operating height of crane and start/finish dates during the development has been submitted to London City Airport for approval;
26. Updated Energy & Sustainability Strategy;
27. Final energy calculations to show how the scheme has delivered the stated carbon emission reductions;

3.7 Informatives:

1. Subject to a S106 agreement;
2. Standard Thames Water informatives;
3. Contact London Underground Infrastructure Protection;
4. Liable for CIL payments.

3.8 Any other conditions or informatives considered necessary by the Committee or the Director of Place.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

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



Figure 1 - Existing Site

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

Planning History and Project Background

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

Proposal

- 4.11. Full planning permission is sought for demolition of existing buildings and erection of a mixed use development comprising part 3 storey, part 8 storey and part 12 storey building to provide 46 residential units (9 x studio, 17 x 1 bed, 15 x 2 bed, 5 x 3 bed) landscaping, public realm improvements, access and servicing (including 1 on-site disabled car parking space; 99 cycle parking spaces; and associated highway works) and other associated infrastructure. Across the ground and some of the first floor would be 779sqm of commercial space (Use Classes A1, A2 and B1). This would be

provided across 4 units at a range of sizes including 242.8sqm, 220.1sqm, 192.6sqm and 84.6sqm.

- 4.12. There would be 2 cores with equal sized entrances on Burdett Road. Core A would serve the affordable rented units on floors 1, 2 and 5 in addition to the 5th floor communal roof terrace. Core B would serve the intermediate units (2nd and 3rd floors) and the market units on all other floors (3-11) including the basement for access to refuse and cycle stores for this core. The refuse and cycle stores for core A would be on the ground floor.
- 4.13. The building's massing would be 3 storeys where it meets Mile End Road in a slightly separate element which addresses the street corner and the existing scale on Mile End Road. The central section of the building would rise to a total of 12 storeys stepping down to an 8 storey element at the south of the site. The scheme will be based on a simple palette of high-quality traditional materials.
- 4.14. The previous proposal can be seen in the CGI to the left and the current proposal can be seen to the right. It can be seen that the central taller element has been significantly reduced in height and massing with the reduction of 3 storeys and the shoulder element has been reduced by a further storey. The height of the parapet has also been reduced. The 3 storey element would be in red brick to match the 8 storey element to the south of the site to break up the massing.



Figure 2 - Comparison CGI View from Grove Road South - Original (left) and submitted (right)

- 4.15. The proposed development would be car-free. One on-site disabled parking space is proposed on Wentworth Mews and another on-street parking space would be allocated on Eric Street, which would be converted to accessible should there be demand.

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy

National Planning Policy Framework 2012

5.3 London Plan FALP 2016

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 3.1 - Ensuring equal life chances for all
- 3.2 - Improving health and addressing health inequalities
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people's play and informal recreation facilities
- 3.7 - Large residential developments
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.13 - Affordable housing thresholds
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.5 - Decentralised energy networks
- 5.6 - Decentralised energy in development proposals
- 5.7 - Renewable energy
- 5.8 - Innovative energy technologies
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting local open space and addressing local deficiency
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

5.4 Core Strategy 2010

- SP01 - Refocusing on our town centres
- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP06 - Delivering successful employment hubs
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking
- SP13 - Planning Obligations

5.5 Managing Development Document 2013

- DM0 - Delivering Sustainable Development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM8 - Community infrastructure
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing Waste
- DM15 - Local job creation and investment
- DM20 - Supporting a sustainable transport network
- DM21 - Sustainable transportation of freight
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place sensitive design
- DM25 - Amenity
- DM26 - Building Heights
- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

5.6 Supplementary Planning Guidance/Documents and Other Documents

Mayor of London

- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Sustainable Design and Construction (2013)
- All London Green Grid (2012)
- Housing (2016)
- Culture and the Night Time Economy draft for public consultation April 2017

Other

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

5.7 Tower Hamlets Community Plan objectives

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

6.0 CONSULTATION RESPONSE

6.1 The views of the Directorate of 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:

External Consultees

6.3 London Underground Infrastructure Protection (LUIP)

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

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

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

6.6 Officer comment: The applicant has advised they are in dialogue with the London Underground Infrastructure Protection. It is also considered the grounds for objection or more on civil matters pertaining to the lease agreement. This is outside of the planning process and the grant of planning permission will not affect this process.

Transport for London

6.7 April 2017: Confirm that they are satisfied with the loading bay proposals on the condition that a Delivery and Servicing Plan demonstrates that loading can be accommodated within the loading bay restrictions that currently exist. TfL expect to be consulted on the Delivery and Servicing Plan by the Council.

6.8 As a car free development that has excellent public transport links and that is well connected by cycle, we expect the majority of trips to the site to be non-car. This is welcome. Trip generation forecast is requested (Officer Note: this will be secured by condition).

Thames Water (TW)

6.9 No objections. Conditions and/or informatives are requested relating to the provision of a piling method statement, public sewers crossing or close to the development, surface water drainage, impact studies on of the existing water supply infrastructure,

development near to and future access to large water mains adjacent to the proposed development.

Greater London Authority

6.10 The Deputy Mayor considered the application at Stage 1 on 5th July 2016. The Council was informed that the application broadly conforms with the London Plan but does not fully comply. Possible amendments could address the following:

- **Principle of development** - The principle of a residential-led mixed use development is strongly supported in strategic planning terms.
- **Housing** - comments were made on the basis of incorrect information. An increase in the proportion of affordable housing and policy compliant housing mix is generally sought.
- **Residential standards** - All dwellings comply with minimum space standards, 'lifetime homes' and 10% of units would be wheelchair accessible which is supported in principle. It is advised that a condition securing standards M4(2) and M4(3) of the Building Regulations should be imposed.
Child play space provision would address the needs of under 5s. The Council is encouraged to consider seeking an additional open space contribution for Mile End Park to mitigate the scheme's reliance on it for older children's play space.
The scheme would exceed the London Plan density matrix which is acceptable in the context of its central location and accessibility.
- **Urban design** – although not designated heritage assets the loss of the existing buildings are of some value in townscape terms but the submitted heritage statement is considered to justify the loss citing the wider benefits of the scheme.
- **Tall building** appropriateness. Although visible from various conservation areas the proposal would provide an appropriate response in townscape terms.
On ground floor there should be no sizing disparity between the entrances and lobbies for the private and affordable units, maximising active frontages to Burdett Road and allowing cycle storage areas to be accessed from within the building.
- **Inclusive access** – The provision of only one on-site disabled car parking space does not accord with Housing SPG standards. Applicant should identify appropriate on-street provision.
- **Sustainable development** – a number of detailed clarifications are sought with respect to efficiency standards and district networking.
The Council is encouraged to secure detailed approval of the various climate change adaptation measures via condition.
- **Transport** – Swept path analysis is sought to demonstrate that larger vehicles can access the blue badge space.
Applicant should identify more on-street disabled parking spaces.
Transport Statement should be updated to reflect current street conditions.
Trip generation assessment should be based on a larger site sample size.
The applicant should also disaggregate by mode.
The scheme meets cycle parking standards but more spaces are encouraged owing to the proximity of the scheme to new cycling infrastructure.
Location and design of 3 commercial visitor spaces should be confirmed.
Confirmation of whether the visitor spaces are for the residential or commercial elements of the development is requested.

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

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

Travel Plan should be submitted.

London Fire

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

London City Airport

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

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

Internal Consultees

Environmental Health – Contamination

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

Environmental Health - Noise and Vibration

- 6.16 No comments received.

Air Quality

- 6.17 The air quality assessment shows that the development is located in a highly polluted area. The results show that the NO₂ annual objective will be exceeded at the site up to the 4th floor.
- 6.18 (Officer note: as such mitigation measures will be conditioned to be provided to all facades and floors where the objective is reported to be exceeded.)
- 6.19 Balconies should be avoided looking over Burdett Road and Mile End Road on the lower floors to reduce residential exposure to and mitigate against the high pollution levels.
- 6.20 (Officer note: an area outdoor private amenity space has been prioritised for the lower units but winter gardens are a possible alternative should there be concern in this regard)

6.21 The applicant has provided revised details confirming the CHP plant has a NOx emission rate of 52 mg/Nm³ which is within GLA emission limits.)

7.0 LOCAL REPRESENTATION

Statutory Consultees

7.1 Consultation for the proposal was carried out when the application was first submitted in May 2016, January 2017 and July 2017 following respective amendments to the scheme.

7.2 Letters were sent to occupiers of neighbouring properties, a total of 1,095 in all, 3 site notices were displayed outside the application site, and a press advert was published in a local newspaper.

7.3 Following re-consultation in July 2017, based on the current proposal, the Council received 14 additional responses, of which 2 previously objected and 2 is in support.

7.4 Current Scheme

No of individual responses:	Objecting: 18 Supporting: 1
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No of petitions received:	0
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7.5 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Objections

Design

Inappropriate scale
Impact on views from Rhonda Grove

Housing

Density outside of guidelines

Amenity

Noise from nightclub
Anti-social behaviour/crime from nightclub
Accuracy of the shadow analysis,
Fire safety
Air quality
Wind speeds
Air quality

Highways

Lack of parking
One loading bay insufficient
Inappropriate development over underground line

Support

Design

Residential/commercial development on this site welcome

Highways

Too few on-site car parking places, increase in parking stress in the area
Increase in public transport demand and overcrowding of Mile End underground station

Access and servicing provision is inadequate

Too many cycle parking spaces for residents

Other

Lack of community benefits

Increased demand for local services

Insufficient play space

8.0 MATERIAL PLANNING CONSIDERATIONS

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

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

Land Use

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

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

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

8.4 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.

8.5 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.

- 8.6 The site is within the Mile End neighbourhood centre and the place of Mile End as set out in the Core Strategy SP12 Annex which seeks to create a lively and well-connected place with a vibrant town centre complemented by the natural qualities offered by the local open spaces.

Principle of residential use

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

Loss of Nightclubs

- 8.10 Previously it was proposed to remove the vacant nightclub and an existing nightclub from the site to make way for the development and re-provide the existing nightclub elsewhere in the borough.
- 8.11 With regards the loss of the larger vacant nightclub, "Boheme", this establishment was stripped of its license in 2011 following a murder at the club and has not been used since. It is considered that re-provision of this club is unviable and the use of the site for the proposed residential led mixed-use scheme is the optimal use of the site.
- 8.12 The existing nightclub to the rear of the site: "The Backstreet" with entrance on Wentworth Mews is a gay nightclub. The nightclub operates a strict dress code specialising in leather and rubber. The website states that it has been running for 32 years, that the club has a large international membership of more than 6,000 members and is unique in Britain for its strict dress code. A number of representations received attest to the fact that it is an important and renowned LGBT+ venue, both within London and further afield.
- 8.13 The Draft Culture and Night Time Economy SPD, attempts to stem the loss of London's cultural and night time infrastructure. In terms of LGBT+ venues there has been a fall of 58% within the last decade. The SPD states that "facilities that meet the needs of particular groups (for example, the LGBT+ community) should be protected. The loss of these facilities should be resisted." It goes on to say:
- 8.14 "Planning decisions should guard against the unnecessary loss of valued social, recreational and cultural facilities and services. They should ensure that such facilities are able to develop and modernise and are retained for the benefit of the community."

- 8.15 Policy 3.1 of the London Plan states that development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Proposals involving loss of these facilities without adequate justification or provision for replacement should be resisted. The supporting text links the policy to the statutory duties under the Equalities Act 2010 which identifies sexual orientation as a protected characteristic.
- 8.16 Policy DM8 of the Managing Development Document states that health, leisure and social and community facilities will be protected where they meet an identified local need and the buildings are considered suitable for their use.
- 8.17 The policy does not provide an exhaustive list of what constitutes community infrastructure, instead the policy lists the types of facilities that can be included.
- 8.18 It is considered that the nightclub could be considered as community infrastructure for the purpose of the aforementioned policies, being a meeting place and a social & leisure facility for a certain section of the LGBT+ community. From neighbour representations the impression is that it meets a local need in addition to serving a much wider catchment.
- 8.19 The current location of the backstreet is within an appropriate town centre location and the use has existed in the area with no noise or licensing complaints received by the Council.
- 8.20 Previously re-provision on site within the basement was dismissed due to the belief that there was not sufficient space in addition to the space for plants, refuse and bike storage required for the rest of the building. By moving the cycle parking for the intermediate/private units out of the basement and to the void area to the east of the building on the ground floor and using the basement space connected to commercial unit 2 the applicant has been able to rearrange the basement to provide a 233sqm space to re-provide the Backstreet nightclub. This space should actually allow the nightclub to expand its capacity, from 150 to 200 people, allowing this valued social and recreational facility to expand.
- 8.21 With commercial units above on ground floor that would be constructed with solid concrete floors providing a buffer; it is considered that the nightclub would be able to operate with minimal amenity impacts on the future residents of the development. The proposed smoking area on Wentworth Mews would be similarly located to the existing. The level of comings and goings would increase with any increase in capacity. This is considered acceptable within this relatively busy town centre located around a large junction.
- 8.22 The residential scheme that would essentially be built above the existing nightclub is what the Draft SPD terms the 'agent of change'. The onus is therefore on the developer to remove the prospect of neighbour complaints coming from residents of the future development. Sensitivity from this development should be managed with appropriate acoustic, vibration and sound insulation treatments which will be conditioned.
- 8.23 The re-provision offered by the applicant is bespoke to this operator prior to occupation. The club will be provided for the Backstreet only. Following occupation by the existing operator, if it folds or moves the use will be retained as a nightclub generally.

- 8.24 In the event the existing nightclub operator decides they do not wish stay at the location whether it is prior to occupation, or if at a point in time, or after the commencement of the superstructure works or where the redevelopment is taking longer than 18 months for completion of the development's shell, then the applicant has committed to working with the present night club operator to help relocate the nightclub to suitable premises within the borough.
- 8.25 The relocation strategy would be included in the S106 Heads of Terms. As part of the relocation strategy the applicant would contribute towards the operator's relocation costs such as estate agent and legal fees (up to a cap of £10,000.00 exclusive of VAT). In such a case the scheme would revert back to that which was seen by members at the April committee.

Re-provision of commercial space

- 8.26 In addition to the nightclub, the scheme would also remove three existing commercial units on Burdett Road, however, in terms of the proposed non-residential uses at the site, the scheme would provide a night club at basement level measuring 240sqm, 467.6 sqm gross internal area for retail (use class A1), financial and professional (A2) and business (B1) floorspace across 5 units. Concern was raised in a representation received that the commercial floorspace would remain vacant. In order to allow flexibility for market conditions to ensure occupation the total commercial space could either be used in combination of these use classes or one of the use classes could be used for all of the commercial units.
- 8.27 Regarding the proposed commercial uses, a re-provision of high quality floorspace and range of units within the designated Mile End neighbourhood centre is supported in accordance with the SP01 (4a) of the Core Strategy which looks to direct additional retail and business uses to town centres.
- 8.28 In terms of employment floorspace, the site is within a local office location. Policy DM16 of the MDD states that the redevelopment of Local Office Locations (LOLs) to include residential uses will be supported if the existing office floor space is re-provided on-site and where it provides separate access and servicing for commercial uses and residential uses, ensures the provision of residential uses does not jeopardise the function and viability of the office uses, provides high quality flexible working space which is usable and provides a range of flexible units including units less than 250 square metres and less than 100 square metres to meet the needs of Small and Medium Enterprise (SMEs). The four units proposed would comply with this policy providing a range of unit sizes at 242.8sqm, 220.1sqm, 192.6sqm and 84.6sqm.

Housing

- 8.29 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.
- 8.30 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally.

Residential density

- 8.31 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.
- 8.32 Guidance on the implementation of London Plan Policy 3.4 is provided by the Mayor's 'Housing' SPG 2016. 'Optimisation' is defined as 'developing land to the fullest amount consistent with all relevant planning objectives.' (Para. 1.3.1).
- 8.33 The SPG states further that '*It is essential, when coming to a view on the appropriate density for a development, that proper weight is given to the range of relevant qualitative concerns*' (Paragraph 1.3.9) and that '*Conversely, greater weight should not be given to local context over location or public transport accessibility unless this can be clearly and robustly justified. It usually results in densities which do not reflect scope for more sustainable forms of development which take best advantage of good public transport accessibility in a particular location.*' (Paragraph 1.3.10).
- 8.34 The density ranges should be considered a starting point not an absolute rule when determining the optimum housing potential. London's housing requirements necessitate residential densities to be optimised in appropriate locations with good public transport access. Consequently, the London Plan recognises the particular scope for higher density residential and mixed use development in town centres, opportunity areas and intensification areas, surplus industrial land and other large sites. The SPG provides general and geographically specific guidance on the exceptional circumstances where the density ranges may be exceeded.
- 8.35 SPG Design Standard 6 requires development proposals to demonstrate how the density of residential accommodation satisfies London Plan policy relating to public transport access levels and the accessibility of local amenities and services, and is appropriate to the location.
- 8.36 Schemes which exceed the ranges in the matrix must be of a high design quality and tested against the following eight considerations:
- *local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;*
 - *the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;*
 - *the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with housing quality standards;*
 - *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, 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 including opportunity areas.*

- 8.37 As stated earlier in this report, the site has an excellent public transport accessibility level (PTAL) of 6b, the very highest level. The London Plan defines “Urban” areas as those with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes. The site and surrounding area has a character that fits this definition of an “Urban” area given in the London Plan.
- 8.38 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics and transport accessibility of 200 to 700 habitable rooms per hectare (hrph) and with an average of just over 3 habitable rooms per unit: 70 to 260 units/hectare (uph).
- 8.39 The proposed density has been reduced from 1,671hbph from the scheme as was submitted to 1,465hrph. This is just over double the upper end of the density ranges set out in this table, for both habitable rooms per hectare and unit’s pre hectare and as such particular care has been taken to ensure that this density can be appropriately accommodated on site.
- 8.40 The Housing SPG (2016) states that “in appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed.” Schemes that exceed the density matrix must be of a high quality design and should be tested against the following considerations:
- the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;
 - the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;
 - the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with the housing quality standards set out in Part 2 of this S PG;
 - a scheme’s overall contribution to local ‘place making’, including where appropriate the need for ‘place shielding’;
 - depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;
 - the residential mix and dwelling types proposed in a scheme, taking into account factors such as children’s play space provision, school capacity and location;
 - the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and
 - Whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (e.g. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).
- 8.41 The following report will go on to demonstrate that the scheme, on balance, meets the above criteria. Officers have sought to weigh up the proposal’s impacts against

the benefits of the scheme and in particular the significant provision of housing in a highly sustainable location.

Affordable housing

- 8.42 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.
- 8.43 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.44 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.45 The scheme that was originally submitted in April 2016 offered a total of 15 of the 52 residential units to be provided as affordable units, which represented a total on-site provision of 35% affordable housing based on habitable rooms. However the tenure split was 40% affordable rent to 60% intermediate which failed to comply with the LBTH policy of 70% affordable rent to 30% intermediate. Following negotiations a revised tenure split was put forward in January 2017 of 69.6% affordable rented and 39.4% intermediate which closely aligned with policy. This was presented at Strategic Committee in February.
- 8.46 Following the decision by committee to reject the application in February the height and massing of the building has been reduced which has put increased pressure on the housing offer.
- 8.47 The current scheme would provide 46 units (35% affordable) in the following mix, the figure in the brackets represents the change from the earlier scheme:

	Units	% Units	Hab Rooms	% Hab Rooms
Affordable Rent	8 (-2)	17%	25 (-7)	23%
Intermediate	4 (-1)	9%	13 (-1)	12%
Total Affordable	12 (-3)	26%	38 (-8)	35%
Market Sale	34 (-3)	74%	70 (-12)	65% (at a tenure split of 66:34 Rented: Intermediate)
TOTAL	46 (-6)	100%	108 (-20)	100%

Table 1 - Affordable Housing Mix

8.48 The proposed delivery of 35% affordable housing meets the Council's minimum policy target. The tenure split within the affordable housing however moves from the preferred 70:30 to 66:34 affordable rented to intermediate. The housing offer has been independently scrutinised by viability consultants appointed by the Council who consider that what is offered is the maximum reasonable amount of affordable housing that can be provided whilst ensuring the scheme remains viable. The profit margin for the applicant has been reduced in order to achieve policy targets.

8.49 The affordable rented accommodation would be provided at 50% London Affordable Rent and 50% LBTH Living Rents based upon LB Tower Hamlets most up-to-date rental policy.

8.50 The affordable rent levels are:

2017-18 Borough wide figs.	1 bed	2 bed	3 bed	4 bed
London Affordable Rent (excl. service charge)	144.26	152.73	161.22	169.70
TH Living Rent (inc. service charge)	202.85	223.14	243.42	263.71

Table 2 - Rent Levels

8.51 The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.

8.52 Overall, the provision of affordable housing has been maximised, the proposal meets policy targets and the overall tenure mix on site would assist in creation of a mixed and balanced community.

Dwelling mix

8.53 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.

8.54 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.

8.55 Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes.

8.56 The proposed dwelling mix for the revised scheme is set out in the table below:

		affordable housing						market housing		
		Affordable rented			intermediate			private sale		
Unit size	Total units	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	9	0	0	0%	0	0	0%	9	26	0%
1 bed	17	2	25	30%	0	0	25%	15	44	50.00%
2 bed	15	3	38	25%	3	75	50%	9	26	30.00%
3 bed	5	3	38	30%	1	25	25%	1	3	20%
4 bed+	0	0	0	15%	0	0		0	0	
Total	46	8	100%	100%	4	100%	100%	34	100%	100%

Table 3 - Dwelling Mix

8.57 In terms of affordable Rented Housing:- there are 25% one beds against a policy target of 30%, 38% two beds against a 25% target, a 38% provision of three beds against a 30% target and no provision of 4 beds or larger for which there is a 15% target. It can be seen that there is an under provision of rented family sized units (3 beds and larger), at 38% it falls slightly below the Council's 45% requirement. It is appreciated that as the total rented only equates to 8 units, the percentage within the tenure mix is easily skewed.

8.58 In terms of intermediate/shared ownership: - there are no one beds against a policy target of 25%, 75% two beds against a target of 50% and 25% provision of three beds against a target of 25% for three beds or larger. The intermediate mix provides more 2 bed units at the expense of 1 bed units but meets the target for 3 bed units. Again the small amount of units means the percentages are skewed.

8.59 It can therefore be seen that within the affordable rented and intermediate tenures of the proposed development the dwelling mix generally accords with the policy targets.

8.60 Within the private element of the scheme 26% are studio units against no policy target, 44% of one beds are provided against a policy requirement of 50%, 26% of two bed units against our policy requirement of 30%, 3% of three bed units are provided against a policy requirement of 20%.

8.61 Within the private element of the scheme it can be seen that there is a very slight under-provision of 1 and 2 bed flats. A large percentage of studio units and an under provision of 3 bedroom units skews the percentages away from the policy targets for these sizes of units. Family units are considered less appropriate on the upper floors of this tower development which is considered to be a mitigating factor in the mix. This mix also has been designed to maximise the viability of the scheme and therefore allowed it to provide more affordable housing. It is considered that although there is this divergence from the policy targets, having generally accorded with policy

in the other tenures including providing 38% of affordable units as family-sized, it is considered that the housing mix is acceptable.

Standard of residential accommodation

- 8.62 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.”
- 8.63 All of the proposed units would meet or exceed the baseline internal floorspace standard. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements.
- 8.64 The large majority of the proposed units would be at least double aspect and none of the units that would be single aspect would be north facing. These would either be oriented west or south.
- 8.65 It is considered that the proposal would meet and exceed the relevant design standards and would represent an exemplary standard of living accommodation and amenity to the future occupiers of the scheme.

Safety and security

- 8.66 The site has been design to high security standards. The proposed entrances on Burdett Road and fenestration to the ground floor would result in a high proportion of active frontage. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security.
- 8.67 A condition would be attached to the permission for secure by design standards to be secured.

Inclusive Access

- 8.68 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.
- 8.69 Four wheelchair accessible homes are proposed which amounts to 9% of the total units. These would be spread across all tenures with 1 unit to be located within the affordable rented tenure, 1 within the intermediate tenure and 2 within the private tenure.
- 8.70 The rented unit will be “wheelchair accessible” as opposed to “adaptable”. This 3 bed wheelchair unit for rent will also benefit from a large private amenity space by way of a 57.5sqm terrace.
- 8.71 The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. One disabled accessible parking space would be provided on Wentworth Mews while one space would be allocated to be converted to accessible spaces should there be demand within the scheme.

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

Private, Communal and Child Play Space

- 8.73 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.
- 8.74 All of the proposed units would have a private balcony or terrace that is at least 1500mm wide and would meet the minimum space standards set out in the MDD. These would all have level access from the main living space.
- 8.75 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a total of 86sqm of communal amenity space is required across the development.
- 8.76 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated child play space within new residential developments. The Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' sets a benchmark of 10sqm of useable child play space per child. The GLA child yield calculator is used to project the number of children for the new development. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within short walking distances. The proposed scheme is anticipated to accommodate 12 children using the GLA yield calculator, translating to a policy requirement of 120sqm.
- 8.77 The combined total space across the scheme to meet the policy requirement for communal and child play space would therefore be 206sqm. Two communal terraces would be provided, one on the 5th floor (119sqm) and one on the 8th floor (130sqm) that would combine to provide 249sqm. As such the scheme overall would exceed the policy requirement by 43sqm.
- 8.78 However, the 5th floor terrace would be exclusively for the affordable rented units and the 8th floor terrace would be shared between the intermediate and market units. As such it is considered appropriate to calculate the policy requirement for space separately according to the tenures and mix of the units that will be using each terrace.
- 8.79 To take communal space first, the 5th floor terrace would serve 25 habitable rooms (23%) and the 8th floor terrace would serve 83 habitable rooms (77%). By dividing the overall policy requirement of 86sqm proportionately by habitable room the 5th floor terrace should provide 20sqm and 8th floor terrace should provide 66sqm.
- 8.80 In terms of child play space the 5th floor terrace would serve affordable rented units that have a much higher child yield than intermediate and market units.

	GLA Child Yield		Proposed within scheme
Under 5	4	40sqm	99sqm
5-11 year olds	3	30sqm	
12+	2	20sqm	0sqm
Total	9	90sqm	99sqm
Excess in play space			9sqm

Table 4 - Child Play Space - 5th Floor Terrace

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

Table 5 - Child Play Space - 8th Floor Terrace

- 8.81 To meet policy the 5th floor terrace should provide 20sqm communal amenity space and 90sqm child play space, a total of 110sqm. At a total 119sqm the terrace exceeds this by 9sqm. 20sqm would be provided for communal amenity space, meeting the policy target and 99sqm would be provided for play space exceeding the policy target by 9sqm.
- 8.82 The 5th floor terrace would include 2m high timber trellis verticals that would match building cladding to define the space; play equipment such as play panel, climbing frame/slide and soft spheres; wetpour safety surfacing; benches, decking and planting around the edge of the space and in the undercroft area.
- 8.83 There would be an excess provision of playspace in both parts of amenity areas. The 20sqm requirement for older playspace is considered too small to create a genuinely useable space for older children. As such it is envisaged that this excess space would be used for younger children and older children would be able to use Mile End Park, a high quality and large open space that is less than 30m from the site. London Mayor's Play and Informal Recreation SPG sees 800m as an acceptable distance for young people over the age of 12 to walk for recreation.
- 8.84 The 8th floor terrace should provide 66sqm of communal amenity space and 30sqm of child play space, a total of 96sqm. At a total of 130sqm this terrace exceeds policy by 34sqm. The space would be divided as 35sqm of child play space, exceeding the policy by 5sqm and the remaining 95sqm would be communal amenity space, exceeding policy by 29sqm.
- 8.85 The 8th floor terrace would include a contemporary pergola providing a framework for climbing plants, evergreen planting in contemporary planters, hardwood benches on top of low retaining walls to the edges of the space, slate paving, decking and wetpour safety surfacing. There would also be two play structures provided.
- 8.86 The proposed landscaping is considered to be well thought out and would be of a high quality. Overall, the proposed provision of private, communal and play space

would make a significant contribution to the creation of a sustainable, family friendly environment. It is considered that the proposal would provide an acceptable play environment for children.

Design

- 8.87 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.88 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.
- 8.89 Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 8.90 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and sensitive to the context of its surroundings. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.91 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.
- 8.92 Responding to members concerns at the February 2017 Strategic Development committee the height and massing of the building has since been reduced. The building has come down from 15 to 12 storeys and the shoulder element on the north side of the building has been reduced by a storey. In addition to the overall lowering of the massing by three storeys, the roof level parapet has been reduced to a standard safety barrier height. The three-storey element would also be finished in red brick rather than Mystique.
- 8.93 The 12 storey height of the building has been considered by Officers and a balanced view has been arrived at taking into account the clear planning gains of the development.
- 8.94 Policies on tall buildings within the London Plan (7.7) and the Local Plan (SP10 of the CS, DM26 of the MDD) have been thoroughly assessed in relation to the scheme.
- 8.95 Given the level of housing and employment growth in Tower Hamlets there is pressure for tall buildings across the borough. DM26 of the MDD provides the basis to manage this pressure by considering tall buildings within the wider Core Strategy

objective of refocusing on our town centres and providing detailed criteria to ensure all tall buildings are designed to the highest standards with any negative impacts appropriately mitigated.

Mile End Town Centre

- 8.96 The site is within a designated town centre, Mile End, where larger commercial and residential development that takes advantage of higher accessibility is sought to be focused. Policy DM26 states that proposals for tall buildings will be required to be of a height and scale that is proportionate to their location within the town centre hierarchy.
- 8.97 Within the town centre hierarchy Mile End is designated as a neighbourhood centre. Neighbourhood centres would tend to have a lower tolerance for tall buildings than the three higher types of town centre. However, the specific characteristics of the site and Mile End neighbourhood centre are considered to offer the site opportunities that allow greater flexibility for the scale of development than that which would usually be appropriate in a neighbourhood centre.
- 8.98 The Mile End neighbourhood centre is a transport hub. The site is located at a prominent corner of the two major roads, Mile End Road and Burdett Road that the Mile End neighbourhood centre is focused around. Mile End Road has recently been redeveloped to provide separate cycle lanes along its length that provide convenient and sustainable access to central London or Stratford. It is also located within 2 minute walk from Mile End Underground station and 6 separate bus routes cross the junction. These attributes give the centre unusually high transport accessibility for a neighbourhood centre, with the site having a PTAL of 6b, the highest level.
- 8.99 The Mile End neighbourhood centre is also unusual in that it is adjacent to a first class higher education institution (Queen Mary University) and a significant open space (Mile End Park).
- 8.100 The Core Strategy identifies Mile End as a strategic location for intensifying housing growth on infill sites and to support an upgraded mixed-use town centre that supports the university. It is considered that a tall building will optimise the potential of the site to deliver housing growth and a high-quality commercial offer.
- 8.101 The current political direction to address the housing crisis in London is set out by The Mayor of London in A City for All Londoners (2016), in which he states that “intensifying development around well-connected transport nodes will form an important part of my vision for the city, and I will explore the potential of areas around a number of stations as locations for significant and much higher-density housing development.” The intense pressure for housing in Tower Hamlets must be borne in mind when assessing the proposal.

Height, Scale & Massing

- 8.102 Part 2c of DM26 states that tall buildings need to achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and water bodies, or other townscape elements.

- 8.103 Part 2d states that tall buildings should provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline.
- 8.104 Part 2e states that tall buildings should not adversely impact on heritage assets or strategic and local views, including their settings and backdrops.
- 8.105 The streetscape around the junction of Mile End Road, Burdett Road and Grove Road is generally between 2-4 storeys in height. There are two larger buildings around the site, the telephone exchange which is adjacent and makes up most of the urban block but is set back from the main roads and 1-36 Wentworth Mews, a 9 storey post-war slab block that is south of the site. On the north side of Mile End Road is the Tredegar Square conservation area and the Clinton Road conservation area. To the east and to the south of the site there are two nearby conservation areas: Tower Hamlets Cemetery conservation area and Ropery Street conservation area. These conservation areas all have a similar Victorian scale of 2-4 storeys and a fine urban grain. Other than 1-36 Wentworth Mews, the post-war development in the surrounding area and more recent development also maintain this scale, albeit with a more open grain than the Victorian conservation areas.
- 8.106 As previously the proposal would be comprised of three elements, a 3 storey element on Mile End Road, a central taller element which would now be 12 storeys and an 8 storey element to the south.
- 8.107 The 3 storey element would be sensitive to the fine grain Victorian scale of the buildings on Mile End Road and Grove Road. It would match the height of the neighbouring 564 Mile End Road completing the street frontage and addressing the corner at this scale. During the course of the application amendments were gained for the building to properly complete this corner, rather than there being a single storey element and terrace at the corner. The resulting scale, form and massing of this 3 storey element is considered a robust and elegant treatment that respects the scale of the adjacent conservation areas.
- 8.108 The 8 storey element to the south of the proposal is considered to relate well with the larger scale presented by the adjacent Telephone Exchange and 1-36 Wentworth Mews to the south, being only slightly higher than these buildings. This element knits with the mid-rise scale in this location and provides a step in height towards the central tower element.
- 8.109 The central tower element is 12 storeys and the parapet has been reduced in height. Although it would still be somewhat taller and have a greater massing than neighbouring buildings the reduction in height of the central element and shoulder element has clearly brought the building much more in line with the immediate scale of the Telephone Exchange and 1-36 Wentworth Mews. The height of the tallest element would just be 3 storeys taller than 1-36 Wentworth Mews. As such it would remain a prominent landmark building within the surrounding area and be proportionate to the local scale.



Figure 3 – Comparison CGI View West on Mile End Road - Original (left) and Current (right)

- 8.110 The shoulder element to the north, which was reduced by a further storey since the February committee, creates a mediating step in the height of the building; at 10 storeys, that is midway between the 8 storey southern element and the 12 storey central element.
- 8.111 With regards height, scale and massing it can be seen that the various levels of the building correspond to different heights of surrounding buildings and create a stepped increase in height as you move up the building that allows the building, which is clearly of a larger scale, to nonetheless suitably respond to the immediate surrounding area.
- 8.112 The height and massing of the development would provide a landmark building at the location of this town centre, busy road junction and Mile End underground station. It would also provide a visual marker that would help people orientate themselves and navigate in the local area.

Elevation Design & Materials

- 8.113 The building has a contemporary appearance achieved with a vertical linear pier grid that is expressed on all elevations. The contemporary lines of the building are combined with a traditional material treatment and high quality detailing and finish.
- 8.114 The proposal would have a simple and high-quality material palette. The central taller element would be of Mystique or buff brick construction with flush joints in stretched bond. The 8 storey elements to the south and following the February 2017 committee, the northern 3 storey element would be finished in a red multi-stock ('Weston Red' Multistock or similar. The sills/coping would be made from light coloured reconstituted stone. The windows would be quartz grey aluminium. The balconies would be of a simple glass design with grey aluminium railing and boxed frame bases. It is considered that the materials are robust and would age well.

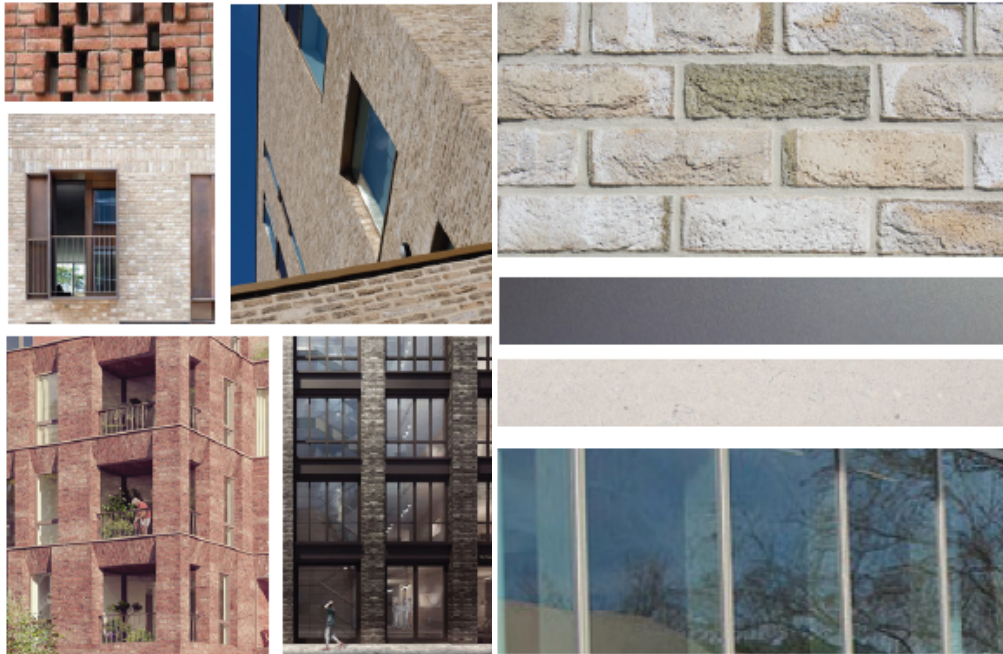


Figure 4 – Precedents (left) & Material Palette (right)

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

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

Heritage

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

Loss of Existing Buildings

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

Impact of Proposed Building

- 8.126 The applicant submitted a Heritage Statement and Townscape and Visual Impact Assessment with the application. The visual impact assessment provides verified views to consider the proposal's visual impacts on the townscape. Some of the views have been identified as causing a significant visual change where the proposed tower would be visible from certain parts of the surrounding Tredegar Square, Clinton Road and Ropery Street conservation areas.
- 8.127 Within the Tredegar Square conservation area the proposal would be readily visible from Aberavon Road, looking south. Following the reduction in height the building would not be visible from Tredegar Square itself. The proposal would however still be visible from Aberavon Road over the roofline of a group of Grade II listed buildings on its western side, shown in the photograph below.



Figure 5 – Comparison CGI View South on Aberavon Road – Original (left) and Current (right)

8.128 Within this conservation area there is a rare quality of uniform rooflines, which requires careful consideration when high rise development is proposed on its periphery. This is also the case for listed terrace groups, in particular the group located on the west side of Aberavon Road. The proposed 12 storey development would still rise above the parapet line of this listed terrace group but would be a less prominent addition to the skyline that is considered to cause some minor harm to the background setting of the listed buildings and conservation area from these views looking south.

8.129 Clinton Road also includes uniform terraces although these are Victorian and are not listed, and the proposal would again be clearly visible when looking south, representing a substantial change to the skyline at the end of the street. From the photo shown below both the Mile End and Burdett Road elevations would be visible. Following the reduction in height and massing the building would appear less dominant in the background of this view causing a marginal level of harm to the setting of this conservation area from this view looking south.



Figure 6 - Comparison CGI View South on Clinton Road – Original (left) and Current (right)

8.130 The Ropery Street conservation area is characterised by the horizontal lines of the wide road and low-rise buildings. The reduced proposal would not follow this horizontal uniformity when looking north from the conservation area but would instead relate to the more mixed heights of the immediate built environment around the site.



Figure 7 - Comparison CGI Views North on Burdett Road – Original (left) and Current (right)

8.131 The reduction in the height and massing of the proposal has clearly reduced the level of minor harm caused by the proposal. Notwithstanding this it is still considered to cause a minor degree of harm to the three surrounding conservation areas and a listed terrace group.

8.132 Notwithstanding the prominence of the building and its vertical emphasis that is a variation to the horizontal emphasis of the surrounding areas, it is considered that this minor harm is clearly mitigated by a number of factors. The robust brick construction is considered to correspond well with the materiality of the conservation areas and the high-quality contemporary architectural design provides a clear distinction between the surrounding historic styles and the proposal. The proposal is located in a town centre where larger development is sought to be located and there are already some larger buildings located there. It also must be noted that the site itself is not within a conservation area and the views of the building, although important, would be in the background from specific parts of the surrounding conservation areas. This is considered to be commonplace in an inner London borough. It is rare that larger newer development will be completely absent from the background of conservations areas. The building would also not be visible from many other parts and approaches within these conservation areas.

8.133 Given the above, the harm to the significance of these heritage assets is considered to be minor and less than substantial. According to the NPPF less than substantial harm should be weighed against the public benefits of the proposal. The provision of a significant amount of housing and commercial space for the town centre must be weighed in the proposal's favour.

Design and Heritage Conclusions

8.134 The site is currently comprised of somewhat neglected buildings with a long blank façade facing Burdett road. The site occupies a highly visible corner location on a wide busy junction and the redevelopment of the site is an opportunity to enhance the visual amenity of the area. The reduced size of the proposed building would remain larger in scale than the immediate area but has reduced the prominence and is more in-keeping with the local scale. It is considered that it would still have some minor harmful impacts on certain background views from surrounding conservation areas but these have been reduced by the amendments following the committee in February 2017.

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

Amenity

- 8.137 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

- 8.138 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that lower distances could be acceptable reflecting the existing urban grain and constrained nature of urban sites such as this.
- 8.139 The building would have a close relationship with 564 Mile End Road, a 4 storey building adjacent to the site facing Mile End Road. It is retail on ground floor with flats above. There would be localised inter-visibility impacts between certain windows in the northern part of the development and the windows serving bedrooms on the rear of this building.
- 8.140 There would be oblique views between the first floor bedroom window of 564 Mile End Road and the living room of Unit 4 at a distance of 5.4m. There would be views between the second floor bedroom windows of 564 Mile End Road and the living room of unit 8 at a distance of 8.2m and 8.9m. The views from the third floor bedrooms windows of 564 Mile End Road would have the same relationship as the second floor but with unit 13. Windows on the east of the northern elevation of the development serving the living rooms were removed on the second and third floors over the course of the application in order to reduce the impact. It is considered that the oblique angle of these windows would suitably mitigate privacy impacts.

- 8.141 Directly to the south of the development is Beckett Court on the corner of Wentworth Mews and Burdett Road. This 4 storey property also has commercial on ground floor and residential on the upper floors. On each of the first, second and third floors there would be small secondary windows on the north elevation on Wentworth Mews. These serve the kitchen part of a combined kitchen/dining/living space. The closest separation distance between windows in the proposal and these kitchen windows would be 11m on the lower floors of the development. There would also be a window on the recessed northern elevation facing into the balcony space. These provide a secondary window for bedrooms. These would be set back from the main Wentworth Mews elevation and be heavily shaded by the balconies above. The closest separation distance between windows in the proposal and these windows would be 15m on the lower floors of the development. This is tighter than optimal but it is considered acceptable within this type of urban environment. A relationship of this distance is typical for habitable rooms that face each other across a street. As such the relationship between the proposal and Beckett Court is also considered acceptable.
- 8.142 All other aspects to surrounding residential buildings: 1-36 Wentworth Mews, Butcombe House and buildings on the north side of Mile End Road would comfortably exceed the 18m policy target.

Outlook and sense of enclosure

- 8.143 The distance between the development proposal and habitable rooms of adjoining properties would follow the separation distances mentioned in the above section and the proposed massing generally would not result in an overbearing appearance or sense of enclosure. The relationship of the proposed development on the bedroom windows of 364 Mile End Road is most relevant here. The outlook from these windows would be reduced on the west side creating a corridor effect. However, any meaningful development of the site is likely to lead to a similar sense of enclosure and the outlook is already similarly affected by the telephone exchange building. The impact would also be limited to the rear aspect of the building; there would still be a very good quality outlook from the living space to the front of this building out across Mile End Road, this being the principal aspect of the affected residential accommodation.

Daylight, Sunlight and Overshadowing

- 8.144 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.
- 8.145 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur more than 20% of the existing they will be noticeable to occupiers.

- 8.146 The applicant submitted a Daylight and Sunlight Assessment originally prepared in line with the BRE methodology, which looks at the impact of the development on the neighbouring properties. This was been reviewed by independent consultants appointed by the Council and there assessment is discussed below. In addition to this, following the reduction in the height and massing of the scheme following the February 2017 committee an addendum has been submitted.
- 8.147 The reductions in height and massing will clearly result in less obstruction to skylight access of neighbouring dwellings post development when compared to the original 15 storey tower, which was previously considered acceptable in daylight/sunlight terms. The following section and figures remains the same as in the originally submitted scheme but it should be noted that these will have improved marginally in some cases due to the reduction in bulk of the building. As such, they represent a worse case scenario.
- 8.148 The Council's daylight/sunlight consultants stated that "The daylight/sunlight impact should be slightly less for the new scheme because of the reduced height of the tallest element. Overall our conclusions should be unchanged."
- 8.149 The new development would affect daylight to only a limited number of residential properties. The following most sensitive surrounding buildings are discussed in terms of how they would be impacted in terms of daylight, sunlight and overshadowing: Beckett Court to the south, 1-36 Wentworth Mews to the south and 564 Mile End to the east.

Beckett Court, Wentworth Mews

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



Figure 8 - Beckett Court

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

1-36 Wentworth Mews

8.152 1-36 Wentworth Mews is a 9 storey post-war slab block located further south than Beckett House. The windows on the northern elevation directly face the development. At the time of the site visit the block was undergoing refurbishment and was covered in netting, as can be seen in the image below.



Figure 9 - 1-36 Wentworth Mews

- 8.153 There are residential windows on the first floor and above. The odd numbered floors incorporate an access deck; there are doors to the flats, and a window to each flat that has been taken to light a kitchen. The even numbered floors project outward and have been taken to contain bedrooms (either one or two per flat).
- 8.154 The loss of daylight to all bedrooms would be within the BRE guidelines. The kitchens however would have their vertical sky components reduced by between 20% and 55%. The Council's consultant has advised the main reason for the large relative loss of light is the projecting elements above the kitchen windows. As such the kitchen windows already do not receive much light. The figures are not given but it follows that the impact without the projecting elements would almost all be policy compliant. Because all of the bedrooms would be within the BRE guidelines, it is deduced that all of the kitchens above 2nd floor level would also receive reductions of less than 20%.
- 8.155 As such it can be seen that the site has been designed with an over-reliance on light from the development site. The relative loss on the more obstructed first floor might still be greater but these windows receive such a little amount of light at present the figures are easily skewed. It should also be noted that the flats of 1-36 Wentworth Mews are dual aspect with south-facing living rooms which would not be impacted by the development. Lighting would often be used in a kitchen for food preparation most parts of the day. It is considered that the daylight impact to these flats is not substantial given that both bedrooms and living rooms would be unaffected.
- 8.156 Prior to the February 2017 committee, in addition to this building the daylight/sunlight impacts of the nearby Butcombe House and Coopers Court to the south east of the development were also assessed and found not have any unduly negative daylight/sunlight impacts
- 8.157 In terms of sunlight impacts to these above mentioned properties to the south of the proposal site, they would all have windows facing within 90 degrees of due south and therefore loss of sunlight would not be an issue for these units.

564 Mile End Road

- 8.158 The rear bedrooms of the three flats of 564 Mile End Road, adjacent to the east, would experience significant losses in daylight and sunlight.
- 8.159 In terms of daylight, the vertical sky component relative losses would range from 31% for the 1st floor windows, to 57% and 58% for the 2nd floor windows and 55% for both the 3rd floor windows. For context all of the bedrooms would comply with the 1% minimum standard for ADF, a standard usually only applied to new dwellings, and would retain adequate daylight distribution.
- 8.160 In terms of sunlight, the average total loss would range from 41% to 68%. The BRE guidelines place less importance on bedrooms as opposed to living areas and conservatories however this impact is noted.
- 8.161 As the bedrooms still receive the minimum ADF in terms of daylight and there will be good daylight levels to rooms to the front of the property the overall impact from the development to these properties is considered acceptable.
- 8.162 The BRE guidelines state that account should be taken of the constraints of the site and the nature and character of the surrounding built form which in this location is characterised by dense development in relatively close proximity. Officers consider that there are some localised amenity impacts especially to 564 Mile End Road; however the benefits of the scheme outweigh those impacts given the nature of the area.
- 8.163 In response to neighbour concerns relating to potential overshadowing of buildings to the north, a shadow analysis was submitted that took a sample of buildings on Aberavon Road, Nos.13-25. The position of the sun was set to specific times and dates; 9am, 12pm, 3pm and 6pm on the 21st March, 21st June, 21st September and 21st December to ensure that accurate information was portrayed for the shortest, longest and mean hours of sunlight throughout the year. It was found that the development would not impact these properties on any of the dates tested.

Daylight/Sunlight Impacts on Proposed Development

- 8.164 DM25 of the MDD seeks to ensure that new development optimises the level of daylight and sunlight for the future occupants of new developments.
- 8.165 For calculating daylight to new developments, the BRE Handbook advises that average daylight factor is the most appropriate method of assessment.
- 8.166 The application is supported by a Daylight and Sunlight Assessment (DSA) and subsequent addendums to this. The robustness of the methodology and conclusions has been appraised by the Council's independent daylight and sunlight consultants.
- 8.167 The original GVA report provides tables of daylight and sunlight provision on level 1 of the new development. The daylight provision would be good with rooms within the development receiving the required ADF.
- 8.168 In terms of sunlight to the proposed development, again the 1st floor has been tested as a worst case scenario. On the 1st floor only 1 of 4 living rooms tested would achieve the BS sunlight recommendations. The Council's consultant's state that this is partly due to site constraints with obstruction by surrounding buildings. As you

move up the building the sunlight levels would improve, particularly for the rooms at the south of the building which are most affected by surrounding buildings. The Council's consultant's state that overall sunlight provision is expected to be reasonable given the site constraints.

- 8.169 Following the recent amendments to the scheme in the south-east corner, the revised living room has been made smaller and features an extra window. These will have the combined effect of increasing natural light amenity. In the same area, one of the north facing bedrooms has been removed, meaning better sunlight provision to the proposed dwellings overall.

Along the western elevation, the overall number of habitable rooms has been reduced, which has had the effect of introducing a second window to one bedroom, whereas previously all bedrooms only featured a single window. It is therefore considered that the daylight/sunlight situation for the proposed building would be acceptable and marginally improved by the amended proposals.

Sunlight to Gardens and Open Spaces

- 8.170 The Council's consultant's state there are no existing gardens and open spaces that would experience a significant loss of sunlight as a result of the new development. The nearest open space is Mile End Park. While the new development could cast a shadow over the park in the morning, there would be enough sunlight at other times of day for the BRE guidelines to be met.

Noise and Vibration

- 8.171 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.
- 8.172 The proposed development will experience high levels of noise from local road traffic along Mile End Road and Burdett Road which has a significant number of HGV and bus movements. There is also possible vibration from underground trains that run under the north part of the site. The most recent amendment to the scheme, responding to members concerns, is to re-provide the Backstreet nightclub in the basement. Noise and vibration from music in addition to comings and goings will need to be appropriately mitigated.
- 8.173 With commercial units above on ground floor that would be constructed with solid concrete floors providing a buffer; it is considered that the nightclub would be able to operate with minimal amenity impacts on the future residents of the development. The comings and goings and a smoking area on Wentworth Mews would be considered acceptable within this already very noisy town centre location.
- 8.174 The residential scheme that would essentially be built above the existing nightclub is what the Draft Culture and Night-time Economy SPD terms the 'agent of change'. The onus is therefore on the developer to remove the prospect of neighbour complaints coming from residents of the future development. Sensitivity from this development should be managed with appropriate acoustic, vibration and sound insulation treatments which will be conditioned.

- 8.175 A Noise and Vibration Assessment by Sharps Redmore accompanied the original application. The contents of the report takes into account the glazing specification required to achieve good noise insulation from the high levels of traffic noise. Noise and vibration surveys have been undertaken at the site and daytime and night-time noise levels were determined. In order to mitigate the high levels of noise, measures relating to glazing, ventilation, plant noise, building fabric and vibration have been recommended for the proposed building.
- 8.176 All of these specialist mitigation measures will ensure that internal and external noise/ levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014. To ensure that the traffic noise and any potential noise and vibration from the nightclub are taken into account, a condition will be imposed for an updated noise and vibration survey to be undertaken and for the measures to be strictly implemented.
- 8.177 In addition to the above condition, additional conditions are recommended to protect the amenity of residents.
- 8.178 Firstly, a further condition requiring post completion testing to ensure the noise standards have been met will be imposed. These will need to cover any services and ducts running up the building to ensure noise does not travel to the residential above.
- 8.179 Secondly, the hours of operation for the night club use will be limited to hours no later than the current hours of operation. For the purposes of condition 19 the hours to be conditions are:
- Monday to Thursday 6pm to 11pm
Friday and Saturdays 10pm to 3am
Sundays and Bank Holidays 6 to 11pm
- 8.180 Whilst it is acknowledged the hours of operation are also governed by licensing, and include hours that fall within what are termed 'noise sensitive hours' given the sites town centre location and busy transport node, they are considered acceptable in this instance. Furthermore, by conditioning them within the planning permission they provide additional certainty to any future prospective residential occupiers over the maximum hours of operation.
- 8.181 Lastly, in terms of patrons leaving the venue, it is expected they would travel to Burdett Road and Mile End Road where Mile End Station is located and is currently part of the night tube (running on Fridays and Saturdays). The main difference from the current scenario will be the additional residential uses above. Whilst some noise will be inevitable from patrons leaving the venue, as can also be expected from the sites location, it is considered reasonable to include an additional condition requiring a customer dispersal management strategy for the club.
- 8.182 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.

Air Quality

- 8.183 The air quality assessment shows that the development is located in a highly polluted area. The results show that the NO₂ annual objective will be exceeded at the site up to the 4th floor. In line with advice from the Council's Air Quality team appropriate mitigation measures, in the form of mechanical ventilation for all facades and floors

where the objective is reported to be exceeded will be secured by condition. The scheme will also be conditioned so that the Nox emission rate meets the air quality neutral requirements too. This will have the added benefit of protecting the residential uses from additional noise from patrons leaving the club and general traffic on Burdett Road and Mile End Road.

- 8.184 A balanced decision has been arrived at with regards the provision of balconies overlooking Burdett Road and Mile End Road on the lower floors. Although the lower air quality is noted, the benefit of these units having outdoor private amenity has been prioritised.

Transport, Access and Servicing

- 8.185 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.
- 8.186 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by private vehicle by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met.
- 8.187 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 4.16. The site benefits from excellent access to public transport, being located approximately 50 metres to the west of Mile End underground station to the north east. Bus stops are located on Mile End Road, Burdett Road and Grove Road a few minutes walk away serving different 8 routes. The proposed development site has a Public Transport Accessibility Level (PTAL) of 6b, the highest level.
- 4.17. Transport for London (TfL) have also recently completed a large scale upgrade of the cycle infrastructure along Mile End Road providing separated lanes leading in and out of central London.
- 4.18. The frontage to the majority of the site, Burdett Road and Mile End Road is on the TLRN, for which TfL is the highway authority. Overall, the proposal's likely highways and transport impact are considered to be acceptable to the Transport for London and Council's Transportation & Highways section. The relevant issues are discussed below.

Cycle Parking

- 8.188 The London Plan (FALP 2016) cycle parking standards require 66 cycle parking spaces to be provided for use by residents. The development provides 74 covered secure cycle parking spaces in two locations. Core A, serving the affordable rented units would have a store to the east of the building at ground floor level with 19 cycle spaces. Core B would have a basement store accessed by a cycle lift with 55 spaces. Both stores would also include wider spaces. The relative number in each store exceeds the policy target and these are provided in a mixture of double stacked and Sheffield stands.
- 8.189 There would also be 16 visitor spaces, 8 to north of the proposal on Mile End and 8 to the south of the development on Wentworth Mews. These would be for use by shoppers and visitors to the homes.
- 8.190 A further 9 covered and secure cycle parking spaces would be provided across the commercial space for staff to utilise.

Car Parking

- 8.191 The development would be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits.
- 8.192 One accessible space is proposed which is accessed from the eastern arm of Wentworth Mews (the western arm is closed with bollards at either end). Vehicles using this bay will be required to use the existing turning head at Wentworth Mews to allow vehicles to enter and exit the site in forward gear. This road is not heavily trafficked and the movement, utilising an existing space dedicated to turning is considered acceptable by TfL and the Council's Highways team. Further swept path analysis was undertaken to demonstrate that a larger car could safely access the space. This is considered satisfactory. The parking bay will be managed by means of demountable Telescopic bollard which the disabled driver would be able to control to stop unauthorised access to this space.
- 8.193 An additional on-street parking bay is proposed on Eric Street that would be in lieu of a pay and display bay. The Councils Highway team suggest that the applicant enter in a S106 to provide a commuted sum, for a period of three years after occupation, to fund any on street changes which may be required should there be demand for the accessible space, rather than losing a pay and display bay immediately (which are well used for the local shopping area).
- 8.194 Two accessible spaces would be under the policy target of 5, representing 1 for each accessible unit within the development, however owing to the site constraints the offer of 1 on site and one on-street space is considered acceptable.

Servicing and Refuse Storage

- 8.195 As previously the servicing is proposed from an existing bay on Burdett Road, immediately adjacent to the site. TfL have confirmed that this approach is supported providing a delivery and servicing plan is conditioned that demonstrates that loading can be accommodated within the loading bay restrictions that currently exist and where TfL are consulted. Given the proximity to the cycle infrastructure the number of servicing vehicles attending the site must be regulated to ensure the safety of other road users, especially cyclists and pedestrians. A delivery and servicing management plan will be attached to the permission. It should be noted that that the number of

properties that rely on the loading bay is relatively low as an additional longer bay is provided approximately 100 metres to the south, outside East London Tabernacle Baptist Church.

- 8.196 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage has been calculated is in accordance with current waste policy.
- 8.197 The refuse strategy currently aims for the residential recycling and non-recycling refuse to be dropped off by residents in bin stores at ground floor and basement level. A managed system will collect the refuse at one point within the basement to bring the refuse to the collection point at ground floor level via a service lift to allow for easy access during refuse collection days.
- 8.198 All public realm alterations would be secured as part of a wider S.278 agreement reserved by condition.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.199 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.
- 8.200 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.
- 8.201 In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.
- 8.202 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. However, following the adoption of the Building Regulations 2013 (April 2014) the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.203 The submitted proposals have followed the energy hierarchy (use less energy- Be Lean; supply energy efficiently - Be Clean; and use renewable energy - Be Green), and seek to minimise CO2 emissions through the implementation of energy efficiency measures, use of a centralised CHP system and a PV array. The CO2 emission reductions proposed are anticipated to result in a circa 35.2% reduction against the Building Regulations falling short of the 45% target.

- 8.204 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2015 which states:
- 8.205 ‘...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.’
- 8.206 It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014.
- 8.207 For the proposed scheme it is recommended that a figure of £12,780 is sought for carbon offset projects as identified in the submitted Energy Statement.
- 8.208 With the shortfall in CO2 emissions met through carbon offsetting S106 contribution, the current proposals are considered appropriate for the development and meet policy requirements for energy and sustainability.

Microclimate

- 8.209 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose. DM26 of the Local Plan requires that the microclimate of the new development surrounding areas is not adversely affected by the proposal.
- 8.210 The application was originally supported by a microclimate study in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting require a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.
- 8.211 The wind conditions in and around the proposed development site, within the context of existing surrounds, were considered largely suitable, in terms of both safety and comfort, for their intended usage throughout the year. However, there were areas where wind conditions deteriorate, such as along the southern façade of the development, and the southern region of the first floor terrace.
- 8.212 In response to the modelling a new raised planter was proposed for the northern corner of the site to mitigate any wind effects for pedestrians crossing the road and walking along the footways in this location. Similarly, an additional tree has been included to the Wentworth Mews public realm improvements to mitigate effects of wind on pedestrians in that area. At 8th floor level, an additional glazed balustrade has been introduced to the south and west facades to ensure the comfort of users of the amenity space. Minor amendments to the first floor terrace were also included, making the private terrace more comfortable.
- 8.213 With the inclusion of these further soft landscaping and wind mitigation measures conditions were improved such that all measured locations were considered suitable for their intended use, both in terms of comfort and safety.

8.214 Following the amendments to the scheme, the microclimate consultants stated the changes would have a minor beneficial impact on the results of the original testing. They advised that the above mentioned mitigation measures were retained in order to ensure the positive microclimatic situation is maintained.

Biodiversity

8.215 Policy DM11 of the MDD requires developments to provide net benefits for biodiversity in accordance with the Local Biodiversity Action Plan (LBAP).

8.216 The plans include roof gardens on the 5th and 8th floors. Proposed planting in both of these includes a good diversity of nectar plants, which will contribute to a LBAP objective to provide more forage for bumblebees and other pollinators.

8.217 The biggest opportunity for biodiversity enhancement would be biodiverse green roofs on the non-amenity levels. This would be compatible with the proposed photovoltaics (PVs), and would enhance the efficiency of the PVs by lowering ambient temperature. The application will be conditioned to provide green roofs on the roof of the 3 storey element and 15 storey element. designed in accordance with best practice guidance published by Buglife.

8.218 Other opportunities to enhance biodiversity would be the inclusion of nest boxes for birds such as swifts, house sparrows and house martins in the fabric of the building. Biodiversity enhancements would be secured by condition.

Land Contamination

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

Flood Risk

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

8.221 The development falls within Flood Risk Zone 1 indicating low risk. The application is supported by a flood risk assessment.

8.222 There is no in principle objections to the proposal, subject to the imposition of suitable sustainable urban drainage conditions which would be attached if planning permission was granted. The proposal complies with the NPPF, London Plan policy 5.12 and Core Strategy Policy SP04.

Health Considerations

8.223 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.

8.224 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.

8.225 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

8.226 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.

8.227 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.

8.228 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.

8.229 The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£18,696** towards employment, skills, training for construction job opportunities
 - b) A contribution of **£21,850.95** towards employment, skills, training for unemployed residents
 - c) A contribution of **£12,780** towards Carbon Off-Setting.
 - d) Commuted sum to secure an accessible space on Eric Street should there be demand
 - e) **£4,000** towards monitoring fee (£500 per s106 HoT's)
- Total £57,326.95**

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

- a) Affordable housing 35% by habitable room (12 units)
66% Affordable Rent (8 units)
34% Intermediate Shared Ownership (4 units)
- b) Access to employment
20% Local Procurement
20% Local Labour in Construction
20% Local Labour in End User Phase
6 Apprentices

- c) Car free agreement
- d) Securing public realm as accessible
- e) Option agreement for an operator catering for the specific existing nightclub use to take basement unit, with an obligation to ensure the existing operator is consulted;
- f) Re-provision strategy for existing nightclub including financial assistance up to £10,000, if the existing nightclub operator decides not to take the unit when consulted under obligation 'e' above.
- g) Any other planning obligation(s) considered necessary by the Corporate Director of Place.

Local Finance Considerations

8.231 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.

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

8.233 Using the DCLG's New Homes Bonus Calculator, this development is estimated to generate approximately £72,445 in the first year and a total payment £434,668 over 6 years.

8.234 Tower Hamlets CIL liability would be £42,175 and the London CIL liability would be £69,440

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

Human Rights Considerations

8.236 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:

8.237 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".

8.238 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.

8.239 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.

8.240 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.

8.241 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

8.242 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.

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

8.244 As discussed within the Land Use section above, it is considered that the nightclub could be considered as community infrastructure for the purpose of the aforementioned policies, being a meeting place and a social & leisure facility for a certain section of the LGBT+ community.

9.0 IMPLICATIONS ARISING FROM A DECISION TO REFUSE THE APPLICATION

9.1 At 25th April Strategic Development Committee, members were minded not to accept officer recommendation for the following reasons:

1. Height, bulk and massing and impact on townscape
2. Density and overdevelopment of the site
3. The servicing provision
4. Loss of the community facility
5. Design of the proposal
6. Air Quality issues

9.2 Given these reasons are largely similar to the committee of 16th February 2017 officers consider it appropriate to provide wording for reasons for refusal (see appendix 2) and provide commentary on the detailed reasons for refusal on the application.

Reason for refusal 1- Height, bulk and massing and impact on townscape

9.3 In relation to height, bulk and massing and impact on townscape, officers consider this to be subjective to an extent. The building will be taller than it's neighbours and therefore more visible from a number of vantage points. Therefore as outlined within this report, there would be an impact and in some cases less than substantial harm when referring to the NPPF assessment.

9.4 However, whilst officers have concluded this limited harm is outweighed by the benefits of redeveloping a brownfield site, provision of housing including much needed affordable housing and the townscape benefit of continuing and repairing the street pattern, a reason for refusal on this ground could be defended at appeal.

Reason for refusal 2 – Density and overdevelopment of the site

9.5 Density and overdevelopment are typically measured by their impacts as opposed to whether they meet the density ranges set out within the London Plan. Sections 8.31

onwards of this report outlines factors that help inform whether a density above the London Plan can be considered.

9.6 Adverse symptoms of overdevelopment can include:

- *inadequate access to sunlight and daylight for proposed or neighbouring homes;*
- *sub-standard dwellings (size and layouts);*
- *insufficient open space (private, communal and/or publicly accessible);*
- *unacceptable housing mix;*
- *unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;*
- *unacceptable increase in traffic generation;*
- *detrimental impacts on local social and physical infrastructure; and,*
- *detrimental impacts on visual amenity, views or character of the surrounding area.*

9.7 As such, it is considered it will be difficult to defend an appeal solely on overdevelopment and reference would need to be made to the impacts of overdevelopment.

9.8 In this case, of the above six reasons for refusal, it is considered that 1, 3, 4 and 5 could collectively could form symptoms of overdevelopment of the scheme. However, given officers consider grounds 3, 4 and 6 to be difficult to defend at appeal, it is recommended reasons 1, 2 and 5 are amalgamated into a single reason as stated within Appendix 2.

Reason for refusal 3- The servicing provision

9.9 Officers would like to refer members to the consultation responses received by Transport for London (TfL). The proposal seeks to use an existing servicing bay of Burdett Road. This is shown in the photograph below:



9.10

9.11 TfL have confirmed that this approach is supported providing a delivery and servicing plan is conditioned that demonstrates that loading can be accommodated within the loading bay restrictions that currently exist and where TfL are consulted. As such, given the lack of evidence to suggest otherwise, officers would strongly advise

against including this as a reason for refusal, and as such, have not offered any suggested wording within appendix 2.

Reason for refusal 4 -Loss of night club/community facility

- 9.12 Since the previous committee the applicant has sought to retain the night club/community use within the development. Should members still consider it reasonable to refuse the application on this ground the suggested wording is appended. However, in light of the measures proposed by the applicant and secured within this report, the night club community use is being incorporated within this development. Therefore, officers would find it difficult to defend this reason at appeal.

Reason for refusal 5- Design of the proposal

- 9.13 The concern relating to design, as officers understand is to do with separation distances to neighbouring buildings. The impacts of which are based on a subjective assessment. How this is covered is suggested within paragraph 9.8 above.

Reason for refusal 6- Air Quality

- 9.14 The final suggested reason related to Air Quality matters. Members were concerned about the air quality impact from the proposal. In light with the comments made by the specialist Air Quality officer, who considers the applicants assessment to be acceptable and subject to mitigation raises no objection on Air Quality matters. As such, given the lack of evidence to suggest otherwise, officers would strongly advise against including this as a reason for refusal, and as such, have not offered any suggested wording within appendix 2.

Post committee –options to the developer.

- 9.15 In the event that the Committee resolves to refuse the application, (and the application is not taken over by the Mayor of London) the following options could be exercised by the applicant.
- 9.16 The applicant could withdraw the application and later approach the Council for further pre-application advice on an amended proposal and thereafter submit new applications.
- 9.17 The applicant could exercise their right to appeal to the Secretary of State against the Council's decision and lodge an appeal for costs. The appeal would be determined by an independent inspector appointed by the Secretary of State.
- 9.18 The National Planning Policy Guidance (NPPG) advises local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. The NPPG provides a list of grounds of where costs could be awarded. The following grounds could be seen as arguable in relation to some of the reasons and as such, members are advised to have regard to them.
- The failure to produce evidence to substantiate each reason for refusal on appeal
 - Vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

- refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead

9.19 If the Committee do resolve that the application should be refused mentioned above, officers will seek to defend the Council's position.

9.20 However, if Members are minded to refuse planning for this scheme, then the proposed refusal reasons based on 25th April 2017 are listed in appendix 2. Members are able to refuse the application on other grounds and it is suggested the wording for refusal would be delegated to the Corporate Director of Place should this occur.

10.0 CONCLUSION

10.1 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

Appendix 1 SITE MAP



Appendix 2 – Suggested reasons for refusal based on 25 April SDC consideration

The officer recommendation is to **GRANT** planning permission. However, the Committee has on two previous occasions indicated that it was not prepared to accept the recommendation, the most recent being the meeting on 25 April 2017.

In the event that the Committee resolves not to accept the officer recommendation, possible reasons for refusal are set out below. The Committee are invited to consider the reasons and delegate the decision to officers to issue.

Reason 1 – Overdevelopment

The proposal amounts to overdevelopment that seeks to maximise not optimise the development potential of the site. There would be conflict with London Plan 2016, Policy 3.4 '*Optimising housing potential*' (including Table 3.2 - '*Sustainable residential quality density matrix*'), the symptoms of this include the proposed height, mass and scale, which would be excessive in relation to local character and harm the visual amenities of the area. As such, the scheme would not be consistent with NPPF Chapter 7 '*Requiring good design*' paragraphs 58 and 59, Chapter 12 '*Conserving and Enhancing the Historic Environment*,' London Plan Policy 7.4 '*Local character*', Policy 7.7 '*Location and design of tall and large buildings*', Tower Hamlets Core Strategy Policy SP10 '*Creating distinct and durable places*' and the Managing Development Document Policy DM24 '*Place sensitive design*,' Policy DM26 '*Building heights*'. Whilst the proposal would result in public benefits by bringing a long vacant site back to beneficial use, by the provision of new housing including affordable homes; it is not considered these would outweigh the harm that would be caused.

Reason 2 - Loss of the nightclub / community facility

The proposed measures to re-provide the nightclub would be insufficient to secure the long term retention of a facility which serves the gay community. As such, the proposal fails to accord with policy 3.1 of the London Plan and policy DM8 of the Managing Development Document 2013.

Agenda Item 5.3

Committee: Strategic	Date: 17 th August 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Kirsty Gilmer	Ref No: PA/17/00734 - Full Planning Permission
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	73-77 Commercial Road, London, E1 1RD
Existing Use:	A1 retail at basement and ground floor, B1(a) offices at upper levels
Proposal:	Demolition and redevelopment of site to provide a single storey basement, together with ground plus ten storey building. Proposed mix of uses to include 420sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1-A5) and the provision of 4,658 sqm (GEA) of office floorspace (Use Class B1), along with cycle parking provision, plant and storage, and other works incidental to the proposed development.
Drawing and documents:	See appendix
Applicant:	Regal CR Limited
Ownership:	Regal CR Limited Speedwell Property & Mortgage Co Limited Transport for London LBTH (highways)
Historic Building:	None
Conservation Area:	Not located in a Conservation Area; however, the Myrdle Street Conservation Area is located to the east.

2. EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.

- 2.2. The proposed redevelopment of this site for an office-led development is considered appropriate in this location as it falls within the City Fringe Opportunity Area and City Fringe Activity Area. The commercial flexible use ground floor uses are complementary to the office space at the upper floor levels in the context of the City Fringe Opportunity Area.
- 2.3. The proposed building would be of an appropriate scale, form and composition for the surrounding context and townscape. It would be of high quality design, materials and finishes and would contribute to the emerging townscape in this part of the City Fringe.
- 2.4. The proposal will preserve the character and setting of surrounding heritage assets, including listed and locally listed buildings and conservation areas.
- 2.5. The scheme has been considered in terms of amenity impacts to existing neighbours and residential occupants of neighbouring consented schemes and found to have no significant adverse impacts.
- 2.6. 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.
- 2.7. A strategy for minimising carbon dioxide emissions from the development has been proposed and a cash in lieu contribution has been agreed. Biodiversity enhancements are also proposed which are considered to provide a sustainable form of development.
- 2.8. The scheme would be liable to both the Mayor's and the borough's community infrastructure levy. In addition, it would provide a necessary and reasonable planning obligation to local employment and training.

3. RECOMMENDATION

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

A. Any **direction** by **The London Mayor**.

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

Financial Obligations:

- a) A contribution of £18,540 towards training and skills needs of local residents in accessing new jobs in the construction phase of all new developments
- b) A contribution of £120,749 towards employment skills and training to access employment (end use phase);
- c) A contribution of £25,200 towards carbon off-set initiatives
- d) A contribution of £5,000 towards the provision of a wheelchair accessible bay
- e) Crossrail contribution of £106,972 (subject to Mayoral CIL)
- f) A contribution of £4,500 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£280,961**

Non-financial contributions

- g) On street parking permit free for business permits;
 - h) 6 construction phase apprenticeships
 - i) 1 end-use phase apprenticeship
 - j) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
- 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:

Prior to Commencement' Conditions:

- 1. Demolition and Construction Management Plan;
- 2. Site wide drainage scheme in consultation with Thames Water including sustainable drainage measures;
- 3. Ground contamination remediation and mitigation
- 4. Piling Method Statement (in consultation with Thames Water)
- 5. Archaeological investigation (in consultation with Historic England)

Prior to completion of superstructure works conditions:

- 6. Biodiversity mitigation and enhancements including bird/bat/insect boxes
- 7. Details of all external plant and machinery;
- 8. Details of all external facing materials including samples
- 9. Typical elevation details and ground floor elevations at 1:50 scale
- 10. Details of public realm treatments/hard landscaping including CCTV and lighting
- 11. Details of extraction and ventilation for any Class A3 – A5 uses
- 12. Scheme of highway works surrounding the site (Section 278 agreement)
- 13. Secure by Design Accreditation
- 14. Design of PV panel array

Prior to Occupation' Conditions:

- 15. Details of all commercial unit shop fronts and entrances to ground floor public spaces;
- 16. Surface water management system
- 17. Full Delivery, servicing and management plan
- 18. Details of cycle parking, access to cycle stores, design and associated facilities;
- 19. Delivery of BREEAM Excellent
- 20. Works to the highway (delivery of 2 Sheffield stands)
- 21. Plans showing subdivision of floor plans into SME units
- 22. Hours of operation for A3 / A4 / A5 use.

Compliance' Conditions –

- 23. Permission valid for 3yrs;
- 24. Development in accordance with approved plans;
- 25. Hours of construction
- 26. Refuse stores to be provided prior to occupation
- 27. Provision of cycle stores for the life of the development
- 28. Energy strategy achieving 25.3% carbon reduction

Informatives

1. Subject to s278 agreement
2. Subject to s106 agreement
3. Mayoral CIL liable
4. Thames Water informatives

4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Proposal

- 4.1. The applicant is seeking planning permission for the demolition of the existing buildings and the redevelopment of the site to provide a predominantly office led (B1(a)) scheme.
- 4.2. The proposal would be 11 storeys in height (41.275m AOD), providing 4,254sqm (GIA) of B1 office space at the upper floor levels which will come forward as SME type space. The office space on the upper floor levels will be connected by way of a central core which will enable there to be flexibility in terms of its operation by way of single or multiple tenancies.
- 4.3. At ground floor level, a flexible office and retail floorspace (Class A1-A5/B1) will be provided which will provide active frontage to Commercial Road. The ground floor unit will measure 381sqm (GIA). The proposal includes a chamfered corner at the junction of Greenfield Road and Commercial Road to encourage better footfall and provide more meaningful public realm directly outside the site.
- 4.4. The proposal will provide a single basement level containing cycle parking, refuse provisions and plant. Access to the basement is provided by an internal lift and staircase for occupant use and a separate refuse lift will be provided toward the rear of the site.

Site and Surroundings

- 4.5. The site is a corner property located on the northern side of Commercial Road at its junction with Greenfield Road (to the west). The application site is 0.04 hectares in size and is rectangular in shape with a step in at the south western corner.
- 4.6. The site comprises three properties including Turner House which is located at the junction of Commercial Road and Greenfield Road. Turner House is part three /part four storeys in height and built in the 1960's. No. 75 and 77 Commercial Road are three storeys in height, built in the 1930's.
- 4.7. The existing uses across the application site include retail at ground floor level and basement level with office floorspace above. The local area is largely commercial in nature (office and retail including wholesale retail) with educational uses (such as the London Metropolitan University and the London Enterprise Academy either side of the site) and some residential / student accommodation also near to the site.
- 4.8. The building heights in the local vicinity vary with the block the site is located on ranging from 3 to 7 storeys. To the west of the site towards Aldgate the height generally increases with recent developments located on the block beyond the London Metropolitan University increasing to 19 stories in height. To the east of the site beyond the London Enterprise Academy the heights are lower in range from 3-

6 storeys. To the north the heights along Greenfield Road closest to the junction with Commercial Road are generally 2 to 6 storeys in height; however, at the junction with Fieldgate Street the heights increase up to 7 to 8 storeys in height.

- 4.9. The site does not fall within a conservation area; however, the site lies in close proximity to the Myrdle Street Conservation Area. The Myrdle Street Conservation Area has its western boundary around the properties to the eastern side of Settles Street and wraps around (and includes) the Job Centre to the north of the site (see map below)

Designations

- 4.10. The site lies within the outer 'core growth area' of the City Fringe Opportunity Area and is also located in the City Fringe Activity Area.
- 4.11. The site is in close proximity to the Central Activity Zone (CAZ) which has its eastern most boundary wrapping around the London Metropolitan University on the western side of Greenfield Road.
- 4.12. The site also falls just within the south western boundary of the Whitechapel Vision Masterplan.
- 4.13. The A13 Commercial Road directly to the south of the site forms part of TfL's red route.
- 4.14. The site, as with the whole Borough, is within an Air Quality Management Area.
- 4.15. The site is within a Crossrail SPG Charging Zone.
- 4.16. The following plan shows the extent of the application site outlined in red.



Site location plan with Myrdle Street Conservation Area highlighted in green

Relevant Planning History on the application site

- 4.17. The most relevant planning history to the application site is detailed below.

Application Site

- 4.18. PF/13/00182 – pre-application discussions consisting of the demolition of existing on site and replacement with new mixed use development, commercial uses retained at ground and basement levels, entrance and ancillary accommodation affordable residential units (12no) on first to third floors and private residential units (42 no) on fourth to twelfth floors. The pre-application as submitted proposed a building of 13 storeys in height.
- 4.19. PF/14/00167 – pre-application discussions regarding demolition of existing units and construction of mixed use development comprising Commercial uses at Ground and first floor and residential development above. No Parking is proposed onsite. The pre-application as originally submitted proposed 16 storeys and was reduced to 11 storeys during the course of the pre-application process.
- 4.20. PF/15/00248 – pre-application discussions regarding a residential led scheme with ground floor commercial and retail uses. The most recent pre-application submission initially proposed a building of 15 storeys which was reduced to 11 storeys during the course of the pre-application process.

Former 73-75, Commercial Road, Stepney and 48-53 Greenfield Road

- 4.21. PA/60/01021 - The erection of three-storey building to be used in connection with 75 Commercial Road for the wholesaling of buttons and trimmings. Approved 10.06.1961

Former 73-77 Commercial Road/54-58 Greenfield Road

- 4.22. ST/88/00034 - Redevelopment to construct office building. Approved 24.04.1989.

73 Commercial Road

- 4.23. PA/61/00659 - The erection of a building of ground, first, second and part third floor with basement to be used in connection with No 75 Commercial Road Stepney for wholesaling of buttons and trimmings. Approved 26.05.1961.
- 4.24. PA/64/00569 - The use of first and second floors for the processing of trimming cloth and yarns, the manufacture and processing of buttons and accessories for the clothing trade. Approved 28.09.1964.
- 4.25. ST/89/00052 - change of use of ground floor to car showroom and construction of new shopfront for a limited period of two years. Approved 29/03/1989.
- 4.26. ST/91/00038 - change of use to a vocational skills & English language training centre. Approved 29.05.1991.

75 Commercial Road

- 4.27. PA/79/00666 - Installation of an aluminium shopfront and use of the premises for showroom purposes (ground floor) with ancillary storage. Approved 21.08.1979.

5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. When considering the applications special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act1990).
- 5.3. The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 5.4. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
National Planning Guidance Framework (March 2014) (NPPG)
- 5.5. **Spatial Development Strategy for Greater London - London Plan 2016 (MALP)**

Policies

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 4.1 Developing London's economy
- 4.2 Offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 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
 - 7.7 Location and design of tall and large buildings
 - 7.8 Heritage assets and archaeology
 - 7.10 World heritage sites
 - 7.11 London view management framework
 - 7.12 Implementing the London view management framework
 - 7.13 Safety, security and resilience to emergency
 - 7.14 Improving air quality
 - 7.15 Reducing noise and enhancing soundscapes
 - 7.19 Biodiversity and access to nature
 - 8.2 Planning obligations
 - 8.3 Community Infrastructure Levy (CIL)
- 5.6. **Tower Hamlets Core Strategy (adopted September 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
 - SP08 Making connected Places
 - SP09 Creating Attractive and Safe Streets and Spaces
 - SP10 Creating Distinct and Durable Places
 - SP11 Working towards a Zero Carbon Borough
 - SP12 Delivering placemaking
 - SP13 Planning Obligations
- 5.7. **Managing Development Document (adopted April 2013) (MDD)**
- DM0 Delivering Sustainable Development
 - DM1 Development within the town centre hierarchy
 - 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 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
 - DM28 World heritage sites
 - DM29 Achieving a zero-carbon borough and addressing climate change
 - DM30 Contaminated Land
- 5.8. **Supplementary Planning Documents include**
Central Activities Zone SPG (March 2016)

Planning Obligations SPD (September 2016)
 Whitechapel Vision Masterplan SPD (December 2013)
 City Fringe Opportunity Area Planning Framework (December 2015)
 Land for Industry and Transport SPG (September 2012)
 CIL Charging Schedule (April 2015)
 Sustainable Design and Construction SPG (April 2014)
 Shaping Neighbourhoods: Character and Context (June 2014)
 Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (March 2016)
 London View Management Framework SPG (March 2012)
 London World Heritage Sites - Guidance on Settings SPG (March 2012)
 SPG: Planning for Equality and Diversity in London (October 2007)
 SPG: Accessible London: Achieving an Inclusive Environment (April 2004)
 Mayor's Climate Change Adaptation Strategy
 Mayor's Climate Change Mitigation and Energy Strategy
 Myrdle Street Conservation Area Character Appraisal and Management Guidelines (2007).

5.9. **Tower Hamlets Community Plan (2015)**

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

6. CONSULTATION RESPONSE

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

6.2. The following were consulted regarding the application:

Internal Responses

Ideas Store

6.3. No comments received

LBTH Communities, Localities and Culture (CLC)

6.4. No comments received

Infrastructure Planning

6.5. No comments received

Education development team

6.6. No comments received

LBTH Arboricultural Officer

6.7. There are no Arboricultural Impacts as a result of the scheme and therefore have no objections.

LBTH Environmental Health - Contaminated Land

- 6.8. 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

- 6.9. The Air quality officer requested that the testing of the backup diesel generator was reduced in frequency from weekly to monthly. The applicant has submitted an amended Air Quality Assessment which demonstrates monthly testing and this is accepted.
- 6.10. In terms of the content of the air quality assessment, the air quality officer is satisfied with the information provided and the submitted assessment demonstrates there are no significant impacts. The results are accepted.

LBTH Environmental Health – Noise and Vibration

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

LBTH Refuse

- 6.12. Clarification was required regarding how the waste collection operatives will collect the bins from basement level. Amended information was submitted which demonstrates that bins will be brought from the basement level to ground floor level via a lift and will be stored in a temporary storage area at ground floor. The pulling distance is now 9.5 metres to the collection point from the furthest bin which is acceptable.
- 6.13. The applicant has confirmed that the bin store is designed in accordance with British Standard BS5906:2005. The applicant has confirmed that there is 150 mm distance between each contained and the size of the doors which is considered acceptable. An existing dropped kerb is provided at the collection point and the bin stores are step free.
- 6.14. It is anticipated there will be a daily waste collection and there are 12 Eurobins provided (of 1100 litre in size each) which meets the requirements. The applicant needs to provide information of the breakdown of how many and what type of bins will be collected each day. The applicant needs to provide information on how bulky waste will be managed and stored.

Officer comment: the applicant has clarified that it is not anticipated that there will be bulky waste due to the nature of the B1 use. In addition, a servicing and management strategy will be secured by condition which will provide further information on the breakdown of the bins to landfill/recycling bins.

LBTH Highways

- 6.15. The site is located in an area of excellent PTAL (PTAL of 6b), the highest level attainable which illustrates an excellent level of accessibility to public transport.

- 6.16. No car parking is associated with the proposals and this is welcomed in such a location. The applicant has indicated that they would be willing to accept a restriction on the issuing of permits to occupiers which is supported.
- 6.17. The applicant is willing to fund an on street accessible bay. A commuted sum in the S106 agreement to cover costs of providing an on street bay is required. It is recognised that the site is constrained in terms of providing an on-site bay without compromising the ground floor active frontage.
- 6.18. Cycle parking is proposed to meet the minimum FALP standards for Long term use, together with changing and washing facilities. This is welcomed. Conditions are required to secure the cycle parking and full details of the design of the cycle store/access to the store is required. No short term cycle parking stands are proposed and this is contrary to policy. Visitor parking spaces within the site boundary should be provided.
- 6.19. It is proposed to service the development on street as per the existing arrangements from the public highway using the yellow lines on Greenfield Road given the site is constrained. There is an intensification of use compared to the current situation and the number of servicing trips and length of time vehicles will be required to wait is likely to increase. There is an existing service bay on the TLRN and, in the first instance, this should be the location from where servicing takes place and we would expect suppliers to be made aware of this. A Service Management Plan which will be required by a planning condition.
- 6.20. The bin store is located at basement and will be brought up to the collection point on collection day. Holding areas will be required at ground floor level to ensure that the bins are not stored on the public highway.
- 6.21. A chamfer to the building is provided at ground floor to allow freer movement of pedestrians; however, it is regrettable that such a large amount of this space has been taken up by supporting structural elements, which will restrict pedestrian movement and this should be minimised.
- 6.22. Given the location of the site at an important, busy corridor for pedestrians, cyclists and vehicles and the impact the proposal could have on these users individually and cumulatively with other construction traffic in the area, the demolition and construction needs to be considered. A very robust Demolition and Construction Management Plan is required as a condition.

LBTH Biodiversity officer

- 6.23. There will be no significant impacts on biodiversity and the buildings are not suitable for bats. There will be no significant adverse impacts on biodiversity.
- 6.24. Clarification is required regarding locations of bird, bat and invertebrate boxes. Nests for swifts would be appropriate in this location and would contribute to an LBAP target. Bat boxes are likely to be of limited value in this location given the distance to any suitable foraging habitat.
- 6.25. The applicant should investigate the potential for introducing a biodiverse roof which could be combined with the proposed photovoltaics. If a biodiverse roof can be installed, nest boxes for black redstarts and various insect boxes would also be appropriate.

LBTH Energy officer

- 6.26. The applicant has submitted an Energy Assessment Report produced by Bespoke Builder Services Limited which sets out the applicant has sought to meet CO2 emission policy requirements through energy efficiency measures and integration of renewable energy technologies.
- 6.27. The current proposals seek to minimise CO2 emissions by approximately 25.3% consisting of 13.6% reduction by Be Lean measures and 11.7% reduction by Be Green measures. The current proposals for CO2 emission reductions fall short of the 45% requirements of policy DM29. In order to support the proposed scheme carbon reduction proposals equating to £25,200 should be secured through the s106 to deliver carbon savings off-site.
- 6.28. A sample of SAP and SBEM calculations must also be provided to demonstrate appropriate modelling of development.
- 6.29. Conditions are required securing the CO2 savings to be achieved through the energy strategy and the as built calculations to be provided to demonstrate the delivery of the energy strategy.
- 6.30. In relation to sustainability, the applicant has submitted a BREEAM Pre-Assessment which shows the scheme is designed to achieve a BREEAM Excellent rating. The delivery of BREEAM excellent should be secured via Condition to ensure the scheme is compliant with Policy DM29.

Building Control

- 6.31. No comments received.

External responses

Crossrail Limited

- 6.32. Crossrail Limited does not wish to make any comments on this application.

City of London

- 6.33. City of London Corporation has no comments on the proposed development.

NATS

- 6.34. No safeguarding objection to the proposal

Natural England

- 6.35. No comments to make on this application

English Heritage Archaeology (EHA)

- 6.36. EHA have advised that the site lies in an area of archaeological interest. Remains connected with Roman activity and the post-mediaeval development of London may be affected by the limited fresh intrusive works for extensions and the lift pit.

- 6.37. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that it is considered that a condition could provide an acceptable safeguard.
- 6.38. A condition is therefore recommended to require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains followed, if necessary, by a full investigation. This shall consist of a Stage 1 Written Scheme of Investigation (WSI) and if heritage assets of archaeological interest are identified at stage 1 then a stage 2 assessment (full investigation) will be required.

London Fire and Emergency Planning Authority

- 6.39. 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.
- 6.40. *[Officer Comment: This is noted will be further considered within the building control stage.]*

Crime Prevention Officer

- 6.41. Comments raised regarding the ground floor fire exit door which included a large recess beyond the fire escape door onto Commercial Road. This has been subsequently amended and no longer provides potential congregating space with direct access onto Commercial Road. The doors will open outward but will remain within the red line plan.
- 6.42. Requirement for a secure lobby beyond the main door at ground floor level. The applicant has demonstrated that an internal lobby could be accommodated beyond the main doors and welcomes further discussions on this at a time when details are available.
- 6.43. Secure by Design accreditation required by condition.

London Metropolitan University

- 6.44. No comments received

London Bus

- 6.45. No comments received

TFL London Underground

- 6.46. Response received confirming no comments to make on this application.

National Grid

- 6.47. No comments received

Thames Water Utilities Ltd.

- 6.48. Thames Water has recommended an informative advising of the minimum pressure for water that they would be able to supply for future residents.
- 6.49. Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Officer comment: the applicant has confirmed that they are able to provide a non-return valve or similar to avoid the risk of backflow within their design.

- 6.50. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 6.51. A site drainage strategy is required that clearly identifies pre- and post-development peak discharge rates as well as the connection points for both surface and foul water.
- 6.52. Measures required in terms of minimising groundwater discharges into the public sewer. Should the Local Planning Authority be minded to approve the planning application, Thames Water request an informative regarding a Groundwater Risk Management Permit from Thames Water for discharging groundwater into a public sewer.

Greater London Authority

Principle of development

- 6.53. The site lies within the City Fringe Opportunity Area and the City Fringe Opportunity Area Planning Framework (CFOAPF) (adopted in 2015) identifies the opportunity area as having capacity for 53,000 new jobs and 15,000 new homes. More specifically, the City Fringe OAPF identifies the site as being in the 'outer core growth area' of the City Fringe where demand from SME's and the expanding City and Tech City clusters is expected to increase.
- 6.54. As the site includes existing employment space, it is expected a similar quantum will be re-provided in any new scheme. The proposals include an office building with an uplift of 3,447sqm in B1 office floorspace. This provision will contribute toward ensuring that the office provision in the City Fringe is not strategically constrained and provide floorspace for a range of occupiers. This is considered to be in accordance with London Plan policies 4.1, 4.2, 4.10 and the City Fringe OAPF.
- 6.55. The proposal for flexible office/retail floorspace at ground floor level will further improve the areas viability as an office location, address issues of poor public realm and is a use that makes the City Fringe an attractive place to work.

- 6.56. As such, the principle of office use with supporting uses at this location is supported.

Employment

- 6.57. Provision of affordable workspace is a key objective of the City Fringe OAPF. It is strongly recommended that there is the inclusion of some affordable workspace within the proposal. The applicant is also encouraged to engage a workspace provider to help inform details such as design, management post- construction and rental levels.

Urban design

General

- 6.58. The proposed building will be 11 storeys above ground (41.275 metres AOD) with the massing based on a simple extrusion of the plot. This approach maximises the office floorspace and is acceptable in light of the aims of the City Fringe OAPF.
- 6.59. In terms of height, this is consistent with nearby recent developments on Commercial Road which increase in height toward Aldgate. However, the development would be slightly taller than buildings immediately adjacent but would improve legibility by marking the junction of Commercial Road and Greenfield Road.
- 6.60. The massing is broken down using a large- scale primary grid of fenestration bays applied across the southern and western elevations. On the elevations adjoining the other sites vertical recesses are used which echo the fenestration pattern. The double height façade separates the ground floor from the uses above. Recessed windows are a key feature of the proposal.
- 6.61. The overall appearance is a simple and attractive building clad in brick. Tower Hamlets Council should secure the detail of the design by condition.

Heritage

- 6.62. The proposed development falls within the setting of the Myrdle Street Conservation Area and would have a potential impact on the settings of several listed buildings and conservation areas in the wider area.
- 6.63. The applicant has provided a Heritage and Townscape Statement in order to demonstrate the potential impact of the proposals on the setting of local heritage assets and local views.
- 6.64. In views along Commercial Road from the west the proposals appear similar in height and massing to other buildings on Commercial Road and would fit comfortably with the existing townscape. In views from the north and south, the proposals are considered to landmark the junction and would not negatively impact on the setting of any heritage assets. In views from the east looking towards the Myrdle Street Conservation Area, the proposed building line would be visible as a prominent feature beyond the conservation area buildings lining the north side of Commercial Road. In this view 81-91 Commercial Road is clearly visible between the buildings of the conservation area and the proposal, the development would clearly appear as being outside of the conservation area and an integral part of the

streetscene in the area beyond where the scale starts to transition towards the larger and taller buildings in Aldgate.

- 6.65. Having regard for the Heritage and Townscape Statement and considering the potential impacts in the context of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and London Plan policy 7.8, it is concluded that there would be no harmful impacts on the Myrdle Street Conservation Area or other heritage assets in the wider area.

Inclusive design

The basement will contain cycle stores, bins, a disabled shower and wc. Consideration is required for access to the basement for wheelchair users and a lift to the basement should be provided.

Climate change

- 6.66. The applicant should propose a site heat network where all uses on site will be connected.
- 6.67. The on-site reduction of 18 tonnes of carbon dioxide per year in regulated emissions compared to 2013 Building Regulations is anticipated (equivalent to a saving of 25%) which falls short of policy 5.2 of the London Plan. The remaining 7 tonnes of carbon dioxide per annum should be met off-site.
- 6.68. Further information is required to confirm compliance with the London Plan climate change mitigation policy which has been forwarded to the applicant separately.

Transport

Transport for London

- 6.69. The site is located on the A13 Commercial Road which forms part of the Transport for London Road network (TLRN) with the nearest section of the Strategic Road Network (SRN) is 750m to the west on Aldgate High Street.
- 6.70. Cycle Superhighway 2 (CS2) runs along Whitechapel Road 400m to the north and CS3 runs along Cable Street 500m to the south. The area is also served by the Mayor's Cycle Hire Scheme with the nearest docking point on Commercial Road with 14 docking points.

Car parking

- 6.71. A car free development is proposed given the site constraints, though the applicant will convert an existing pay and display bay on Greenfield Road for Blue Badge use, which is supported.

Cycle parking

- 6.72. The applicant proposes 53 long stay spaces with 18 on the ground-floor level and 35 in the basement accessed via lift. The detailed design of the cycle lift should be secured by condition.
- 6.73. No additional short stay cycle parking is proposed and the applicant proposes to rely on stands on the surrounding highway to meet their requirements. The

applicant should therefore review the location, quality and occupancy of highway cycle parking before this can be considered acceptable. Should there be any deficiencies with cycle parking the applicant should suggest improvements which should be secured through the section 278 agreement.

Impact Assessment

- 6.74. TfL is content that the development will not have a material impact on the transport network.

Highway works

- 6.75. The footprint of the proposed building would necessitate stopping up the footway on Commercial Road, which TfL agreed in principle at pre-application stage. The applicant should clarify the future pedestrian comfort level, as requested at pre-application stage before the detailed design can be discussed. The building should be designed to avoid the need for any part of the structure or fixtures or fittings to oversail the highway.

Servicing and Construction

- 6.76. The applicant needs to forecast servicing trips for the commercial and retail elements, using the TRICS database. Development should accommodate its own servicing and delivery requirements on site and on street servicing bay should be discussed with the Council.
- 6.77. A full Construction Management Plan (CLP) will be secured by condition which is supported. Due to the likely impact of construction on the TLRN, the applicant should discuss the construction methodology with TfL prior to submission.

Crossrail

- 6.78. The site is located within 1km of a Crossrail station. London Plan Policy 6.5 and the associated Supplementary Planning Guidance (SPG) set out the mechanism for contributions towards Crossrail. The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office and retail uses (with an uplift of at least 500sqm). The charging rate for office is £31 per sqm and retail is £16 per sqm. The amount charged through the section 106 agreement will be calculated based upon finalised figures for floorspace.

7. LOCAL REPRESENTATION

- 7.1. A total of 200 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.
- 7.2. No letters of representation were received on the submission.

8. MATERIAL PLANNING CONSIDERATIONS

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

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

9. Land use

9.1. 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.

Provision of Employment floorspace

9.2. Chapter 1 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business.

9.3. London Plan Policy 4.2 sets out the strategic need for office provision within London, and supports the renewal of existing stock, and increases in floorspace, where there is demand in order to meet the needs of a growing and changing economy. Policy 4.10 relates to new and emerging economic sectors and supports research and innovation, flexible workspace and promotes the 'Tech City'.

9.4. London Plan Policy 2.13 'Opportunity Areas' identifies that Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. More specifically this policy states that development proposals within the OAs should:

- Support the strategic policy directions for OAs;
- Seek to optimise residential and non-residential densities and where appropriate contain a mix of uses;
- Contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or employment capacity; and
- Support wider regeneration (including in particular improvements to environmental quality) and integrate development proposals to the surrounding areas.

- 9.5. SP06(3) supports the provision of a range and mix of employment uses by encouraging and retaining the provision of units suitable for small and medium enterprises. This is echoed in policy DM15(3) of the MDD which details that the development of new employment floorspace will need to provide a range of flexible units including units less than 250 sqm and less than 100 sqm to meet the needs of Small and Medium Enterprise (SME). Supporting paragraph 15.6 goes on to state that the requirement for smaller unit sizes is to allow local businesses to grow and generate employment.
- 9.6. Part 2 of policy DM15 refers to existing businesses and where these are likely to be adversely impacted or displaced suitable replacement accommodation should be found elsewhere. In this case, nos. 73 and 75 Commercial Road are currently occupied by a Guardian scheme whereby the previous tenants have now left the property and have already been relocated. Therefore, as a result of the proposal, no existing businesses will be displaced at nos 73-75 Commercial Road. In terms of no.77 Commercial Road, the ground floor is accommodated by a clothing shop who currently use the upper floor levels as storage space (and not office floorspace as approved). The existing business at no 77 Commercial Road has 5 full time employees and the business will continue to trade on another site once the remaining period on the lease (6 months remaining) expires. There are a number of other suitable locations which the current tenants could relocate to in close proximity to their existing premises which would have no impact upon their local customer trade. The most suitable premises near to the site include 37-79 Commercial Road (Dryden Building), 190-194 Commercial Road and 41-43 Fashion Street.
- 9.7. The site lies within the City Fringe Opportunity Area and the supporting City Fringe Opportunity Area Planning Framework (CFOAPF) (adopted in 2015) identifies the opportunity area as having capacity for 53,000 new jobs and 15,000 new homes. Within the City Fringe OAPF the site is identified the site as being in the 'outer core growth area' of the City Fringe where demand from SME's and the expanding City and Tech City clusters is expected to increase. The CFOAPF recognises the important role the City Fringe plays as an interface between the Central Activities Zone and the hinterland beyond. The COAPF supports the expansion of employment whilst delivering housing and a mix of uses is supported, with active uses on the ground floor.
- 9.8. The site also lies in the boundary of the Whitechapel Vision SPD which complements and sits alongside the CFOAPF. Similar to the CFOAPF, the Whitechapel Vision SPD supports the delivery of jobs and homes.
- 9.9. The proposal will consist of the provision of predominantly B1(a) office space at the upper floor levels of the building with flexible commercial space at ground floor level. The proposed office space at the upper floor levels will measure 4254sqm and will re-provide the existing B1 office use of 807sqm. The office space is proposed to come forward as smaller flexible units meeting the requirement of DM15 (3) in terms of seeking to meet the needs of SME.
- 9.10. During the course of the application, it was clarified that the tenant of the site will be The Office Group (TOG) who is a Shared Workspace Provider that is identified on the GLA's Workspace Providers directory. TOG provides affordable workspace as required by the GLA.
- 9.11. TOG provides co-working spaces on a membership style basis along with licence agreements on flexible terms. It is anticipated that the type of occupier for this

proposal will remain in line with TOG's current predominant type of member- local micro-start up and small businesses from the creative, marketing and digital sectors.

- 9.12. The office floorspace has been designed to be suitable for sub-division and reconfiguration dependent on future user requirements and in order to meet the flexible demands of modern occupiers. The applicant has agreed to a condition to ensure the floorplans come forward as SME type space.
- 9.13. As part of the pre-application process, residential use was originally proposed. However, given the constrained nature of the site it is recognised it would be difficult for the site to provide appropriate levels of amenity space in a building form that would not impact on surrounding neighbouring amenity. In this instance it is considered that the site is not wholly suitable for a residential scheme.
- 9.14. In the context of the above, the provision of a predominantly office led development on the site is welcomed given it will provide floorspace for a range of occupiers and will come forward in accordance with the CFOAPF in terms of design and support the City Fringe Activity Area in terms of its functions. The proposal is therefore considered to comply with policy 4.2 and 4.10 of the London Plan, policy DM15 of the Managing Development Document and the City Fringe Opportunity Area Planning Framework.

Provision of Commercial/retail Use at ground floor (A1-A5 or B1)

- 9.15. At ground floor level a separate commercial unit is proposed measuring 381sqm. The proposed commercial unit will be a flexible use.
- 9.16. The NPPF classifies a Retail Use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 9.17. London Plan Policy 4.7 (Retail and Town Centre Development) states that in taking planning decisions on proposed retail and town centre development, the following principles should be applied:
 - a) the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment
 - b) retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport
- 9.18. Core Strategy Policy SP01 (Refocusing on our town centres) requires developments to comply with the Town Centre Hierarchy and ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre.
- 9.19. Development Managing Document Policy DM1 (Development within the town centre hierarchy) part 2 states that 'within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported. Development in these areas should provide a transition between the scale, activity and character of the CAZ and their surrounding places. Development proposals should be mixed use schemes with active uses at ground floor level with residential or office space on upper floors.

Key anchor uses, such as supermarkets and civic uses, will only be allowed within the town centre boundaries of the Activity Areas.

9.20. Further to this, part 4 of Policy DM1 states to further support the vitality and viability of town centres, restaurants, public houses and hot food takeaways (Use Class A3, A4 and A5) will be directed to the CAZ, THAA and town centres provided that:

- a) they do not result in an overconcentration of such uses; and
- b) in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.

9.21. Whilst part 7 of Policy DM1 states development within a town centre will be supported where it does not have an adverse impact upon the function of a town centre use. Town centre development will need to demonstrate that:

- a) adequate width and depth of floorspace has been provided for the town centre uses;
- b) a shop front has been implemented in the first phase of development; and
- c) appropriate servicing arrangements have been provided.

9.22. The proposed commercial uses (A1-A5, B1) would be located within the City Fringe Activity Area (which forms part of the Town Centre Hierarchy). Should the uses come forward within the A1-A5 land use category, the scale of the use at 381qm GIA would relate to the size, function and role of the City Fringe Activity Area. In this block there are limited A3, A4 and A5 uses. The proposed flexible active use at ground floor level would complement the B1 (a) SME office space at the upper levels providing a mixed use scheme. The proposed use within the A1-A5 land use category would support the vitality and viability of the City Fringe Activity Area. A condition will be added restricting the hours of operation should an A3-A5 operator take up the space.

9.23. Should the use of the ground floor level come forward as B1 (a) office space, the assessment of this element would be against the 'employment floorspace' policy detailed above. Whilst this would not provide a mixed use scheme complementing the upper floor levels, the requirement to provide plans showing SME use by condition would be required and the active frontage to the street would be maintained during the opening hours. It will be particularly important that details regarding external lighting and public realm details are provided by condition in the instance that the ground floor level should come forward as a B1(a) office use.

10. Design

Policies

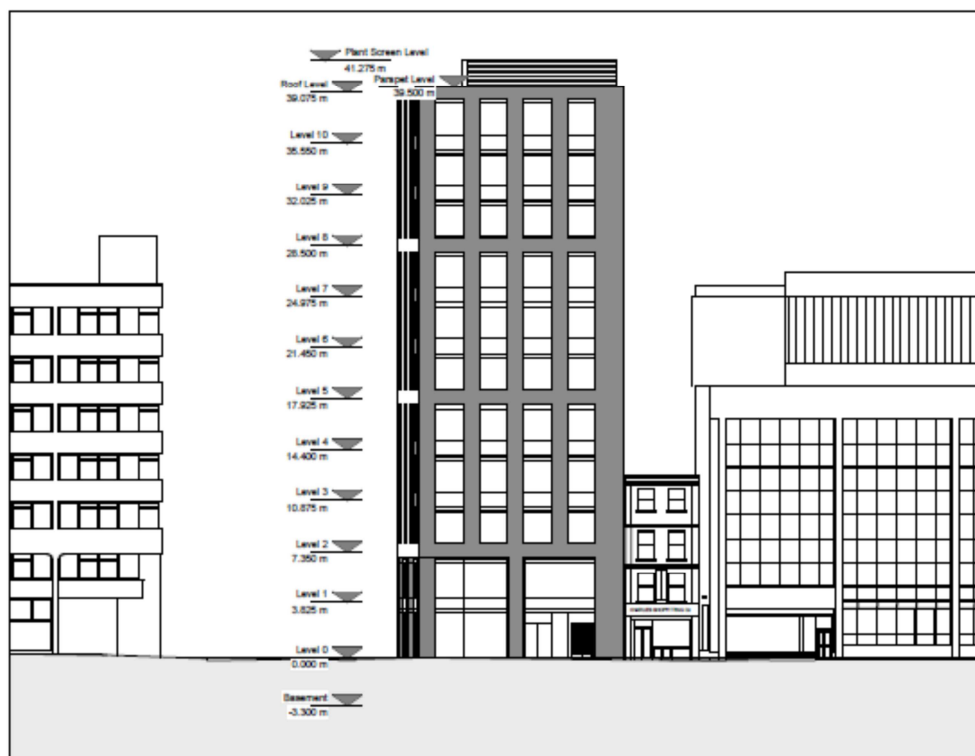
10.1. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

10.2. 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.

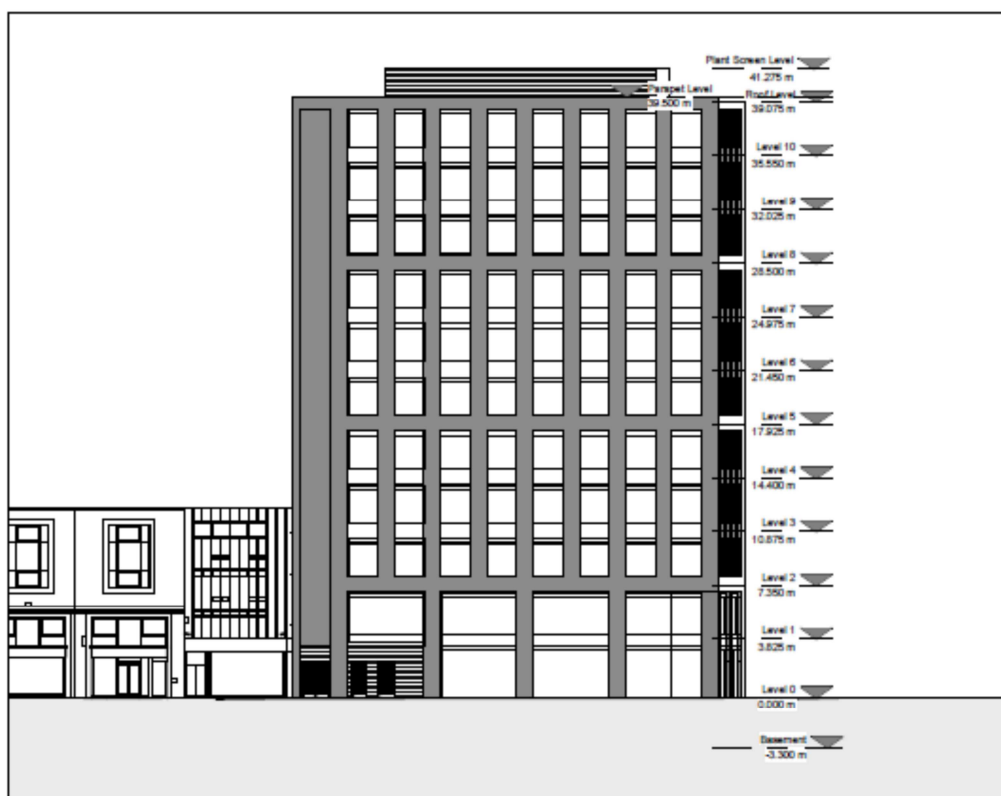
- 10.3. Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 10.4. Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations.

The Proposal

- 10.5. The proposal seeks the erection of a single building 11 storeys in height (41.275m AOD). At ground floor a flexible commercial unit is proposed with B1(a) office space at the upper floor levels.
- 10.6. The site is heavily constrained by the existing urban grain and lacks permeability / meaningful public realm in its existing form.
- 10.7. The ground floor commercial unit proposes large levels of glazing which will provide activation to the street frontage along both Commercial Road and Greenfield Road. The proposal will provide a chamfered corner which will in turn encourage better footfall and improve the public realm outside the site.



South elevation of proposal in context of northern side of Commercial Road



West elevation of proposal in context of eastern side of Greenfield Road

Local context and emerging townscape

- 10.8. The site is situated within the City Fringe Activity Area, the City Fringe Opportunity Area and falls within the boundary of the Whitechapel Vision SPD.
- 10.9. The site lies on the boundary of the vision for Whitechapel and Shadwell as set out within the Core Strategy (2010). The vision for Shadwell supports reconnection with Commercial Road (particularly in relation to the strengthening of Watney Market) and encourages small businesses along Commercial Road (West) within the City Fringe Activity Area. The vision for Whitechapel supports the regional role of the Royal London Hospital and seeks improvements to the wider streetscape within the Whitechapel area.
- 10.10. The definition of ‘tall buildings’ within the local plan is a building that is significantly taller than their surroundings and/or have a significant impact on the skyline. In this regard, context is important and whilst the height along Commercial Road may be in transition from the CAZ, a more thorough assessment is required due to the height transition from Greenfield Road and the nearby Myrdle Street Conservation Area.
- 10.11. In the current situation, the building heights in the local vicinity vary with the block the site is located on ranging from 3 to 7 storeys. To the west of the site toward Aldgate the height generally increases. To the east of the site beyond the London Enterprise Academy the heights are lower in range from 3 to 6 storeys. To the north the heights along Greenfield Road are generally 2 to 8 storeys in height.
- 10.12. The applicant has reduced the height of the tower as proposed as part of the pre-application process from 15 storeys to 11 storeys in height. The following images show the proposal from views within the surrounding streets.



CGI of scheme from the west along Commercial Road (west elevation)



View of proposal from the north along Greenfield Road (north elevation)

Building Heights

- 10.13. London Plan policy 7.7 part C states that tall and large buildings should:
- a. generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport
 - b. only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building
 - c. relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
 - d. individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London
 - e. incorporate the highest standards of architecture and materials, including sustainable design and construction practices
 - f. have ground floor activities that provide a positive relationship to the surrounding streets
 - g. contribute to improving the permeability of the site and wider area, where possible
 - h. incorporate publicly accessible areas on the upper floors, where appropriate
 - i. make a significant contribution to local regeneration.
- 10.14. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.
- 10.15. The hierarchical approach for building heights directs the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expecting to be lower in Central Activity Zones and Major Centres and expected to fall even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing Development Document, which is located below and referenced within policy DM26 of the MDD.
- 10.16. Further to this, policy DM26 (2) of the MDD also sets out the following criteria that tall buildings must satisfy:
- a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
 - b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.
 - c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and water bodies, or other townscape elements;
 - d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;
 - e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;

- f. Present a human scale of development at the street level;
- g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
- h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;
- i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;
- j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and
- l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

10.17. The following is an assessment of the proposal against policies 7.7 of the London Plan, DM26 of MDD and the Whitechapel Vision SPD.



Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

Policy DM26(2)a states. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;

- 10.18. The site lies within the City Fringe Activity Area; however, the site is in close proximity to the Central Activity Zone (CAZ) which has its eastern most boundary wrapping around the London Metropolitan University on the western side of Greenfield Road.
- 10.19. The proposed building is 11 storeys in height (41.275m AOD) and will provide active frontages with high levels of glazing at ground floor level.
- 10.20. The tallest buildings are located in the CAZ and the principle of tall buildings are supported in this area by the CFOAPF and the Aldgate masterplan with the heights decreasing away from the 'central cluster' of buildings at Whitechapel High Street/Braham Street. Given the application site's location in the City Fringe Activity Area but on the cusp of the CAZ, the proposal will need to respect the emerging context and transition from the CAZ in addition to the heritage context and lower scale further to the north/east.

- 10.21. The building heights in the local vicinity vary with the block the site is located on ranging from 3 to 7 storeys. To the east of the site beyond the London Enterprise Academy the heights are lower in range from 3-6 storeys. To the north the heights along Greenfield Road closest to the junction with Commercial Road are generally 2 to 6 storeys in height; however, at the junction with Fieldgate Street the heights increase up to 7 to 8 storeys in height.
- 10.22. The following consented/built out schemes in proximity to the site should be considered when assessing the height of this proposal at 11 storeys (41.275m AOD).
- To the west of the height on the northern side of Commercial Road:
 - a. 27 Commercial Road/29-37 White Church Lane – hotel led scheme at 21 storeys in height (81.42m AOD). (consented in 2014 works commenced on site)
 - b. 33-35 Commercial Road – student led housing scheme 17 storeys in height (completed).
 - On the southern side of Commercial Road to the west of the site:
 - c. 54-58 Commercial Road – residential led development of 18 storeys in height (completed)
 - d. 60 Commercial Road – student accommodation tower at 19 storey in height (completed)
 - e. 89-90 Commercial Road – residential led scheme at 5 storeys in height (consented)
 - To the east of the site on the northern side of Commercial Road:
 - f. 81-91 Commercial Road – rooftop extension to the London Enterprise Academy to create a 7 storey building (completed)
 - To the north of the site on Greenfield Road:
 - g. Site at south west junction of Coke Street and Greenfield Road – London College of Furniture at 6 storeys in height. Consented in 2004; however, permission has now expired
- 10.23. As can be seen from the above height markers, the site is in an area of transition. The emerging height context is generally decreasing from Aldgate, through the CAZ along Commercial Road to the City Fringe. To the east of the site (beyond the 7 storey London Enterprise Academy), the heights begin to gradually decrease with no recent consents for taller buildings given this area's heritage designation. With regard to Greenfield Road, both Commercial Road and Fieldgate Street provide bookends to the height context with the lower heights in the middle section of Greenfield Road and the tallest heights at either end of Greenfield Road.
- 10.24. The applicant has engaged with officers during several pre-application meetings during which time the height has reduced from 15 storeys to 11 storeys in height. Officers support this reduction which is in keeping with the emerging context in this location.
- 10.25. Further to the above, officers consider that the road junction of Commercial Road and Greenfield Road can be understood as a justification of the increased height at this specific location. Overall this could create legible townscape and signal a 'marker point' to the junction of Commercial Road and Greenfield Road as well as the entrance to the CAZ and Aldgate to the west.

10.26. In terms of no.79 Commercial Road (which is the adjacent site to the east), this building is four storeys in height and located between the 7 storey London Enterprise Academy to the east and the part three/part four storey application site to the west. The proposal seeks to maintain the future development potential of the adjoining site and does not include windows to the east or north ensuring there will be no overlooking to this property. It is recognised that the immediate height transition between the proposal and no.79 Commercial Road is hostile; however, it is considered that the proposed development height reflects the general emerging context in this location.

10.27. As such, when taking into account the transition of heights within this part of the City Fringe and CAZ to the west, the proposed development is considered to sit comfortably providing transition between the emerging context to the west of the site along Commercial Road and provide suitable transition to the lower scale to the north and lowest scale to the east.

DM26(2)b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.

10.28. As outlined in DM26(2)a, the development has been carefully designed to respond to the local context and more specifically it responds positively to the two different character streets of Commercial Road and Greenfield Road. Since the pre-application process, the applicant has engaged with the local authority to achieve the appropriate transition and scale difference between the CAZ and the City Fringe and the surrounding areas. As such, the proposed heights largely follow the heights of existing and emerging buildings as required by this policy as discussed in the previous sections.

DM26(2)c. Achieve high architectural quality and innovation in the design of the building

10.29. The design has been discussed during pre-application and application stage including the reduction in height from 15 storeys to the current proposed 11 storeys at application stage. During the course of the submission, the applicant has submitted amended plans to respond to the comments raised by officers regarding the architectural quality. The amended design is considered to respond well to the adjoining streets, provide more meaningful public realm and better active frontages than the existing situation. Matters relating to architecture are discussed further within this report.

DM26(2)d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;

10.30. By virtue of the proposed design, the proposed building will be experienced differently when viewed from different streets and within both during the day and night. The proposed material and orientation of the building will seek to ensure the fenestration and overall appearance is distinctive and attractive within the surrounding streetscape.

10.31. The application has been accompanied by a Heritage and Townscape Statement which contains a series of computer generated images outlining existing and proposed visual impacts of the development. Officers are satisfied that the visual

impact to the local skyline will be positive and will be viewed as part of the transition of heights from the CAZ into this part of the City Fringe Activity Area and as such is considered acceptable.

DM26(2)e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;

- 10.32. This is discussed further within the Heritage section of this report. The proposal forms part of the emerging height in this location and in summary, officers consider the overall impacts on heritage to be acceptable.

M26(2)f. Present a human scale of development at the street level;

- 10.33. The proposed development includes a commercial unit measuring 381sqm at ground floor level which is appropriately located to activate the frontage with Commercial Road and Greenfield Road. Access into the building is provided from the Commercial Road frontage. The amended design includes fewer brick piers and therefore the frontage appears more glazed and inviting up to and including the first floor level. The chamfered corner includes an amended design to provide more meaningful public realm around the site. By activating the building frontage in this way, the proposal will therefore provide animation to the ground floor level and provide a human scale to the development at street level.



CGI of active frontages on northern elevation of proposal

DM26(2)g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;

- 10.34. The proposed development is not for residential use.

DM26(2)h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;

- 10.35. The proposal is not considered to impact on the microclimate around the site given the proposed building is not of 'significant height' to warrant an assessment of the impact on microclimate. The building will be an increase in height of 7 storeys on a plot that is already built upon.

DM26(2)i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;

- 10.36. The application site has limited biodiversity value. The proposal will provide positive biodiversity enhancements and this is further discussed in the biodiversity section of the report. As such, the proposed development is considered to comply with the requirements of this policy.

DM26(2)j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;

- 10.37. The proposal is for a predominantly office led scheme and planning obligations have been requested in relation to providing social and economic benefits such as apprenticeships and training opportunities. In summary, it is considered that the proposed development results in a socially balanced and inclusive development.

DM26(2)k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks

- 10.38. The proposed height is considered to be suitably low to ensure it does not adversely impact on Civil Aviation requirements. NATS have raised no objection to the proposal.

DM26(2)l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

- 10.39. The proposed design has taken into account the various safety requirements involved in residential development including issues such as means of escape. Discussions have also taken place with the secure by design officer to ensure the proposed development is secure by design.

- 10.40. As such, taking the above into consideration the proposed development is considered to comply with the requirements of policy DM26 of the Managing Development Document and policy 7.7 of the London Plan in relation to building heights.

Architecture

- 10.41. Further amended drawings have been received which show an improved ground floor frontage and articulation of the facades. The fenestration pattern has been split into 4 distinctive horizontal bands to break up the massing.

- 10.42. More specifically, the fenestration to the upper storeys of Greenfield Road and Commercial Road has been amended and the treatment is now softer, with metal spandrel panels replacing the previous horizontal bands of brickwork. These are

successful in providing greater depth and articulation to each of the two principal elevations.

- 10.43. The number of brick piers and the number of narrow bays have been reduced at ground level as has the design of the bulky structural column. This has assisted in opening up the active frontage to the streets adjoining the site.
- 10.44. The north and east elevations have been left blind given the potential for future development of the adjacent sites. The top five storeys to each of these elevations have been articulated using an inset brick grid that reflects the fenestration pattern to the principal south and west elevations.
- 10.45. The proposed materials palette of brick, glass and aluminium window frames is considered appropriate. The bulk of the development utilises a grey brick complemented by contrasting aluminium frames to windows. Overall, this will present a robust and solid appearance, consistent with other buildings in the vicinity including those located within the Myrdle Street Conservation Area. Material samples will be required by condition.
- 10.46. In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered the amended elevational treatment of the proposed building is of a high standard with a façade that is predominantly vertical with some horizontal banding to break up the height and massing of the building.

Secure by Design

- 10.47. Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 10.48. The proposed development has been assessed by the Crime Prevention Officer who has not raised objection to the proposal. Further consideration of the lobby area at ground floor level is required once further detail is available. A Condition would therefore be attached to any approval, to ensure that the development will seek to achieve the Secure By Design Accreditation.
- 10.49. Subject to conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the MDD.

Inclusive Design

- 10.50. Policy 7.2 of the London Plan (MALP 2016), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 10.51. A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'.
- 10.52. The applicant has considered how the development can be inclusive and accessible to all in terms of its design. All users of the building will use the same level access from Commercial Road which has sliding doors directly from the street. Each of the upper floor levels within the building is provided with lift access

(three lifts in total) with a wheelchair accessible toilet at each floor level. A single lift is provided to basement level where a wheelchair accessible shower/toilet facility is provided.

- 10.53. External to the building, a chamfered corner is proposed. The movement around this corner has been widened to 1.5 metre and this improvement also allows a more inclusive design.
- 10.54. The applicant has also offered a commuted sum toward a wheelchair accessible parking bay in proximity to the site. This will be secured through the s106 legal agreement.
- 10.55. It is considered that the proposal would result in a scheme that would be well connected to its surroundings and would provide a development that can be used safely and easily and with dignity for all regardless of disability, age, gender, ethnicity or economic circumstances. 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.

Design Conclusions

- 10.56. In conclusion, the urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with Chapter 7 of the London Plan (2016); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

11. Heritage

- 11.1. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2016) and the draft London World Heritage Sites – Guidance on Settings SPG (2012) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 11.2. London Plan (2016) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 11.3. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF and is expanded on below as necessary.

Strategic Views

- 11.4. The development does not affect any strategic views.

Archaeology

- 11.5. The National Planning Policy Framework (Section 12) and the London Plan (2016) Policy 7.8 emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and

where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.

- 11.6. English Heritage Archaeology (GLAAS) advises that the site lies in an area of archaeological interest. Remains connected with Roman activity and the post-mediaeval development of London may be affected by the limited fresh intrusive works for extensions and the lift pit.
- 11.7. Whilst the Greater London Historic Environment Record indicates the need for field evaluation to determine appropriate mitigation and this should be undertaken prior to determination in accordance with the NPPF, in this instance it is considered that a condition could provide an acceptable safeguard.
- 11.8. A two stage archaeological investigation will be required by condition.
- 11.9. It is therefore considered that the proposed scheme would therefore comply with the requirements of the National Planning Policy Framework (Section 12) and Policy 7.8 of the London Plan (2016).

Surrounding Conservation Areas and Listed Buildings

- 11.10. Statutory tests for the assessment of planning applications affecting conservation areas is found in 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 72(1) relates to applications affecting a conservation area. It states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.
- 11.11. The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on conservation areas. These are considered in more detail below however, the emphasis for decision makers is that in 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.
- 11.12. The NPPF sets out the Government’s objectives in respect of conserving and enhancing heritage assets. The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, and the more important the asset, the greater the weight should be. Where a development will lead to ‘less than substantial harm’, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 11.13. London Plan policy 7.8 states that development should conserve the significance of heritage assets by being sympathetic to their form, scale, materials and architectural detail.
- 11.14. Managing Development Document policy DM27 (Heritage and the Historic Environment) states that *‘development will be required to protect and enhance the borough’s heritage assets, their setting and their significance as key elements of developing the sense of place of the borough’s distinctive ‘Places’*”.
- 11.15. Officers consider the application site to possess no specific heritage or townscape value. The site comprises three properties including Turner House which is located at the junction of Commercial Road and Greenfield Road. Turner House is part three /part four storeys in height and built in the 1960’s. No. 75 and 77 Commercial

Road are three storeys in height, built in the 1930's in the art-deco era and in a simple style. The existing properties at no. 75 and 77 Commercial Road have been altered fairly substantially with altered ground floor and replacement windows at no.75.

- 11.16. The application site is located in close proximity to the Myrdle Street Conservation Area which is a designated heritage asset. There are no listed buildings or locally listed buildings in close proximity to the site whose setting would be affected by this proposal.
- 11.17. The Myrdle Street Conservation Area Character Appraisal highlights that the conservation area is characterized by high density development and a variety of types and sizes of property which vary in scale and quality. The character appraisal notes that the properties on New Road are among the largest in scale, together with those on Settles Street which are of 4 and 5 storeys with basement. Those on secondary residential roads running parallel to New Road and Settles Street are smaller in scale.
- 11.18. The applicant has submitted a Heritage and Townscape Statement which assess the impact of the proposal on various views within the surrounding conservation area. The views assessment shows in View 1 that from the junction of Settles Street and Fordham Street in the existing situation that beyond the Job centre the rear of the London Metropolitan University is visible to the right of the image and beyond this the 19 storey number 60 Commercial Road is clearly visible. In the proposed situation, the proposal will be visible above the Job centre building. The proposal uses a lighter brick with articulated recesses to break up the massing of the scheme and provide a contrast to the conservation area. Whilst there is a transition in scale, officers consider this to be appropriate in providing a marker to Commercial Road and the CAZ/the city beyond.



View 1 – junction of Fordham Street and Settles Street (proposed)

- 11.19. It should be noted that view 1 does not include the recently completed two storey extension at 81-91 Commercial Road or the extension to the rear of the Job Centre

building which benefits from planning permission but has not yet been built. The two approved extensions are shown in wireline on the image below. Both extensions help to mitigate the change in scale experienced between the conservation area and the proposed development.



11.20. In relation to longer views along Commercial Road in the conservation area, view 5 shows the existing and proposed context at the junction with Hessel Street looking west toward the site. The existing buildings within the conservation areas use red brick and the more recent consents such as 81-91 Commercial Road with white cladding are also visible. Beyond this the height increases toward the city. In the proposed situation, the building will be set against taller buildings at the western end of Commercial Road and the proposal represents a suitable transition between the emerging height context. The contrast of the red brick and the lighter materials of the application site clearly mark the distinction between the conservation area and the emerging character along Commercial Road.



View 5 – junction of Commercial Road and Hessell Street (proposed)

- 11.21. With respect to impact upon views from the Myrdle Street Conservation Area officers consider the scheme would have limited impact on the conservation area given the emerging height context and the neutral colour of the scheme.
- 11.22. In accordance with section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990, the proposal is considered to pay special regard to preserving the setting of the listed and locally listed building and the local vistas within the conservation area. The redevelopment of site, in particular given the quality of the design, the level of active frontage and the use of materials as outlined above, is considered to enhance views along Commercial Road and would preserve the character and appearance of the Myrdle Street Conservation Area. Overall, it is considered that the proposal would sit comfortably in this context and would not cause any adverse harm to the setting of the conservation area.

12. Neighbours Amenity

- 12.1. 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 or loss of outlook that can result.

Daylight, Sunlight and Overshadowing

- 12.2. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

- 12.3. 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

- 12.4. 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.
- 12.5. 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.
- 12.6. The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site:
- 86A Commercial Road
 - 69 Greenfield Road
 - 88-90 Commercial Road

- 12.7. The results of the independent consultants 'Delva Patman Redler' are summarised below.

86A Commercial Road – negligible impact

- 12.8. It is not clear from the submitted Daylight and Sunlight Report which properties are in residential use (serving habitable rooms) and therefore the first and second floor level facing the site have been assessed given the ground floor level is currently in commercial use.
- 12.9. Of the windows assessed, all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond the existing VSC. The results also show there will be no change in daylight distribution for the rooms in 86A Commercial Road.

69 Greenfield Road – negligible impact

- 12.10. 69 Greenfield Road is understood to be a block of flats on the corner of Greenfield Road and Coke Street. All windows facing the site have been assessed for daylight and sunlight impacts including those at ground floor level.
- 12.11. It is noted that the ground to second floor windows facing directly south, achieve a VSC of less than 27% in the existing situation. Despite this, all the windows would meet the BRE guidelines in terms of not facing a reduction in VSC of more than 20% beyond the existing VSC. In addition, there would be no effect on the daylight distribution within the rooms.

88-90 Commercial Road – negligible to minor adverse impact

- 12.12. The existing site is three storeys in height. However, the site has various consents; including the most recent consent (with planning reference PA/14/03302) for the erection of a five storey building with office/retail at basement and ground floor and residential to the upper floor levels and rear of the ground floor. The application was approved on 22.05.2015 but has not been implemented. The consented proposal follows the same building line as the existing site (facing Commercial Road) and is an additional 2 storeys in height. The Daylight and Sunlight Report analyses the impact of the proposal on this consented scheme given this represents the worst case scenario.
- 12.13. Two windows of the 13 windows tested would experience a reduction in VSC of more than 20% compared to the existing situation. Both windows tested serve the same room which is a living room. These windows will experience a reduction of 20.19% and 20.51% which is only a very small amount above the 20% reduction. Both VSC levels in the 'proposed development' scenario will be above 21% VSC (at 21.47% and 21.71% VSC) and will therefore continue to maintain a good level of daylight for a dense urban location such as this. In terms of daylight distribution, there will be minimal loss to the daylight distribution within the rooms. In addition, it should be noted that the site is located in a changing area and that the surrounding sites have development potential. On this basis the impact to 88-90 Commercial Road is considered to sit between a negligible to minor adverse impact.

Sunlight

- 12.14. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 12.15. The submitted reports outline the sunlighting conditions for the following residential properties which are relevant for assessment:

69 Greenfield Road – negligible impact

- 12.16. The only residential property tested for sunlight is 69 Greenfield Road given these are the only windows facing 90 degrees due south. The Daylight and Sunlight Report shows that there is full compliance with the standards for both annual and winter sunlight levels. The impact on sunlight levels is negligible.

Conclusion

- 12.17. The proposed development shows almost full compliance with the required daylight and sunlight standards. Two windows will experience small reductions in daylight levels; however, these are only marginally below the standards and they continue to achieve good levels of daylight resulting in a negligible to minor adverse impact to 88-90 Commercial Road. Given the overall impact of the proposal on surrounding properties is fairly negligible, the impact of the proposal on the amenity

of surrounding properties is acceptable, in accordance with Managing Development Document (2013) policy DM25.

Overshadowing

- 12.18. 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”.
- 12.19. There are no existing amenity spaces or park areas within close proximity to the development.

Privacy/outlook/sense of enclosure

- 12.20. 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.
- 12.21. In terms of separation distances, the proposal will directly adjoin the properties to the north and east and maintains a similar plot coverage to the existing situation. At its narrowest point the proposal is 15 metres from the existing flank wall of the London Metropolitan University and is separated by Greenfield Road. To the properties on the south side of Commercial Road, there is a 22 metre separation distance.
- 12.22. The proposal has been designed with no windows on the north and east elevations to allow for future development potential.
- 12.23. The adjacent site to the east, no.79 whilst in commercial use has been considered in terms of whether there would be any impact to this property given the future development potential of this site. The proposal does not include windows to the east or north and therefore there will be no issues regarding direct overlooking to this property. There could be some overshadowing during the late afternoon; however, given the constrained nature of the adjoining site and the urban context this impact is unlikely to be significant given the site is south facing.
- 12.24. Given the location and separation distance of surrounding facing residential properties and the tight urban grain in this part of the borough, it is considered that the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of privacy, loss of outlook and sense of enclosure.
- 12.25. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved, a level of outlook is maintained and there will be no sense of enclosure to surrounding residential properties.

13. Highways and Transportation

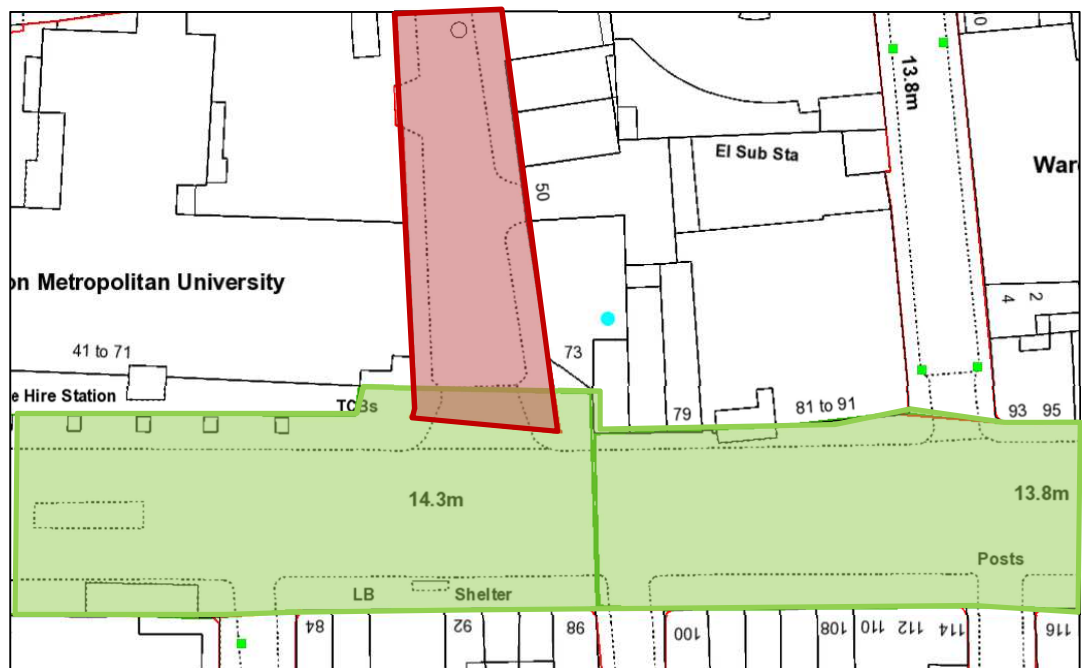
Policy Context

- 13.1. 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.

- 13.2. 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.
- 13.3. 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

- 13.4. The site has excellent public transport accessibility level (PTAL) of 6b. The site comprises three properties; these are currently in use as retail at ground floor level with commercial at the floors above.
- 13.5. The site is located on both the adopted highway under control of TfL and LBTH highways. The frontage to Commercial Road and the public realm to the front of the stepped element at 73 Commercial Road is within the control of TfL. Beyond the rounded corner of Greenfield Road the highway and public realm is within LBTH's control. The plan below shows the highway authority for the highways adjacent to the site.



- 13.6. The existing site has two accesses onto Greenfield Road and three accesses to Commercial Road from each of the retail units. There is no existing vehicular access into the site.

Car Parking and access

- 13.7. The applicant has proposed to enter a legal agreement to restrict the issuing of business permits to future occupants in order to ensure that the proposal is car free. This is supported by LBTH highways and TfL. The restriction on the issue of

parking permits for business occupants will be secured through the section 106 legal agreement.

- 13.8. Given the constrained nature of the site, there is limited scope for the inclusion of a disabled bay to be provided on site. The applicant is willing to fund an on street accessible bay and a commuted sum of £5000 has been agreed which is included in the S106 agreement to cover the costs of providing an on street bay in close proximity to the site.
- 13.9. In addition, a small amount of land around the edge of the building on Greenfield Road and Commercial Road (including the chamfered corner) will be subject to a stopping up order between TfL and the applicant. This was agreed in principle by the applicant and TfL during the pre-application stage and has been subsequently confirmed during the application process.

Servicing and deliveries

- 13.10. It is proposed to service the development on street as per the existing arrangements from the public highway using the yellow lines on Greenfield Road or using the servicing bay outside the site on Commercial Road within the restrictions of the servicing bay. Given the constrained nature of the site will be difficult to service the site from within the red line of the proposal.
- 13.11. It is noted that there will be an intensification of use and therefore the number of servicing trips and length of time vehicles will be required to wait will increase. The applicant has agreed that servicing will occur within the restrictions of the parking bay on Commercial Road and Greenfield Road will only be used as necessary. A Delivery and Service Management Plan will be required and secured by a planning condition.
- 13.12. The refuse collections are to occur from the access at the north west of the site. The bin store is located at basement level and will be brought up to the collection point on collection day. A holding area is proposed at ground floor level to ensure that the bins are not stored on the public highway. Further assessment of the proposed waste arrangements and conditions required to provide clarification on the arrangements as proposed are discussed in the 'waste' section of the report.

Walking and the public realm

- 13.13. During the course of the application, concerns were raised regarding pedestrian permeability and the public realm around the site given the chamfered corner and structural column which had the potential to impede pedestrian movements. Improvements have been made to the design including reducing the size of the structural column to ensure that pedestrians/users of the public realm are not restricted in their movement. This amendment in design is considered acceptable given it improves on the existing poor quality public realm and provides better permeability and more meaningful public realm around the site.

Cycling

- 13.14. The applicant has proposed 53 cycle parking spaces. This is beyond the London Plan FALP requirement for long term cycle parking for office use and the flexible commercial space at ground floor level. In addition, changing and washing facilities are also proposed.

- 13.15. The bike stores are accessed by the cycle lifts from ground floor to basement level. It is important to ensure that the cycle lifts are accessible and user friendly and therefore the access routes and lift detail will be controlled by way of condition. In addition, the design of the cycle stands (with reference to the London Cycling Design Standards (LCDS)) is required by condition.
- 13.16. Given the constrained nature of the application site, the applicant is unable to provide cycle parking in the public realm for visitors. Whilst the London Plan requires developers to provide short stay cycle parking as part of development proposals, it is recognised in this instance that this would not be feasible. In order to ensure there is cycle parking provision for visitors, the applicant has proposed additional cycle parking spaces within the basement for business visitors and has also agreed to enter into a highway agreement with TfL to provide two additional 'Sheffield' cycle stands in close proximity to the site. This will be secured by way of condition.

Trip Generation

- 13.17. A multi-modal assessment has been undertaken and is considered acceptable by LBTH highways officers and TfL.

Demolition and Construction Traffic

- 13.18. Should the application be approved, the impact on the road network from demolition and construction traffic would be controlled by way of conditions requiring the submission and approval of Demolition and Construction Management Plans. The Demolition and Construction Management Plan will need to consider the impact on pedestrians, cyclists and vehicles as well as fully considering the impact on other developments in close proximity.

Summary

- 13.19. Subject to the above it is considered the proposal would be acceptable in terms of supporting sustainable modes of transport, it should have no significant impacts on the safety or capacity of the highways network, in accordance with NPPF (2012) policy 6.1, London Plan (2015) policy 6.3, Core Strategy (2010) policies SP08 & SP09, and Managing Development Document (2013) policies DM20 & DM22.

14. Waste

- 14.1. MDD Policy DM14 requires developments to provide adequate storage capacity in accordance with the Council's waste storage standards.
- 14.2. Due to concerns raised by the waste team regarding the location of the bin stores (pulling distance and how to bring the bins to ground floor level), a revised basement and ground floor plan have been submitted.
- 14.3. The amended plans show that storage space for 11 Eurobins will be provided at basement level to the north west of the site. A further Eurobin will be permanently located at ground floor level. A refuse lift will be located to the north west of the site between basement and ground floor level which will allow bins to be brought to ground floor level via a lift and will be stored in a temporary storage area at ground floor. These changes in turn reduce the pulling distance from 20 metres to 9.5 metres to the collection point from the furthest bin.

- 14.4. It is anticipated that a daily waste collection will be undertaken and given the site will be mainly in B1(a) use, it is not anticipated that bulky bins will be required. Clarification is required on the breakdown of how many and what type of bins will be collected each day. This further information will be provided on this by way of a Servicing and Management Strategy which will be secured by way of condition.
- 14.5. Subject to further clarification on the proportion of recycling bins/landfill bins and timings of collection which will be sought by way of the Servicing and Management Strategy condition, the Borough's Waste Team have confirmed that the amended information is satisfactory and is acceptable in accordance with the Borough's MDD Policy DM14 in regard to managing waste.

15. Energy & Sustainability

- 15.1. The NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 15.2. 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.
- 15.3. 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).
- 15.4. 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
- 15.5. 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.
- 15.6. 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.
- 15.7. 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 be zero carbon from 2019.

- 15.8. Policy DM 29 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 non-residential proposals to achieve BREEAM Excellent.
- 15.9. The submitted Energy Assessment Report (dated 03.03.2017) has followed the principles of the Mayor's energy hierarchy, and seeks to focus on reduction of CO2 emissions through energy efficiency measures and the integration of renewable energy technologies. Passive energy measures include lighting controls to common areas and the proposal includes renewable measures including photovoltaic panels on the roof. An indicative roof layout plan has been submitted as part of the Energy Assessment Report which demonstrates that a photovoltaic array could cover approximately 57sqm of the roof space. To ensure that the specification and design of the PV panels are appropriate, a condition will require a plan of the PV panels to be submitted.
- 15.10. The current proposals are anticipated to achieve CO2 emission reductions of 13.6% through Be Lean measures and 11.7% through Be Green measures. The cumulative CO2 savings from these measures are proposed to be in accordance with policy London Plan requirements at approximately 25.3%. However, the proposals fall short of the LBTH policy requirements to achieve a 45% reduction in CO2 emissions.
- 15.11. Based on the current proposals there is a shortfall to policy DM29 requirements which equates to an annual shortfall of 14 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.
- 15.12. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 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.'*
- 15.13. 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).
- 15.14. For the proposed scheme a figure of £25,200 is sought for carbon offset projects as identified in the submitted Energy Statement.
- 15.15. The GLA has raised concerns within their Stage I response that the energy strategy does not accord with London Plan policies 5.2, 5.6, 5.7 and 5.8.
- 15.16. The full BRUKL files in the 'Be Lean' and 'Be Green' scenario are required and have subsequently been provided. The BRUKL files demonstrate modelling assuming a gas-fired boiler system for space heating. The submitted information is now considered acceptable.

- 15.17. In terms of the local district heating connection, the GLA has identified that according to the London Heat Map the location of the site is within a district heating opportunity area and in proximity to a proposed network. The proposed development requires future proofing for connection to potential district heating networks and should include measures to ensure this. The applicant has sufficiently demonstrated that capped connections for future proofing can be provided either side of the building façade walls. This is acceptable.
- 15.18. The GLA required further detail regarding the site heating network where all uses will be connected on site and future proofed. The applicant has explained that the sprinkler tank room, domestic water services tank room and electrical intake room are proposed. A plan which illustrates the heat pump location at roof level has also been provided and space heating will be provided via the air source heat pumps with comfort cooling. This information is satisfactory.

16. Environmental Considerations

Landscaping and Biodiversity

- 16.1. 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.
- 16.2. The existing site has limited ecological value given the site consists of an existing building and there will be no significant impacts on biodiversity as a result of the proposal.
- 16.3. In terms of biodiversity enhancements, the applicant has investigated the option of providing a biodiverse roof; however, given the roof will largely accommodate plant and PV and the site is constrained, it will not be feasible to provide a biodiverse roof in this instance.
- 16.4. The applicant has engaged with the biodiversity officer and has provided an indicative plan showing where bird, bat and invertebrate boxes could be located at roof level. The roof level has sufficient space to accommodate the suggested boxes and will contribute to LBAP targets. The biodiversity officer has confirmed that a condition would be appropriate that secures as a minimum 2 bat boxes, 2 sparrow terrace nest boxes, 2 insect boxes and 6 nest boxes for swifts.
- 16.5. 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

- 16.6. 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.

- 16.7. 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.
- 16.8. The submitted Noise and Vibration Assessment considers existing noise levels from a variety of noise sources mainly consisting of the dominant road traffic and distant construction noise.
- 16.9. In terms of the completed development, plant locations are proposed on the roof and at basement level of the site. The proposed plant noise emissions will not exceed the 10 dB below the lowest measured background noise levels through the use of screening and attenuation measures.
- 16.10. In order to ensure the noise is acceptable for the occupants of the building, mechanical ventilation and facade glazing will be used.
- 16.11. In addition, any potential noise from the flexible ground floor use could also be controlled by an “hours of use” condition and similarly with deliveries and servicing. Relevant conditions would be included on any permission if granted.
- 16.12. In relation to odour, a condition could ensure any food /drink use with a kitchen extract system would be adequate to mitigate any odour nuisance should the ground floor element come forward as an A3 – A5 type use.
- 16.13. It is considered that proposed arrangements would ensure that the development would be compliant with the NPPF and development plan policy.

Demolition and Construction Noise and Vibration

- 16.14. The Noise and Vibration Assessment acknowledges the potential for adverse effects from demolition and construction noise and vibration. Noise and vibration levels as a result of the demolition and construction phase can be minimised by mitigation methods such as hoarding with good acoustic qualities, briefing staff on noise and vibration measures, use silenced and well-maintained plant, locate plant away from sensitive, carrying out inspections of noise mitigation measures and the switching off of plant and equipment when not in use which would be employed to ensure that the noise levels are acceptable.
- 16.15. The six nearest noise sensitive receptors have been identified around the site including the residential premises on the opposite side of Commercial Road, the commercial premises to the north and east of the site (including no 79 Commercial Road, the Job Centre and the London Enterprise Academy) and the London Metropolitan University. Four of the receptors will experience no adverse effects as a result of the construction vibration. This includes the residential properties opposite, the London Metropolitan University, the London Enterprise Academy and the Job Centre. The two remaining receptors (the commercial premises adjoining the site) are likely to be impacted by piling vibration due to their close proximity to the development. Measures will be put in place to minimise impact to these two properties during the construction phase.

- 16.16. Demolition and construction works, are likely to include activities that would be likely to increase noise and vibration levels. The submission of a construction management 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.
- 16.17. 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).
- 16.18. 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 demolition and 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.

Air Quality

- 16.19. 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.
- 16.20. 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.
- 16.21. The main source of pollutants is road traffic. The air quality monitoring data from monitoring sites in close proximity to the application site demonstrates that existing air quality consistently exceeds the annual mean NO₂ air quality objective at road side locations close to Commercial Road, but would be expected to reduce away from the roadside and at more elevated floor levels.
- 16.22. Given the proposed development is for commercial and retail use the proposal would not introduce new residential exposure. However, employees and visitors to the development could be exposed to elevated concentrations of air pollutants. To protect future workers a mechanical ventilation system fitted with heat recovery. Offices below sixth floor level would have sealed windows and air for the ventilation system would be sourced from air handling units located at the roof top. Above the sixth floor level it is considered that pollutant concentrations would have reduced to below the objective concentration and therefore windows can be openable to allow for summer cooling and purge ventilation as necessary.
- 16.23. 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 by a wide margin.
- 16.24. The LBTH Air Quality officer reviewed the Air Quality Assessment and after some further points of clarification from the applicant in relation to the testing of the

backup diesel generator has confirmed that the Air Quality Assessment is acceptable.

- 16.25. Finally, in terms of the construction phase this 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.
- 16.26. 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

Contaminated Land

- 16.27. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a Land Contamination Assessment which assesses the likely contamination of the site.
- 16.28. 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.

Water Resources

- 16.29. 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
- 16.30. In relation to surface water run-off, the site is already built upon and therefore subject to a planning condition to ensure the scheme incorporates Sustainable Drainage Measures in accordance with the London Plan's hierarchy the proposal is considered acceptable in accordance with adopted policy NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 of the Core Strategy and DM13 of the Managing Development Document.
- 16.31. Thames Water advises that conditions could also appropriately address the matters raised regarding piling and the site drainage strategy.
- 16.32. 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.

Health Considerations

- 16.33. 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.
- 16.34. 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.

16.35. 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.

16.36. As detailed in the previous section, the proposed development would promote sustainable modes of transport and will be car free. In addition, the proposal will seek to improve the appearance of the existing building and provide active frontages/public realm within the chamfered corner of the site. 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.

17. Impact upon local infrastructure / facilities

17.1. 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.

17.2. 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.

17.3. 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.

17.4. Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

17.5. The Council's Planning Obligations Supplementary Planning Document (2016) carries weight in the assessment of planning applications. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. This identifies the council's priorities as Affordable housing, Sustainable transport, publicly accessible open space, education, health, training, employment and enterprise etc.

17.6. The SPG seeks planning obligations for the following priority areas which are not covered by CIL:

- Affordable Housing (and wheelchair accessible accommodation)
- Employment, Skills, Training and Enterprise
- Transport and highways
- Public access and children's play space

- Environmental sustainability
- 17.7. The proposal would also be subject to an LBTH Community Infrastructure Levy. The types of infrastructure project that may be partly or wholly funded by CIL can include:
- Public education
 - Community and leisure facilities
 - Public open space
 - Road and other transport facilities
 - Health facilities
- 17.8. The development is predicted to generate a significant number of jobs once complete. Therefore, the development will place some additional demands on local infrastructure and facilities, including transport facilities, public open space and the public realm and streetscene.
- 17.9. As outlined in the following financial considerations section of the report LBTH CIL is now applicable to the development would help mitigate the above impacts.
- 17.10. The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:
- Enterprise and Employment Skills and Training;
 - End User;
 - Carbon Off-Set
 - Wheelchair accessible bay contribution
 - Monitoring contribution
- 17.11. The developer has agreed to provide 6 construction phase apprenticeships and 1 end-use phase apprenticeship.
- 17.12. 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 and agreed to enter a permit-free agreement for business permits.
- 17.13. 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	£18,540
Access employment and end user	£120,749
Carbon off set initiatives	£25,200
Wheelchair accessible bay	£5,000
Crossrail	£106,972
Monitoring	£4,500
Total	£280,951

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

18. OTHER

Financial Considerations

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

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

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

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

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

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

18.4. The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor’s Supplementary Planning Guidance (SPG) “Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy” (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). These are material planning considerations when determining planning applications or planning appeals. In this case the Crossrail charge would be approximately £106,972. This would be secured through the section 106 agreement with the Mayoral CIL credited with this contribution.

18.5. This application is located within an area that is not subject to the Borough’s Community Infrastructure Levy for office use or retail use (except for convenience supermarket, superstores and retail warehousing which are defined as shopping destinations in their own right, meeting weekly food needs and catering for a significant proportion of car-borne customers). Given the small scale of the flexible commercial space (381sqm), it is not considered that the proposal would fall within this category. The CIL Levy came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council’s adopted CIL charging schedule.

18.6. As regards to Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable

on this scheme. The likely Mayoral CIL payment associated with this development would be £108,395.

- 18.7. Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests and adequately mitigates the impact of the development.

Human Rights Considerations

- 18.8. 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:-
- 18.9. 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".
- 18.10. 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.
- 18.11. 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.
- 18.12. 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.
- 18.13. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 18.14. 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.

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

Equalities Act Considerations

- 18.16. 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.

- 18.17. The requirement to use local labour and services during construction and at end phase enables local people to take advantage of employment opportunities, supports community wellbeing and social cohesion.

- 18.18. The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development.

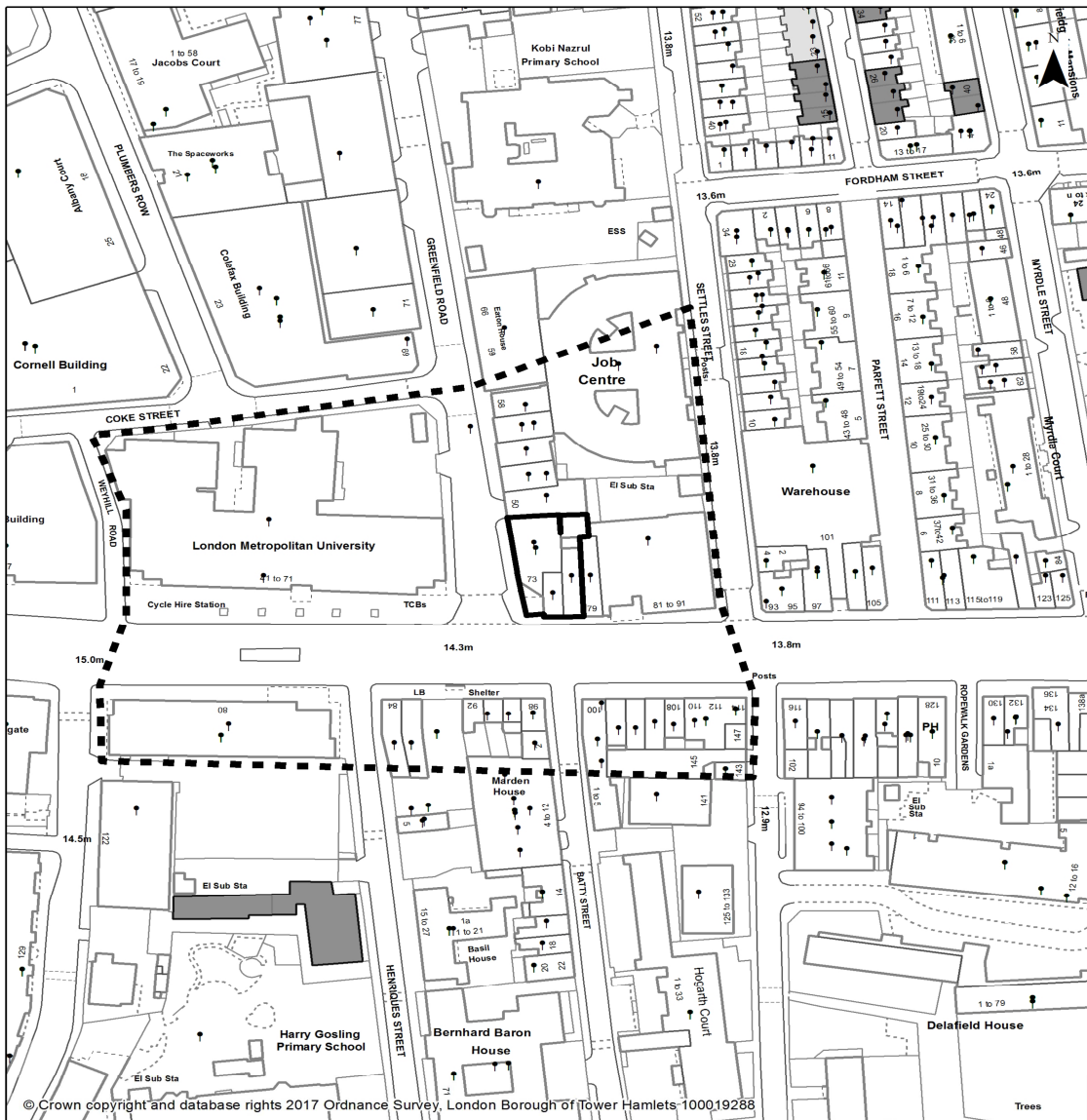
- 18.19. The proposed development and uses as a consequence are considered to have no adverse impacts upon equality and social cohesion.

Conclusion

- 18.20. 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 1

Planning application site map




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

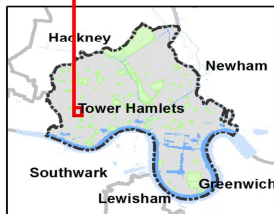
Scale @ 1:1,250
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Planning Application Site Map PA/17/00734

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: 20/07/2017



APPENDIX 2

List of plans for approval

Schedule of Drawings

AM(10)002 Rev 9 Proposed GIA Area plans
TP(00)001 Rev 5 Site location plan
TP(00)002 Rev 4 Existing site plan
TP(00)003 Rev. 3 Proposed Site plan
TP(10)002-Q Rev 1 Proposed ground level TP Queries
TP(10)003 Rev 8 Proposed First Level, Second - Fifth Level Typical
TP(10)006 Rev. 5 Proposed sixth – tenth level, typical roof
TP(10)007 Rev 1 Existing basement, ground level
TP(10)008 Rev 1 Existing first level, second level
TP(10)009 Rev 1 Existing third level, roof level
TP(11)001 Rev 2 Existing site elevations and sections
TP(11)002 Rev 3 Proposed site elevations
TP(11)003 Rev 6 Proposed south elevation
TP(11)004 Rev 6 Proposed west elevation
TP(11)005 Rev 6 Proposed north elevation
TP(11)006 Rev 6 Proposed east elevation
TP(11)007 Rev 1 Existing south elevation
TP(11)008 Rev 1 Existing west elevation
TP(12)004 Rev 1 Existing section 1
TP(12)005 Rev 1 Existing Section 2
TP(12)002 Rev 6 Proposed section 1
TP(12)003 Rev 5 Proposed section 2

Schedule of Documents

Planning and Regeneration Statement prepared by DP9 dated March 2017
Heritage and Townscape Statement prepared by KM Heritage dated March 2017
Daylight and Sunlight Report prepared by Point 2 Surveyors Ltd dated February 2017
Transport Statement prepared by Icen projects dated March 2017
Sustainability Statement prepared by Ramboll Environ dated March 2017
Air Quality Assessment prepared by Ramboll Environ dated May 2017 (issue 2)
Energy Assessment Report prepared by Bespoke Builder Services Ltd dated 03.03.17
Noise and Vibration Assessment prepared by Ramboll Environ dated March 2017
Ecological Impact Assessment prepared by Ramboll Environ dated March 2017
Land Contamination Assessment prepared by Ramboll Environ dated March 2017
Historic Environment Assessment prepared by MOLA dated March 2017
Statement of Community Involvement prepared by Quatro dated March 2017
Utility Services Report Revision A prepared by FHP dated 3rd March 2017

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Agenda Item 5.4

Committee: Strategic	Date: 17 th August 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place Case Officer: Kate Harrison	Title: Application for full Planning Permission Ref No: PA/16/02808 GLA Ref. D&P/3620a/01 Ward: Canary Wharf
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1. APPLICATION DETAILS

Location: 225 Marsh Wall, E14 9FW

Existing Uses: 4-storey 5,288 sq. m. office block. Approximately 60% occupied on short term lets. 40% vacant.

Proposal: Full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey (maximum AOD height 163.08m) comprising 332 residential units (Use Class C3); 810 square metres of flexible community/ office floorspace (use class D1/ B1); 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking; resident amenities; public realm improvements; and other associated works.

The application is accompanied by an Environmental Impact Assessment.

Drawing and documents:

Drawings:

Location Plans and Existing Site Plans

P200, Rev 2 Location Plan
P201, Rev 2 Existing Site Plan
P202, Rev 2 Proposed Site Plan
P203, Rev P2 Site Survey
P590, Rev P2 Demolition Plan
P990, Rev P2 Existing Building Plan
1200, Rev P2 Existing Elevations
1201, Rev P2 Existing Elevations

Proposed Plans

P1998, Rev P2 General Arrangement Plan Basement Level 2
P1999, Rev P2 General Arrangement Plan Basement Level 1
P2000, Rev P2 General Arrangement Ground Floor Plan
P2000A, Rev P2 General Arrangement Ground Floor
Landscape Plan

P2001, Rev P2 General Arrangement Level 01 Plan
P2002, Rev P2 General Arrangement Level02 Plan
P2003, Rev P3 General Arrangement Level03-08 Plan
P2009, Rev P3 General Arrangement Level09 Plan
P2010, Rev P1 General Arrangement Level10-12 Plan
P2013, Rev P1 General Arrangement Level13 Plan
P2014, Rev P1 General Arrangement Level14-22 Plan
P2023, Rev P3 General Arrangement Level23-45 Plan
P2046, Rev P3 General Arrangement Level46 Plan
P2047, Rev P2 General Arrangement Plant Level47 Plan
P2048, Rev P2 General Arrangement Plant Mezzanine Plan
P2049, Rev P2 General Arrangement Roof Plan

Elevations

P2100, Rev P2 Elevation North
P2101, Rev P2 Elevation East
P2102, Rev P2 Elevation South
P2103, Rev P2 Elevation West
P2220, Rev P2 Site Elevation North East
P2221, Rev P2 Site Elevation South West

Sections

P2200, Rev P2 Section AA
P2001, Rev P2 Secton BB

Unit Types

P2300, Rev P2 Unit Types ST101,101
P230, Rev P2 1 Unit Types 102A,102B,103Wch
P2302, Rev P2 Unit Types 201,202
P2303, Rev P2 Unit Types 203Wch, 301
P2304, Rev P2 Unit Types 401

Detailed Bay Studies

P4000, Rev P2 Cladding Details
P4001, Rev P2 Cladding Details
P4002, Rev P2 Cladding Details
P4003, Rev P2 Cladding Details
P4004, Rev P2 Cladding Details

Documents

- Design & Access Statement (V2 January 2017)
- Townscape & Visual Impact Assessment (Within letter with additional ES, dated 17th July 2017)
- Landscaping Strategy (V2 January 2017- Included in DAS Addendum).
- Planning Statement (Addendum Letter January 2017)
- Energy Statement (Hoare Lea PV Feasibility Statement Jan 2017)
- Sustainability Statement (Hoare Lea Overheating

- assessment Jan 2017)
- TV and Radio Interference Assessment
- Statement of Community Involvement
- Waste Management Strategy
- Transport Assessment (V2: January 2017)
- Aviation Report
- Sustainable Drainage Strategy (V2: January 2017- ES Addendum)
- Ecological Statement (V2: January 2017- ES Addendum)
- Arboricultural Survey
- Ventilation Strategy

Applicant: Cubbitt Property Holdings Limited

Ownership: Cubbitt Property Holdings Limited
Meridian (Two) Property Holdings Limited
LBTH (Highway land to south of site)

Historic Building: None

Conservation Area: Coldharbour Conservation Area lies to the east

2. EXECUTIVE SUMMARY

- 2.1. This report considers an application for planning permission for a residential led development of an existing 4-storey office block to deliver 332 residential homes. The scheme also proposes commercial space at ground and first floor levels comprising: 810 sqm of flexible office/ community floor space (use class B1/D1) and a 79sqm flexible commercial unit that would be retail/ restaurant or café/ community use (use class A1/A3/D1).
- 2.2. The proposal would deliver 25% affordable housing at a tenure split of 66%/35% split in favour of affordable rent. Of the affordable rented units, 50% would be delivered at London Affordable Rent (LAR) levels and 50% would be delivered at Tower Hamlets Living Rent (THLR). The LAR and THLR would be spread equally across the 1, 2, 3 and 4 bedroom units within the affordable housing tenure which includes 50% family sized units.
- 2.3. The development would be of a high architectural quality with height stepping down from the Canary Wharf Major Centre and provides public open space to the west that would link in with the approved open space at Meridian Gate (aka the Madison) to the west.
- 2.4. The proposed residential units would benefit from internal and external community space and child play space and all units would have private amenity space in the form of balconies.
- 2.5. The proposed residential units would meet the relevant size standards and would be well lit.

- 2.6. The proposal includes re-provision of a significant amount of commercial floor space that would create jobs. The flexible B1/D1 as well as flexible A1/A3/D1 uses proposed allow for greater flexibility in end users and to avoid vacant space.
- 2.7. Appropriate separation distances ensure that neighbouring privacy and outlook is protected while the impact on daylight/ sunlight is generally negligible to minor adverse. There is some moderate and major adverse impact which can be attributed mostly to the design of the neighbouring properties impacted as well as impacts from other surrounding developments, typical within an urban environment.
- 2.8. Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material planning considerations which would indicate that it should be refused.

3. RECOMMENDATION

3.1. That subject to any direction by the London Mayor, planning permission is APPROVED subject to the prior completion of a legal agreement to secure the following planning obligations:

3.2 Financial contributions:

- a) £141,072 construction phase employment training
- b) £36, 740 end-user phase employment training
- c) £203,040 carbon off-setting
- d) £100,000 towards London Buses
- e) Monitoring fee equivalent to £500 per each substantial Head of Terms

Total financial contribution: £480,852 plus monitoring contribution

3.3 Non-financial contributions:

- (a) On-site affordable housing consisting of 31 intermediate units, and 40 affordable rented units (50% at social target rent and 50% at Tower Hamlets Living Rent) including wheelchair accessible units.
- (b) Financial viability review mechanism at pre-implementation stage and at an advanced stage upon sale of 75% of the units.
- (c) Access to employment
 - 20% local procurement
 - 20% local labour in construction
 - 25 apprenticeships delivered during the construction phase
- (d) Public access to public realm and access roads

- (e) Draft travel plan
 - (f) Car Free Agreement
 - (g) LBTH Code of Construction Practice and Considerate Constructors
 - (h) Any other planning obligation(s) considered necessary by the Corporate Director for Place
- 3.2. That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
- 3.3. That the Corporate Director for Place is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.6 Conditions:
- Compliance
- 1) 3 year time limit for implementation
 - 2) Compliance with plans
 - 3) Withdrawal of permitted development rights for erection of gates and fences
 - 4) Compliance with energy and sustainability strategies
 - 5) Noise insulation standards for residential units and noise limits for plant
 - 6) Provision and retention of wheelchair accessible parking spaces, electric vehicle charging points
 - 7) Inclusive access standards for residential units, provision of lifts
 - 8) Provision and retention of cycle parking spaces
 - 9) Compliance with mitigation measures set out in TV and radio reception interference report
- Pre commencement
- 10) Demolition and construction environmental management plan including working hours restriction and other measures to protect amenity and minimise noise & air pollution (in consultation with City Airport).
 - 11) Logistics plan and travel plan for construction phase, feasibility of waterborne transport in construction (in consultation with TfL, CRT and PLA)
 - 12) Site waste management plan
 - 13) Water infrastructure supply study (in consultation with Thames Water)
 - 14) Piling method statement (in consultation with Thames Water)
 - 15) Land contamination remediation (in consultation with Environment Agency)
 - 16) Details of surface water drainage and SUDs (in consultation with CRT)
 - 17) Archaeological written scheme of investigation and programme of works (in consultation with GLAAS)
 - 18) Details of sustainable urban drainage measures
 - 19) Details of biodiversity measures

Pre-superstructure

- 20) Samples of all facing materials, elevation & fenestration details, rainwater goods
- 21) Details of landscaping including wind mitigation in compliance with the ES, soft & hard landscaping, street furniture & play equipment, gates & fences, lighting, wayfinding, visitor cycle parking, security measures and inclusive access provisions
- 22) Details of waste storage facilities
- 23) Details of Secured by Design measures

Prior to Occupation

- 24) Details of wheelchair accessible units
- 25) Details of extract system for commercial unit including noise report
- 26) Details of air quality mitigation for the heating system
- 27) Delivery & Servicing Plan, Waste Management Plan (in consultation with TfL)
- 28) Details of highway works (S278 agreement)
- 29) Details of opening hours for commercial use

3.7 Informatives

- a) CIL
- b) Canal and River Trust
- c) Thames Water- water pressure
- d) Greater London Advisory Service

- 3.8 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Place.

4. **SITE AND SURROUNDINGS**



Figure 1- Site Location Plan

- 4.1. Meridian (Two) Property Holdings Limited own the Marsh Wall Estate that comprises three properties:
- 199-207 Marsh Wall – Meridian Gate (currently being redeveloped and also known as ‘The Madison’);
 - 225 Marsh Wall - the application site sometimes referred to as Angel House or the Innovation Centre and;
 - 213-226 Marsh Wall – Meridian North that lies immediately north of 225 Marsh Wall and comprises Moorfoot House, Drewry House, Snowdon House, Cumbrian House and Cotswold House.
- 4.2. The application site (225 Marsh Wall) site measures 0.21 hectares. The application includes public realm improvements that result in a red line area of 0.297 hectares shown on the plan above in figure 1.
- 4.3. The site is located in the northern part of Isle of Dogs and occupied by a 4-storey building constructed in 1993 accommodating 5,288 sq. m. of offices. The site lies within the South Quay area and is bounded by the private roads Meridian Place to the north, Lord Amory Way to the west and Lawn House Close and No. 227 Marsh Wall (Sovereign House a 7 storey office block) to the east. Marsh Wall lies to the south.
- 4.4. To the west, beyond Lord Amory Way, the recently permitted ‘Meridian Gate’ development (Ref. PA/14/01428) has begun to construct a 54 storey building of 423 residential units and 500 sq. m. of ground floor offices and retail units. The eastern part will comprise an area of public open space adjacent to the current application site. West of Meridian Gate ‘Thames Quay’ comprises an office development and the University of Sunderland in London campus.
- 4.5. North of the Meridian Gate development and north-west of the application site is Meridian Place, a 7 storey residential block. Immediately north of the application site fronting South Quay is Meridian North which comprises office buildings between 3, 4 and 5 storeys.
- 4.6. North of No. 227 Marsh Wall is a part 6, part 7 storey multi storey car park and Antilles Bay, a part 5, part 6 storey residential building fronting South Quay.
- 4.7. East of Antilles Bay, development is near completion at Dollar Bay to construct a 31 storey building of 121 residential units and 105 sq. m. of shops and restaurants. South of this is Jack Dash House, a 5 storey local authority office block.
- 4.8. Syklines Village, comprising 1980’s low-rise business units lies opposite the application site on the corner of Marsh Wall and Limehourbour. There is a live application on this site as detailed within the ‘Material Planning History’ section of the report.
- 4.9. The application site does not contain any Listed Buildings. The closest Conservation Area is ‘Coldharbour’ to the east and north east of Jack Dash House. The closest listed building is ‘The Gun’ public house on Coldharbour.
- 4.10. The site sits within a number of strategic views and river prospects, identified in the Mayor’s London View Management Framework, including View 5A.1: Greenwich Park; View 6A.1 Blackheath; View 11B.1: London Bridge; View

11B.2: London Bridge; View 12B.1: Southwark Bridge, and View 15B.1: Waterloo Bridge. South Quay is outside of the boundary of the Maritime Greenwich UNESCO World Heritage Site and its buffer zone but lies within the wider setting.

- 4.11. South Quay DLR station is approximately 250 m. to the west on Marsh Wall. Bus stops are located along Marsh Wall and Limeharbour with bus routes D3, D6, D7 and D8 running towards Bethnal Green, Stratford, Pembury Road, Mile End Station, Crossharbour ASDA and Poplar. The site has a TfL Public Transport Accessibility Level PTAL4 'Good'.
- 4.12. The nearest section of the TfL road network is the A1203 Aspen Way 900 m. to the north. Marsh Wall and other streets in the locality are borough roads. The site lies within a Controlled Parking Zone and both Marsh Wall and Limeharbour have double yellow line (at any time) parking restrictions.
- 4.13. The Isle of Dogs is served by cycle routes linking to the wider network. The nearest docking station of the Mayor's Cycle Hire scheme is located to the east of the site on Preston's Road providing 26 docking points.
- 4.14. The site lies within Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year) but is protected by local river wall defences and the Thames Barrier to 1 in a 1,000 year probability (Low Risk).
- 4.15. The site, as with the whole borough, is within an Air Quality Management Area.
- 4.16. The site is within the London City Airport Safeguarding Zone, the Crossrail Safeguarding Area and Crossrail SPG Charging Zone.
- 4.17. The site lies within the GLA's Isle of Dogs & South Poplar Opportunity Area, the South Quay Masterplan Area and the Isle of Dogs Neighbourhood Planning Area.

5. PROPOSAL

- 5.1. Application seeks full planning permission for the redevelopment of 225 Marsh Wall to provide a 48-storey building comprising:
 - 332 residential units (Use Class C3);
 - 810 square metres of flexible community/ office floorspace (use class D1/B1) and;
 - 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1).
- 5.2. The proposed ground floor layout comprises a podium at ground and first floors with a residential tower above rising to 163 m. AOD (ground + 48 storeys).



Figure 2- CGI of proposed southern elevation



Figure 3- CGI of proposed western elevation, podium and indicative landscaping



Figure 4- CGI of proposed western elevation showing Dollar Bay to the north east and Meridian Gate to the west

- 5.3. The 810sqm of flexible community/ office (use class D1/ B1) space is located on the first floor. The space is designed to be flexible and has the capacity to be occupied by a range of D1/ B1 operators. It is proposed that part of the first floor space would be occupied as a nursery with the remainder of the facility to be used as a community facility/ office space with market demand dictating the exact occupation of the unit.
- 5.4. The 79 sqm of flexible retail/ restaurant / community space (use class A1/A3/AD1) is located at the ground floor as shown in figure 5 below. Again the space is designed to be flexible so the unit is more likely to attract occupiers.
- 5.5. The development includes an area of public open space to the west of the building. It is proposed to link the public garden within the Meridian Gate development to the public realm at 225 Marsh Wall.
- 5.6. The development includes provision of communal amenity space at level 2 (140 sqm for the affordable units in the form of a residents lounge and external terrace) and level 46 (592 sqm for the private units in the form of a residents gym, games area, lounge and external terrace) providing a total of 732 sqm of communal amenity space. Private external amenity space is provided for every unit in the form of a balcony.



Figure 5- Ground floor plan

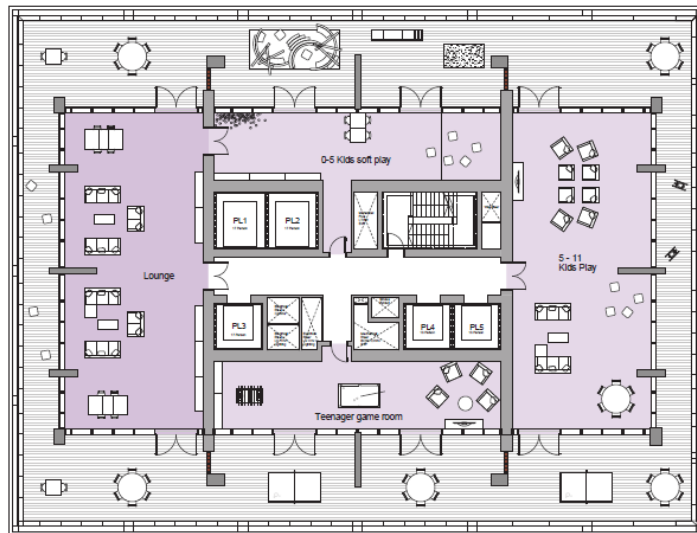


Figure 6- Amenity floor at level 2

- 5.7. The development also includes the provision of 733 sqm of dedicated child playspace. The majority of child playspace would be provided at second floor level in the form of internal/ external child play space facilities for both private and affordable units with the remaining space being provided at ground floor level.
- 5.8. The proposal includes a basement containing ancillary space for refuse and plant and cycle parking. 184 cycle spaces are provided at basement level for the affordable units, 12 of which will be for the commercial units located on ground and first floor levels. These are accessed via the northern end of the proposed eastern access road. 528 spaces are provided for the private units in the form of lockable storage cupboards accessible from the communal lift lobby. 14 spaces are provided at ground floor level for visitors. In total 724 cycle spaces would be provided on site.
- 5.9. The residential tenure mix would be 261 private market units and 71 affordable units comprising 31 intermediate and 40 affordable rent units (a

66%/ 34% split in favour of affordable rent). Of the affordable rented homes 20 would be at London affordable rent levels and the remaining 20 would be at Tower Hamlets living rent levels. The overall affordable housing offer is 71 affordable units comprising 218 habitable rooms (25%).

5.10. Separate entrances are proposed for the private residential units, the intermediate and social/affordable rent units, with the exception of the 13th floor intermediate units which would share the private core. Separate entrances are also proposed on the south and western elevations of the building that provide access to the commercial and community floor space at ground, mezzanine and first floor level.

5.11. The scheme has evolved since the original submission with revised plans amending the proposal as follows:

- Repositioning of the building and podium by 3.2m to the west in order to increase the separation distance at the eastern boundary;
- Revisions to the layout and function of level 2 by removing four residential units and increasing internal and external amenity and play space;
- Reduction in total number of residential units from 336 to 332 and revised housing mix which resulted in the removal of studio units and larger intermediate units;
- Amendments to the landscape design (to achieve the following: repositioning the disabled parking spaces from the north west of the site to the east; increasing the amount of public open space at ground; improving the pedestrian links through the open space and integrating the design with the adjacent Meridian Gate development and; repositioning and increasing the number and height of new trees and mature planting);
- Amendments to the podium and tower design to create a clear set-back at level 2 and a sense of separation between the tower and the podium;
- Changes to the elevational treatment and materiality of the building and;
- Minor changes to cycle parking spaces: reduction in the basement cycle parking spaces from 186 to 184.

5.12. As well as the abovementioned changes during the course of the application, the scheme has developed from a previous application (Planning reference: PA/15/02303 as detailed within the 'Material Planning History' section below). Figures 7 and 8 below show a CGI of the previously proposed scheme and the ground floor plan. The table below summarises some of the key changes and improvements from the previous scheme to the current scheme:

	Previous scheme (PA/15/02303)	Current scheme (PA/16/02808)
Units	442	332
Height and Mass	55 storeys (186.35m AOD) 51.5m wide 29.4m deep	46 storeys (163.08m AOD) 36.8m wide 18.9m deep
Affordable Housing	23.7%	25%
Tenure Mix	Shared ownership for intermediate units and Tower Hamlets POD level rents for	Shared ownership for intermediate units and 50/50% split between

		affordable rent units.	London affordable rents and Tower Hamlets living rents.
Residential Mix		Inclusion of studios, less family sized units.	Removal of studios, 50% family sized accommodation in affordable rented tenure, no family sized accommodation in intermediate.
Residential Quality	<p>Lighting levels for proposed properties needed improvements.</p> <p>Insufficient child play space; none for 11+ or children within private tenure. The play space was also shared with the communal space.</p>	<p>Very good levels of lighting for proposed units.</p> <p>Site can accommodate all 0-11 play space and some 12+ space. Includes internal and external play space for all ages separate from the communal space.</p>	



Figure 7- northern elevation of previous scheme, planning reference PA/15/02303

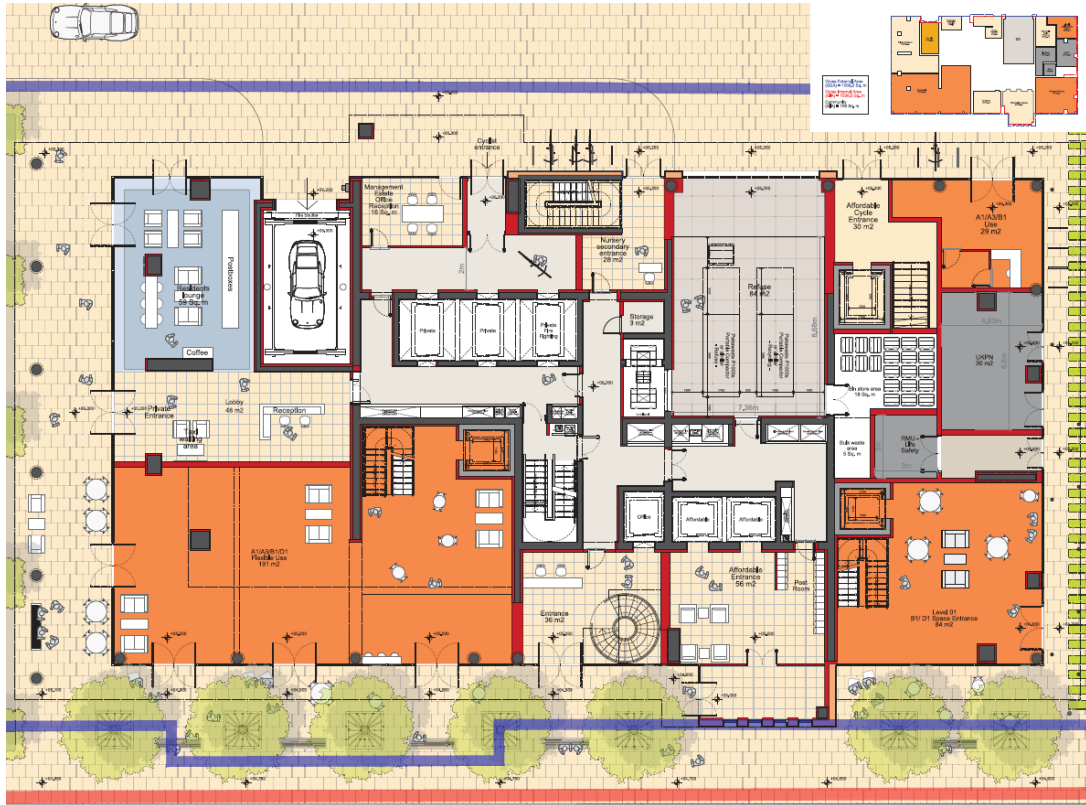


Figure 8- ground floor of previous scheme, planning reference PA/15/02303

6. **MATERIAL PLANNING HISTORY**

Application Site

- 6.1. PA/15/02303- Demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 55 storeys (186.35 AOD height) comprising 414 residential (Use Class C3), 1,418 sq.m. of flexible office/community/retail (Use Class B1/D1/A1/A3), resident amenities, basement car parking, public realm improvements and associated works.
- 6.2. The committee report was published with a recommendation for refusal for the reasons outlined below. However, the applicant withdrew the scheme after the report was published. As such a decision notice was not issued.

Reasons stated in published committee report:

Site design principles

1. The proposal amounts to overdevelopment that seeks to maximise not optimise the development potential of the site. There would be conflict with London Plan Policy 3.4 'Optimising housing potential' (including Table 3.2 - 'Sustainable residential quality density matrix'), Policy 7.6

'Architecture', Tower Hamlets Core Strategy Policy SP02 'Urban living for everyone' and the Mayor's 'Housing' SPG 2016. This is explained more fully in the reasons below.

Impact on surrounding sites

2. The development would unacceptably impact on the amount of daylight and sunlight that would be received by surrounding properties, with a commensurate increased sense of enclosure, breaching guidance in the Building Research Establishment handbook 'Site Layout Planning for Daylight and Sunlight' 2011. The extent and severity of the impacts are such that the development would not be consistent with the Mayor's London Plan Policy 7.6 'Architecture', Tower Hamlets Core Strategy Policy SP10 'Creating Distinct and durable places', the Managing Development Document Policy DM25 'Amenity' and Site Allocation 20 Marsh Wall East. There would also be conflict with the Placemaking Principles of the South Quay Masterplan 2015 that require development to maximise levels of natural light. These indicate that the density, height, massing and layout of the scheme are not appropriate. Of particular concern is the cumulative impact on Meridian Place, Antilles Bay and 1-13 Chipka Street. There are also a number of plots surrounding 225 Marsh Wall which are anticipated to come forward for development. The proposed development due to height, mass and bulk would unacceptably affect the development potential of these sites particularly Meridian North and the eastern plot of Skylines Village.

Housing mix and choice

3. The proposed dwelling mix within both the market and affordable housing sectors would fail to provide a satisfactory range of housing. The dwelling mix within the affordable rented units would result in an over-provision of 1 bed units and an under-provision of family sized homes (3 bed+). In the intermediate sector, there would be an overemphasis on studios, 1 bed units and under provision of 2 bedroom units. In the market housing there would be an under provision of family accommodation. The development would be inconsistent with London Plan Policy 3.8 'Housing Choice,' Tower Hamlets Core Strategy Policy SP02 'Urban living for everyone' and Managing Development Document Policy DM3 'Delivering Homes'.

Housing quality

4. There 'would be deficiencies in housing quality standards with no private amenity space for the studios, failures of the Building Research Establishment's daylight and sunlight guidance within the development particularly within bedrooms set behind winter gardens, the potential for disturbance between adjoining residential units and inadequate on-site provision of children's play space. This would conflict with London Plan 2015 Policy 3.5 'Quality and design of housing developments' and Policy 3.6 'Children and young people's play and informal recreation facilities', the Mayor's 'Housing' SPG 2016, together with Tower Hamlets Core Strategy Policy SP02 'Urban living for everyone' and the Managing Development Document Policy

DM4 'Housing Standards and Amenity Space' and Policy DM25 'Amenity.'

Urban Design

5. The proposed design, layout, height, scale and bulk and details would fail to achieve an appropriate transition from the Canary Wharf tall building cluster. There would be an unacceptable impact on the skyline and a failure to achieve a human scale at street level due to an oppressive architectural typology that would loom uncomfortably over the public realm, including views from South Dock. The scheme would conflict with the design principles within Chapter 7 of the London Plan particularly Policy 7.4 'Local Character', Policy 7.6 'Architecture' and Policy 7.7 'Tall and large scale buildings.' There would also be conflict with Tower Hamlets Core Strategy Policy SP10 'Creating distinct and durable places' and Managing Development Document Policy DM24 'Place sensitive design,' Policy DM26 'Building heights' and Site Allocation 20 together with the design principles of the Mayor's Housing SPG 2016 the South Quay Masterplan 2015. Collectively statutory policy and guidance require development within South Quay to provide buildings and places of a high quality design, suitably located and sensitive to the locality. Whilst the development of this site has the potential to generate substantial public benefits, the public benefits of the development, namely new housing, would not outweigh the harm that would ensue.
- 6.3. PA/09/01637 Erection of a building of between 11 and 43 storeys comprising 265 residential units, a 56-bedroom hotel, offices, retail and leisure uses. Refused 16th December 2010.

Reasons for refusal:

1. The scheme by virtue of height, scale and mass would have detrimental impacts upon townscape within the surrounding area as a result of the development proposed on the adjacent Skylines village site (ref. PA/10/00182). The schemes, by virtue of their cumulative height, scale, mass and proximity, would result in a townscape which would appear incongruous in both local and long-distance views. The proposals would result in the 'canyonisation' of the public realm on Marsh Wall by virtue of the scale of the buildings that would encapsulate it.
2. The south-facing residential units within the lower twenty-two storeys would receive substandard level of daylight and sunlight, as a result of the development proposed under planning application PA/10/00182 at the adjacent Skylines Village.
3. The north facing, single-aspect residential units are inappropriate and would result in poor quality amenity, leading to an over reliance on artificial lighting and ventilation as well as creating a sense of enclosure, detrimental to the amenity of future occupiers. This would be exacerbated should adjacent sites come forward for redevelopment and could be detrimental the optimisation of their use.

4. The development, by virtue of height, scale, mass and design fails to take into consideration the development potential of adjacent sites within the designated development site of which is forms a part. (Site ID46 within the then Interim Planning Guidance Isle of Dogs Area Action Plan.

- 6.4. PA/12/02414 In outline, redevelopment by a 47 storey building with an 11 storey podium comprising 249 residential units, 554 sq. m retail, 1,863 sq. m offices and a 155 bedroom hotel. Treated as disposed of due to insufficient information.

Nearby sites

- 6.5. Skylines Village. PA/17/01597. Live application currently being assessed for:

Demolition of all existing structures and construction of a new mixed use development consisting of five buildings ranging from ground plus 3 to ground plus 48 storeys in height (Maximum 167.05m AOD Height) comprising 600 residential units (Class C3); a two-form entry primary school with nursery facilities (Class D1); a 10,474 m2 GIA small and medium enterprise (SME) Business Centre (Class B1); 1,417 m2 GIA of flexible commercial floorspace (A1/A2/A3/B1/D1 and D2); single level basement car parking and servicing and; landscaped open space including: a new public piazza, landscaping to allow for a future pedestrian connection to Chipka Street and ground and podium level communal amenity space.
- 6.6. Skylines Village. PA/11/03617. 16th April 2013 planning permission refused for a 50 storey residential led redevelopment due to overdevelopment and loss of business floorspace.
- 6.7. South Quay Plaza 4. PA/15/03073. Planning permission granted 31st March 2017 for a 56 storey building comprising of 396 Residential (Class C3) Units, Community Use (Class D1) and associated works.
- 6.8. 1-3 South Quay Plaza. PA/14/00944. Planning permission granted 31st March 2015 for development including two mixed use buildings of 73 storey, 36 storey and 6 storeys (Part 181 m. AOD part 220 m. AOD) to provide 947 residential units, offices and Class A Uses A1-A4
- 6.9. Meridian Gate PA/14/01428. Planning permission granted 6th March 2015 for redevelopment by a building of 54 storeys comprising of 423 residential apartments and 425 sq. m. offices and 105 sq. m. retail/café.

Dollar Bay. PA/11/01945. 23rd March 2012, planning permission granted for redevelopment by a 31 storey building (114.505 m. AOD), to provide 121 residential units & 105 sq. m. of ground floor Class A1/A3 uses.

7. LEGAL AND PLANNING POLICY FRAMEWORK & ALLOCATIONS

- 7.1. In determining the application the Council has the following main statutory duties to perform:
 - To have regard to the provisions of the development plan, so far as material to the application, 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);

- 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).

The Development Plan

- 7.2. The development plan for the area comprises the London Plan 2016 and the Tower Hamlets Local Plan that comprises the Adopted Policies Map, the Core Strategy 2010 and the Managing Development Document 2013.
- 7.3. The following principle national, regional and local development plan policies are relevant to the application:

National Planning Policy Framework (NPPF) (2012)

National Planning Policy Guidance (NPPG)

The London Plan 2016

- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for regeneration
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 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
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 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
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

Tower Hamlets Core Strategy 2010 (CS)

- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

Managing Development Document 2013 (MDD)

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM3 Delivery Homes
- DM4 Housing standards and amenity space

DM8 Community infrastructure
 DM9 Improving air quality
 DM10 Delivering open space
 DM11 Living buildings and biodiversity
 DM12 Water spaces
 DM13 Sustainable drainage
 DM14 Managing Waste
 DM15 Local job creation and investment
 DM20 Supporting a Sustainable transport network
 DM21 Sustainable 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
 DM28 World heritage sites
 DM29 Achieving a zero-carbon borough and addressing climate change
 DM30 Contaminated Land

Supplementary Planning Documents

Greater London Authority

7.4. The Mayor has published Supplementary Planning Guidance / Documents (SPGs / SPDs), which expand upon policy within the London Plan and are material considerations including:

- Draft Affordable Housing and Viability 2016;
- Housing May 2016;
- Accessible London: Achieving an Inclusive Environment 2014;
- Guidance on preparing energy assessments 2015
- Sustainable Design and Construction SPG 2014;
- The Control of dust and emissions during construction and demolition 2014;
- Shaping Neighbourhoods: Character and Context 2014;
- London Planning Statement 2014;
- Use of Planning Obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy 2013;
- River Action Plan 2013
- London View Management Framework 2012;
- East London Green Grid Framework 2012;
- Shaping Neighbourhoods Play and Informal Recreation 2012;
- London World Heritage Sites - Guidance on Settings March 2012
- The Mayor's Energy Strategy 2010;
- The Mayor's Transport Strategy 2010;
- The Mayor's Economic Strategy 2010.

7.5. The Isle of Dogs & South Poplar Opportunity Area Planning Framework (OAPF) is being written by the GLA with help from Tower Hamlets and Transport for London. Work started in 2015, public consultation will be in 2016 with adoption anticipated in 2018.

Tower Hamlets

- Draft Development Viability 2017
- Planning Obligations SPD 2016
- The South Quay Masterplan 2015

Historic England Guidance Notes

- Advice Note 4- Tall Buildings 2016
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment 2015
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets 2015

Building Research Establishment

- Site layout planning for daylight and sunlight: a guide to good practice 2011.

8. CONSULTATION

- 8.1. The following bodies have been consulted on the application. Re-consultation was undertaken in March and April 2016 following the receipt of amended plans. Representations received are summarised below. The views of officers within the Place Directorate are expressed within Section 10 of this report – Material Planning Considerations.

External Consultees

Greater London Authority (including TfL)

- 8.2. The Mayor considered the application at Stage 1 on 7th November 2016. The Council was informed that whilst the principle of the proposal is strongly supported, the following matters of strategic concern conflicted with the London Plan unless resolved:
- Housing: the current proposal needs to be robustly interrogated to fully explore all opportunities to increase the proportion of affordable housing, which falls below the Council's local policy target. While the principle of a high density residential scheme is strongly supported and the 23% affordable provision broadly accords with the previous submission.
 - Urban design: the proposed tall building is supported and the revised ground floor approach to improve the proposed public realm is welcomed. The staggered floorplates have reduced single aspect units, but some further rationalisation of residential units should be explored and discussions are required with regards to residential quality, public realm and ground-floor layout, and wind mitigation to ensure the application fully accords with London Plan policies 3.5, 7.1, 7.2, 7.3, 7.5, 7.6 and 7.7.
 - Climate change mitigation: the energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. Further information regarding energy efficiency, overheating, connection to the Barkantine heat

network and the site-wide heat network, and renewables is required, with a view to increasing the carbon dioxide emission savings. The final agreed energy strategy should be appropriately secured by the Council.

- Transport: in accordance with London Plan policies 6.1, 6.2, 6.4, 6.7, 6.9 and 6.10 a financial contributions towards improving bus capacity is required and land should be safeguarded for the Mayor's Cycle Hire scheme.

Officer note: The council's Community Infrastructure (CIL) team have advised that the contribution to docking stations would be captured within CIL payments.

Transport for London

8.3. Updated comments were received on the revised scheme. Overall support for the scheme but the following comments still apply:

- The accessible parking provision should be increased towards the 10% London Plan requirement.
- If total parking quantum is adjusted then Electric Vehicle Charging Points provision may also need adjusting to satisfy the London Plan requirement.
- Evidence should be provided that the short stay cycle parking and the two long stay cycle parking spaces for the nursery element are secure, integrated, convenient and accessible.
- The two closest docking stations are Preston's Road and Castalia Square in Cubitt Town. An operational contribution of £35,000 is requested to accommodate the increase in demand on these two docking stations for a period of 6 months.
- £100,000 requested to mitigate site specific impact on the bus network.
- The final travel plan should be secured and implemented through the S106 agreement.
- A full construction logistics plan should be secured by condition.
- Request that CIL money is directed towards the provision of South Dock footbridge.

Officer note: The council's Community Infrastructure (CIL) team have advised that the contribution to docking stations would be captured within CIL payments. TfL also requested that CIL monies should be put towards a pedestrian bridge at South Quay. The allocation of CIL funds is not a matter determined by planning committee.

Metropolitan Police Crime Prevention Officer

8.4. Updated comments were obtained on the revised scheme. All comments were addressed with exception to the following:

- Single door as opposed to double doors should be used for cycle storage areas.
- The door from the private core to the bulky waste area should be removed.
- The proposed materials on the upper floors would be climbable.

- A secure by design condition should be applied

Canal and River Trust

- 8.5. No objections raised. Whilst it is noted in the submitted scoping opinion that the impact of overshadowing on biodiversity of the south dock would be insignificant; In accordance with paragraph 118 of the NPPF opportunities to incorporate biodiversity in and around developments should be encouraged. We would encourage the Council to positively consider the case for this development to contribute towards enhancements to the dock's ecology, given that whilst the impact is considered by the applicant to be insignificant an adverse impact has not been ruled out. We consider that this accords with policy 7.19 of the London Plan and policy DM12 of the Tower Hamlets Local Plan.

Officer comment: Conditions are included that would ensure that the development incorporates sufficient biodiversity measures to meet the relevant policy. Therefore, a contribution would not be required.

Environment Agency

- 8.6. The development will result in a 'more vulnerable' use within Flood Zone 3. The site is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance in any year flood event. The most recent study shows that the site is unlikely to flood during a breach event. The development is at a low risk of flooding.
- 8.7. The use is appropriate providing the site passes the Flood Risk Sequential Test, the Council being satisfied that there are no alternative sites available for the development at a lower risk of flooding. A site specific Flood Risk Assessment should be undertaken which demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere.

London Fire and Emergency Planning Authority

- 8.8. No objections – the proposals should comply with the requirements of part b5 of approved document b.

Thames Water

- 8.9. Waste discharge: no objections.
- 8.10. Water supply: The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend a pre-commencement condition that will secure a water infrastructure supply study. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- 8.11. Also requests:
- A condition to prevent impact piling until a piling method statement has been approved.
 - Informative regarding water pressure.

London City Airport

- 8.12. No safeguarding objection but requests a condition that no construction works such as cranes or scaffolding above the height of the planned development shall be erected unless a construction methodology statement has been submitted and approved in writing by London City Airport.

National Air Traffic Services

- 8.13. No conflict with safeguarding criteria.

Natural England

- 8.14. Consideration should be given to biodiversity/ ecological/ landscape enhancements.

Historic England

- 8.15. No comments. The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's conservation advice.

Historic England Archaeology

- 8.16. Conditions requested to protect any potential archaeological remains.

Port of London Authority

- 8.17. No objection in principle but comments that little consideration has been given to the promotion of river based transport particularly use of the River Bus. Any permission should be conditioned to require:

- Provision of targets for river bus use,
- Measures to encourage river bus use,
- Timetable for River Bus stop.

- 8.18. Disappointed that the Transport Assessment does not consider the potential the river could play in the transport of construction materials and waste.

- 8.19. *Officer comment. Whilst the Mayor of London's River Action Plan 2013 refers to a potential new pier at Wood Wharf, the existing Canary Wharf Pier is approximately 1.5 km to the north-west of the application site on the River and it is not clear that the site could be readily served by the Thames Clipper Service. It may be possible to use the water for the transport of building materials and this has been included as a suggested condition.*

London Buses

- 8.20. No response received to date.

Internal Consultation

Conservation and Design Advisory Panel (CADAP)

8.21. The Councils Conservation and Design Advisory Panel considered the original scheme on 14th November 2016 advising:

Scale and massing

- The Panel was broadly happy with the scheme's scale and general arrangement; however some members felt that the proposed building was too high.
- The Panel were of the view that materiality and detailing needs to be given greater attention to justify (through design quality) a building of this height in this location. Detailed drawings and material samples should form part of the application and not just be left to conditions.
- Panel members were concerned over the proposed low level of affordable housing (23%).

Architectural Articulation

- The architecture of the podium base is incongruous with rest of the scheme (some members felt it was a bit too shiny/slick), and moreover it doesn't relate to the middle part of the building and the two don't meet very well.
- The Panel preferred the option with a podium colonnade over the cantilevered podium. The colonnade would bring the building to the ground in a more successful way.
- The Panel expressed concerns over the design of the top of the building which should be elevated with greater care. Its design would be particularly important in the long distance views, for example from Tower Bridge.

LBTH Biodiversity

8.22. MDD Policy DM11 requires major developments to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP). The proposals include small areas of soft landscaping, at ground level and on roof terraces but little information on the sort of planting. The Design & Access Statement suggests evergreen shrubs likely to be of limited biodiversity value. It is not clear whether there is an opportunity for bio-diverse green roofs on parts of the roof without access to residents. There is nothing in the proposals which would obviously contribute to objectives and targets in the LBAP, as required by Policy DM11, and it is far from clear that the proposals would lead to an overall benefit for biodiversity.

8.23. If permission is granted, recommends conditions requiring:

- Details of bio-diverse roofs
- Landscaping details
- Details of bat boxes and nest boxes for appropriate bird species.

LBTH Environmental Health- Contaminated Land

- 8.24. Recommends conditions to secure site investigation and mitigation of any contamination.

Environmental Health- Air Quality

- 8.25. Updated comments received. No objections. The new information addresses the previous queries raised.

Environmental Health- Noise and Vibration

- 8.26. No comments received to date.

Energy Efficiency and Sustainability

- 8.27. It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:

- Delivery of CO2 savings to at least 23% against the baseline and submission of as built calculations to demonstrate delivery
- Delivery of a connection to the Barkantine heating network unless demonstrated not feasible / viable.
- Carbon offsetting contribution secured through S106 contribution (£203,040)
- Delivery of sustainability principles as proposed in the submitted sustainability documents

Transportation and Highways

- 8.28. All initial comments have been addressed subject to inclusion of conditions.

Employment and Enterprise

- 8.29. Proposed employment/enterprise contributions at construction phase: The developer should use best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. Economic Development will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

- 8.30. To ensure local businesses benefit from the development, 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. Economic Development will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.

- 8.31. The Council will seek to secure a financial contribution of £141,072.00 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

- 8.32. The council seeks a monetary contribution of £1399.55 towards the training and development of unemployed residents in Tower Hamlets to access either:
- i. jobs within the uses B1 of the development
 - ii. jobs or training within employment sectors relating to the final development
 - iii. No end-user apprenticeships required.

Communities, Localities and Culture

- 8.33. No comments received.

Education Development

- 8.34. No comments received.

Waste Management

- 8.35. Bin Store: The applicant needs to ensure there is 150mm distance between each container and that the width of the door is large enough with catches or stays. The bin store must also be step free.

- 8.36. Bins: The collections will remain once per week in which case the following bins are needed for this development

32 x 1100 litres needed for refuse

19 x 1280 litres needed for recycling

33 x 240 litres needed for garden waste or possibly 7 x bulk bins

LBTH no longer use 1100 litre bin for recycling so these need to be 1280 litres.

- 8.37. Commercial: The applicant has stated that “It is proposed that the tenants will provide suitable waste storage areas within each of their tenanted areas for the storage of waste and recyclables as part of their fit-out.” – I would like to see waste storage areas in each of these commercial units and also the potential presentation area that would be considered for agreements.

- 8.38. Waste Collection Service: As explained under ‘Bin’ that the collections will only be once a week, not twice a week as presumed. Swept analysis is not very clear as it appears that the vehicle has to driver over the footway. The applicant needs to provide more detailed and clearer swept analysis. The applicant will need to ensure that there will be a dropped kerb outside the bin store area. Bin Chute / Hoppers: These should meet BS 1703.

- 8.39. Underground Refuse and Recycling Systems (URS): There could be opportunity of having URS for this development. Transferring the waste from chute to URS could be an issue.

Officer comment: it is acknowledged that the council's approach to waste collection has changed from when the scheme initially came in at pre-application stage and given that the applicant was previously advised that twice weekly collection would be acceptable, it would not be reasonable at this stage to require additional space that would have implications on viability and/ or the amount of ground floor active frontage.

Sustainable Urban Drainage

- 8.40. No objection in principle. A surface water drainage scheme for the site should be secured by condition.

9. LOCAL REPRESENTATION

- 9.1. The Localism Act 2011 requires developers of “large scale major applications” to consult local communities before submitting planning applications.
- 9.2. The application is supported by a Statement of Community Involvement that explains that prior to the submission of the application, the applicant carried out a programme of consultation with local community groups and residents who were given a chance to ask questions and give feedback. The consultation has taken place in 2 stages; phase 1 which was on the basis of the larger scale previous application with was withdrawn (see reference PA/15/02303 under Section 6- ‘Material Planning History’ of report) and; phase 2 which has taken place since the previous scheme was withdrawn.

Phase 1

- 9.3. For phase 1, an advertisement announcing a public exhibition was placed in East End Life and an information leaflet was distributed to approximately 4,000 homes and businesses in the local area. The Isle of Dogs Neighbourhood Planning Forum published details of the exhibition on their website, five ward councillors were notified and the following community groups invited.

- Alpha Grove Community Centre
- Docklands Outreach
- Island History Trust
- Island Neighbourhood Project
- East End Community Foundation
- St. John’s Bengali Welfare Organisation
- Isle of Dogs Neighbourhood Planning Forum
- Meridian Place Management
- St. John’s Tenants and Residents Association

- 9.4. A public exhibition was held at 223 Marsh Wall on 18th June 2015. 23 people attended and 16 people provided feedback. Seven people welcomed the proposal, eight did not and one was unsure. Key issues were:

- Concerns about the size of the development
- Concern about the affordable housing provision
- Concern about the design of the building
- Support for the provision of retail space
- Concern about the impact on traffic

Phase 2

- 9.5. Prior to the phase 2 public exhibition, information leaflets on the event were sent to 3300 homes and businesses in the local community. Three ward members and all members serving on the strategic development committee were invited. The following community groups were also invited:

- Alpha Grove Community Centre.
- Calders Wharf Community Centre.
- Cubitt Town Bengali Cultural Association.
- Docklands Outreach.
- East End Community Foundation.
- Island Advice Centre.
- Island Friends.
- Island History Trust.
- Isle of Dogs Bangladeshi Association.
- Isle of Dogs Neighbourhood Planning Forum.
- Isle of Dogs Childrens' Centre.
- Island Bengali Welfare Organisation.
- Meridian Place Management.
- St. John's and Samuda Leaseholders' Association.
- St. John's Tenants' and Residents' Association.
- Samuda Estate Bengali Association.
- Samuda Estate Local Management Organisation.
- Discovery Dock Apartments East Residents' Group.

9.6. A public exhibition was held at 225 Marsh Wall on 7th September 2016. 22 people attended and 4 people provided feedback. Three people welcomed the development and one provided no response to this question. Key issues raised were:

- The height of the proposals and potential for loss of sunlight/daylight for surrounding properties.
- Interest in the retail aspect of the proposals.
- A benefit to the community- one feedback form supported the scheme and noted it would be a benefit to the community.

Representations following statutory publicity

9.7. The application has been publicised by the Council by site notices and advertisement in East End Life. 833 neighbouring properties within the area shown on the map appended to this report have been notified and invited to comment. Re-consultation has been undertaken on the revised plans.

9.8. Five letters of representations have been received in objection. The objections/concerns raised can be summarised as follows:

- 1) Daylight/ sunlight/ loss of light impacts;
- 2) Overlooking/ loss of privacy;
- 3) Fettering development opportunities for neighbouring site;
- 4) Excessive height/ density/ mass, building too large for the site;
- 5) Poor residential quality;
- 6) Lack of affordable housing;

- 7) Too much development in area;
- 8) Occupation of D1 space;
- 9) Not enough wheelchair parking spaces;
- 10) Inadequate waste arrangements;
- 11) Pressure on roads, schools and infrastructure;
- 12) More development will result in vacant properties which affects residents wanting to sell properties;
- 13) The statement of community involvement states there has been comprehensive public consultation with circa 20 attendees and;
- 14) Loss of television signal

9.9. Officer Comment: Points 1-11 and 14 will be considered under the 'Material Planning Considerations' section of the report. Point 12 is not a material planning consideration. With regard to point 13, as per the 'Local Consultation' section of the report above (Section 9), the applicant states in the Statement of Community Involvement that letters were sent to 3300 homes and businesses in the local area to invite them to attend.

10. MATERIAL PLANNING CONSIDERATIONS

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

- Principle of development & land use
- Residential use and affordable housing
- Density and amount of development
- Housing quality and standards
- Urban design
- Open space
- Impact on surroundings
- Privacy
- Micro climate
- Highways and Transport
- Energy and Sustainability
- Air quality
- Noise and vibration
- Contaminated land
- Archaeology
- Flood Risk and sustainable urban drainage
- Radio and television reception
- Airport safeguarding
- Biodiversity
- Environmental Statement
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations

- Human Rights
- Equalities

Principle of Development and Land Use

NPPF (2012)

- 10.2. Nationally, the NPPF 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, particularly for new housing. Local authorities are expected boost significantly the supply of housing and applications for housing should be considered in the context of the presumption in favour of sustainable development.

London Plan (2016)

- 10.3. The London Plan identifies 'Opportunity Areas' which are capable of significant regeneration, accommodating new jobs and homes and requires the potential of these areas to be maximised.
- 10.4. The site lies within the Isle of Dogs and South Poplar Opportunity Area (Map 2.4 page 79). Map 2.5 page 81 shows the site also lying within an Area of Regeneration. London Plan Policy 2.13 sets out the Mayor's policy on opportunity areas and paragraph 2.58 says they are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. Table A1.1 states that the Isle of Dogs Opportunity Area is capable of accommodating at least 10,000 homes, and 110,000 jobs up to 2031. The Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 10.5. Policy 3.7 encourages '*Large residential developments*' and complimentary uses in areas of high public transport accessibility.

The Tower Hamlets Local Plan

Adopted Policies Map

- 10.6. The Adopted Policies Map, reproduced on page 151 of the MDD 2013 'Place of Cubitt Town,' shows 225 Marsh Wall annotated:
- Within a Site Allocation
 - Within a Flood Risk Area
 - Within an Activity Area

Tower Hamlets Core Strategy (2010)

- 10.7. The Key Diagram on page 27 also identifies 225 Marsh Wall lying within a Tower Hamlets Activity Area. Core Strategy paragraph 3.3 explains that the Activity Area is a specific area bordering the Canary Wharf Town Centre

where the scale, continuity and intensity of town centre activity and land use is different to the rest of the borough. It should provide a transitional area achieved through a vibrant mix of uses that are economically competitive based on the principles defined in the Town Centre Spatial Strategy 2009.

10.8. Other Core Strategy allocations applicable to 225 Marsh Wall are:

- Fig. 24 page 44 'Urban living for everyone' identifies Cubitt Town for Very High Growth (3,501+ residential units) to year 2025.
- Figure 28 'Spatial distribution of housing from town centre to out of centre' shows densities decreasing away from the town centre and dwelling sizes increasing.

10.9. Core Strategy Annex 7 and Annex 9 concern 'Delivering Placemaking.' Fig. 39 'Strategic visions for places' says Cubitt Town will be a residential waterside place set around a thriving mixed use town centre at Crossharbour. Figure 66 'Cubitt Town vision diagram' adds:

"Cubitt Town will continue to be a residential area experiencing some housing growth in the north. This growth will be supported by a revitalised and expanded Crossharbour town centre, which will see better integration with Pepper Street, Millwall and the Canary Wharf Activity Area. To the south, Manchester Road town centre will be extended to enable its retail offer to grow and to ensure it is better integrated with Island Gardens DLR Station, and Mudchute and Millwall Park.

The residential communities along the River Thames and at the heart of Cubitt Town will be brought together through activity and interaction at the Crossharbour and Manchester Road town centres, Mudchute and Millwall Park and the River Thames."

10.10. The Core Strategy Housing Investment and Delivery Programme page.146–147 identifies Cubitt Town for Very High Growth delivering 4,190 new homes between 2015 & 2025.

Tower Hamlets Managing Development Document 2013 (MDD)

10.11. MDD Chapter 3 provides Site Allocations. Figure 12 page 86 and Figure 47 page 154 identify Marsh Wall East as Site Allocation 20:

"A comprehensive high density mixed use development opportunity to provide a strategic housing development and a district heating facility (where possible). The development should also include commercial floorspace for Small to Medium Enterprises, open space and other compatible uses in a new urban quarter.

Development should recognise the latest supplementary guidance for Marsh Wall East."

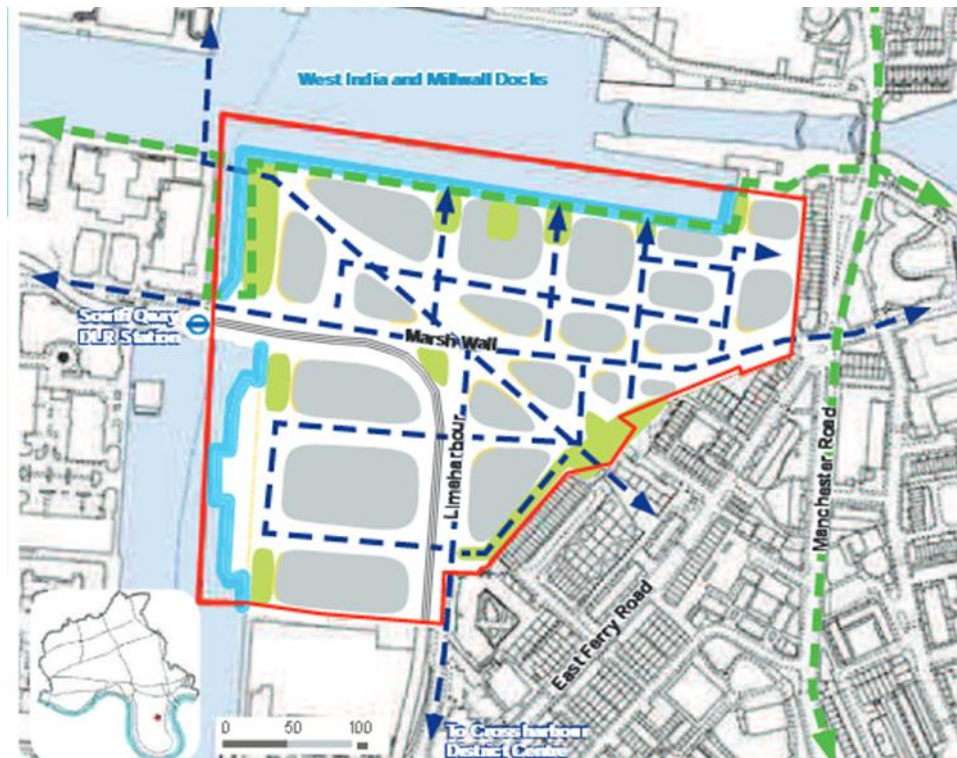


Figure 9. MDD Site Allocation 20

- 10.12. Site Allocation 20 also sets out design principles for the site which are considered under the 'Urban Design' section of this report.
- 10.13. The latest SPG for Marsh Wall is the South Quay Masterplan October 2015 that adopts the land use principles of the MDD and supports housing development alongside the provision of open space, commercial space and other compatible uses.

Loss of office (b1) floor space

- 10.14. The proposal involves the loss of 5,288 sq. m. of B1 (Business) floorspace to be replaced by 810 sq. m. of flexible office (use B1) / community (use D1) to be located on ground and first floor levels. There would also be an additional 79 sq m of flexible A1/B1/D1 (retail/ office/ community floorspace) on the ground floor. For employment floorspace to be lost, MDD Policy DM15(1) normally seeks 12 months marketing evidence to demonstrate the site is not suitable for continued employment use due to its location, viability, accessibility, size and location. However, MDD paragraph 15.4 states:
- 10.15. *The Council seeks to support employment floor space in suitable locations; however a specific approach is required to help deliver site allocations and*

their component strategic infrastructure uses. The Council recognises that the nature of uses proposed on site allocations requires a change from the existing uses. As such part (1) of the policy does not apply to site allocations.”

- 10.16. By virtue of the above, the employment policy does not apply but the site allocation does require re-provision and intensification of the office floor space. The proposed scheme would result in a net loss of office floor space and would result in a reduction of employment density from 150 to 76. However, the site allocation applies to a much wider area than the application boundary; many of the larger sites that do not have the same size and viability constraints are better suited to accommodate viable employment floorspace. Furthermore, the reduction in B1 space allows for more of the site to be given over to public realm and floorspace for community use that would support the proposed housing on site. To conclude, due to the size and viability constraints on site and the need for high quality strategic housing in the area, the loss of office space and replacement with 810sqm of flexible office (B1)/ community (D1) use is acceptable.
- 10.17. The proposed community use is considered acceptable by virtue of the sites position within the activity area. The flexible B1/D1 use allows for a range of end users which would make it much easier to ensure the premises are occupied.

Non-residential floorspace

- 10.18. The provision of a small-scale flexible unit (79sqm of flexible A1/ B1 /D1 (retail/ office/ community floorspace) as part of high-density housing-led development within the opportunity area would help to meet the needs of local residents, and would also activate the ground-floor. As outlined in the above paragraphs, the same applies for the 810sqm flexible B1/D1 use. The proposal on this basis would comply with Policies SP01 and DM1 in the Core Strategy (2010) and Managing Development (2013), respectively.

Housing provision

- 10.19. Increased housing supply is a fundamental policy objective at national, regional and local levels, including the provision of affordable housing.
- 10.20. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Paragraph 7 advises that a dimension of achieving sustainable development is a “social role” supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. Paragraph 9 advises that pursuing sustainable development includes widening the choice of high quality homes.
- 10.21. NPPF Section 6 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.”
- 10.22. London Plan Policy 3.3 ‘Increasing Housing Supply’ recognises the pressing need for new homes in London, and Table 3.1 sets a delivery target for the

borough of 39,314 new homes over a ten year period and 3,931 new homes per year. These should be exceeded if possible.

- 10.23. Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes from 2010 to 2025. The Core Strategy identifies Cubitt Town as an area where residential growth will be supported, set around a thriving mixed use town centre at Crossharbour. The proposal for a residential led development at 225 Marsh Wall would contribute toward the borough's and London's housing delivery and is supported in strategic planning terms.
- 10.24. To conclude on land use, the principle of a residential led mixed use development is consistent with national policy and the development plan and supported in principle.

Housing

Affordable Housing

- 10.25. In line with section 6 of the National Planning Policy Framework, the following London Plan policies guide the provision of affordable housing:
- 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 requires that 60% of affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale, with priority given to provision of affordable family housing.
 - Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured, subject to viability and site constraints.
- 10.26. The Council's policy SP02 of the Core Strategy sets an overall strategic target for affordable homes of 50% of new construction, with a minimum of 35% provision sought, subject to viability. The overall strategic tenure split for affordable homes is set as 70% affordable rented and 30% intermediate. This split is reiterated by policy DM3 of the Managing Development Document which also requires that affordable housing provision is to be calculated by using habitable rooms to allow for the most suitable mix of affordable housing.
- 10.27. Policy DM3 of the Managing Development Document requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:
- a. It is not practical to provide affordable housing on-site;
 - b. to ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area;
 - c. It can provide a minimum of 50% affordable housing overall, subject to viability;
 - d. It can provide a better outcome for all of the sites including a higher level of social rented family homes; and
 - e. Future residents living on all sites use and benefit from the same level and quality of local services.

- 10.28. The current scheme proposes 25% affordable housing by habitable rooms, uplift from the original offer of 23.2%. This is despite the viability report claiming that the offer is currently over and above the maximum reasonable amount that can be supported by the development. The applicant notes that ‘the proposed amendments must however be considered in the context of the viability position; that the previous 23.2% provision as submitted was financially unviable, and that in proposing a 25% provision the applicant is taking a bigger commercial risk delivering what is a more unviable development.’
- 10.29. The council’s independent viability consultants have reviewed the submitted viability report and addendum on behalf of the council and confirm that 23.2% is above what the scheme can viably deliver. A pre implementation review mechanism will apply if the scheme is not commenced within 2 years. An advanced stage review mechanism will be required on sale of 75% of the units. These measures would be secured via the section 106 agreement.
- 10.30. The affordable housing provision is summarised in the table below:

Tenure	Habitable Rooms			
Private Residential	654 (261 units)	75%		
Intermediate	218 (71 units)	25%	74 (31 units)	33.9%
Affordable Rent			144 (40 units)	66.1%
Total	872 (332 units)	100%		

- 10.31. As shown in the table, of the 332 units proposed, 71 would be affordable units. This represents a 66%/34% split in favour of affordable rented accommodation as opposed to intermediate. Of the 71 affordable units; 40 would be affordable rent and 31 would be intermediate units. Of the 40 affordable rent units, 50% would be at London affordable rents (20 units) and 50% would be at Tower Hamlets living rents (20 units).
- 10.32. Whilst the proposal falls short of the 35-50% affordable housing policy requirement, the independent viability consultant has confirmed that the 25% affordable housing proposed is above what can viably be delivered. Furthermore, the rented accommodation is in line with the emerging rent levels required by the GLA and Tower Hamlets, which are more affordable to residents in the borough.
- 10.33. For the reasons outlined above, the applicant has maximised affordable housing delivery on site. The proposal therefore complies with the relevant policies.

Residential tenure mix

10.34. As set out in paragraph 5.11, the applicant made a number of design changes which also resulted in the following changes to the housing mix:

- the loss of 4 affordable rent homes on level 2 as a result of the amenity space at this level being increased to occupy the whole of this floor;
- the introduction of a 'hybrid' floor at level 9 comprising 4 affordable rent homes (2x 1-bed, 2x 3-bed) and 4 intermediate homes (4x 1-bed);
- level 10-12 comprising intermediate housing which incorporates the removal of all studio and 3 bedroom units from the intermediate component;
- the introduction of a 'hybrid' level at floor 13 comprising 3 intermediate homes (3x 1-bed) with the remainder of the floor comprising private housing.
- Overall the number of social rented units has stayed the same at 40 (the unit sizes have stayed the same with the exception of 1 less 4-bedroom unit and 1 more 3-bedroom unit).
- Overall the number of intermediate units has increased from 24 to 31 (the unit sizes have changed with the removal of all 3 studio units, an increase in 1-bedroom units from 9 to 19, an increase in 2-bedroom units from 9 to 12 and the removal of all 3 of the 3-bedroom units).

10.35. In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council's Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation is shown in the tables below.

Unit size	Total units in scheme	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 %
1 bed	166	8	20%	30%	19	61%	25%	139	53%	50%
2 bed	136	12	30%	25%	12	39%	50%	112	43%	30%
3 bed	18	8	20%	30%	0	0%	25%	10	4%	20%
4 bed	12	12	30%	15%	0	0%		0	0%	
TOTAL	332	40	100%	100%	31	100%	100%	261	100%	100%

10.36. The dwelling mix within the affordable rented units is broadly compliant with the Core Strategy targets:

- 20% 1 bed units - policy target 30%,
- 30% 2 bed units - policy target 25%,
- 50% family sized (3 bed +) - policy target 45%.

10.37. Within the intermediate tenure, there are no 3-bedroom units, there is an under provision of 2-bedroom units and an over provision of 1 bedroom units:

- 61% 1 bed units - policy target 25%,
- 39% 2 bed units against policy requirement of 50%.
- No 3-bedroom units against policy requirement of 25%.

10.38. For the private units, the scheme is broadly compliant but there is an under provision of family sized accommodation.

- 53% 1 bedroom units – policy target 50%
- 43% 2 bed units – policy target 30%
- 4% family sized (3 bed +) - policy target 20%.

10.39. The original scheme included the provision of 3-bedroom units within the intermediate tenure. The removal of these units contributed towards an improved scheme viability which allowed for the removal of all studio units (for which there was no policy requirement) and the introduction of a floor of internal amenity space and fewer residential units to occupy this space. These changes are considered to be more beneficial, particularly in the Marsh Wall area where larger intermediate units are unaffordable for some residents in the borough.

10.40. There is an under provision of family sized accommodation within the private tenure. However, it is also recognised that there is a slight over provision within the affordable tenure with the inclusion of four-bedroom units which are most in demand in the borough.

10.41. For the reasons outlined above, the proposed unit mix would be in broad compliance with the relevant policies.

Inclusive design

10.42. London Plan Policy 3.8 'Housing Choice,' the Mayor's Accessible London SPG, and MDD Policy DM4 'Housing standards and amenity space' require 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users. London Plan Policy 3.8 'Housing choice' and Core Strategy Policy SP02 6 require all new housing to be built to Lifetime Home Standards.

10.43. The applicant has confirmed that 10% of units are designed to be wheelchair accessible/easily adaptable and these units are spread across tenures. All the residential units would be built to Lifetime Home Standards.

Density and amount of development

10.44. The submitted site plan (Figure 1 above) includes part of the public highway on Marsh Wall and part of Lord Amory Way that was included within the Meridian Gate site. The building area below, comprising 0.27 ha. is a more accurate area for the purpose of density calculation.



Figure 10. Site area for density calculation

10.45. Calculated using the GLA Housing SPG methodology (para 1.3.70) the resultant density is:

Residential GIA: 31,895 sq. m. (97%)
 Non-residential GIA: 889 sq. m. (3%)
 Total GIA: 32, 784 sq. m.
 No. of habitable rooms: 872
 97% of site area is 0.26 ha.

Residential density = 3, 354 habitable rooms / hectare

10.46. London Plan Policy 3.4 'Optimising housing potential' and Tower Hamlets Core Strategy Policy SP02 'Urban living for everyone' require development to 'optimise' housing output taking account of public transport accessibility, local context and character and the design principles in London Plan Chapter 7. London Plan Table 3.2 provides a 'Sustainable residential quality density matrix (habitable rooms and dwellings per hectare)' for differing locations based on public transport accessibility levels (PTAL). For 'Central' areas with PTAL4, Table 3.2 provides an indicative density range of 650-1,100 habitable rooms per hectare (hrph). Development proposals which compromise this policy should be resisted.

10.47. Policy 3.4 states that it is not appropriate to apply the matrix mechanically to arrive at the optimum potential. Generally, development should maximise housing output while avoiding any of the adverse symptoms of overdevelopment.

10.48. Guidance on the implementation of Policy 3.4 is provided by the Mayor's 'Housing' SPG May 2016. The SPG advises that the density ranges should be considered as a starting point not an absolute rule when determining the optimum housing potential. London's housing requirements necessitate

residential densities to be optimised in appropriate locations with good public transport access. Consequently, the London Plan recognises the particular scope for higher density residential and mixed use development in town centres, opportunity areas and intensification areas, surplus industrial land and other large sites. The SPG provides general and geographically specific guidance on the justified, exceptional circumstances where the density ranges may be exceeded. SPG Design Standard 6 requires development proposals to demonstrate how the density of residential accommodation satisfies London Plan policy relating to public transport access levels and the accessibility of local amenities and services, and is appropriate to the location.

10.49. Schemes which exceed the ranges in the matrix must be of a high design quality and tested against the following considerations:

- local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;
- the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;
- the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with housing quality standards;
- 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, 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 including opportunity areas.

10.50. As detailed in this report, officers consider that in some local views, the building appears bulky and have raised concerns that the footprint of the building is too large for the plot size. However, as explained further in the design section, there is no harm to strategic views, no objections were raised by Historic England, the Council's Conservation and Design Advisory Panel largely supported the building and there is no material harm caused by the height and mass of the building to neighbouring properties or to the housing quality of the proposed units. Furthermore, the development is in a good accessible location (Public Transport Accessibility Location 4) and would deliver a large amount of high quality residential units, 25% of which would be affordable which is in excess of what is viable on the site. The scheme can also deliver all of the open space requirements in terms of private, communal 0-11 child play space as well as an area of public open space. Overall then, it is considered the proposal meets the abovementioned criteria and this is elaborated upon in the following sections of the report.

Housing quality and standards

- 10.51. London Plan Policy 3.5 'Quality and design of housing developments' requires new housing to be of the highest quality internally and externally. The Plan explains that the Mayor regards the relative size of all new homes in London to be a key element of this strategic issue. Local Plans are required to incorporate minimum spaces standards that generally conform to Table 3.3 – 'Minimum space standards for new development.' Designs should provide adequately sized rooms and convenient and efficient room layouts.
- 10.52. Guidance on these issues is provided by the Mayor's 'Housing' SPG 2016 that sets standards on the minimum level of quality and design that new homes should meet. Failure to meet one standard need not necessarily lead to conflict with the London Plan, but a combination of failures would cause concern. In most cases, departures from the standards will require clear and robust justification.
- 10.53. Core Strategy policies SP02(6) 'Urban living for everyone' supports the London Plan requiring all housing to be high quality, well-designed and sustainable.
- 10.54. MDD Policy DM4 'Housing Standards and Amenity Space' requires all new developments to meet the internal space standards set out in the Mayor's earlier SPG 2012.
- 10.55. MDD Policy DM25 'Amenity' seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 10.56. In March 2015, the Government published 'Technical housing standards – nationally described space standard.' This deals with internal space within new dwellings across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Minor Alterations to the London Plan 2016 and the Mayor's 'Housing' SPG 2016 (Standard 24) reflect the national guidance.
- 10.57. SPG Standard 26 requires a minimum of 5 sq. m. of private outdoor space for 1-2 person dwellings and an extra 1 sq. m. for each additional occupant. Standard 27 requires balconies and other private external spaces to have minimum depth and width of 1.5 m.

Units per core

- 10.58. The GLA Housing SPG Standard 12 says that each core should be accessible to generally no more than eight units per floor; each residential level provides 8 units per core and as such meets the standard.

Internal space standards

- 10.59. All units achieve or exceed minimum internal spaces standards including room sizes. Private amenity space standards would also be achieved for all units with individual terraces.

Single aspect dwellings

- 10.60. SPG Standard 29 says developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or which contain three or more bedrooms should be avoided. All proposed units would be at least dual aspect and therefore compliant with this standard.

Ceiling heights

- 10.61. All units have a minimum floor to ceiling height of 2.6 m, exceeding the 2.5 m. requirement of Design Standard 31.

Sunlight and daylight within the proposed residential accommodation

- 10.62. The application ES Appendix 14.3 provides an Internal Daylight and Sunlight Assessment that has been analysed by an independent consultant on behalf of the council.

- 10.63. Since the application was submitted, an application for a 600 unit residential led scheme including a 48 storey tower has been submitted on the Skylines site on the opposite side of the road (council reference: PA/17/01597- as detailed within the 'Planning History' section of the report). The applicant has submitted further information detailing: The impacts of the Skylines scheme on 225 Marsh Wall, the impacts of 225 Marsh Wall on the Skylines scheme and the cumulative impacts of both these schemes on surrounding developments. This information has also been reviewed by the Council's independent consultant.

- 10.64. The BRE Handbook 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' provides guidance on daylight and sunlight matters but is not mandatory. The BRE provides advice on room depth and the no sky line within rooms. The BRE adopt British Standard 8206 as the main criteria that recommends minimum Average Daylight Factor (ADF) values for new residential dwellings:

>2% for kitchens;
>1.5% for living rooms; and
>1% for bedrooms

- 10.65. The applicants report advises that in the cumulative scenario with the Skylines scheme in place, 96.6% of the rooms will still meet the BRE criteria (based on 1.5% for living/ kitchen areas) for ADF. As such, all living rooms except for two will meet the criteria and the two remaining living rooms will be left with marginally less at 1.1% and 1.3%. It is relevant that these will have good levels of daylight distribution as the windows in the west and south elevations will have good levels of sky visibility to either side of the Skyline Tower. There are some minor failures for bedrooms up to the ninth floor level, and 4 instances of levels at 50% of the recommended ADF within bedrooms at floors 3, 4 and 5. However, other rooms within these units have very good lighting levels and the overall scheme compliance is considered to be good. Based on the above, available daylight within the proposed rooms is considered to be good and broadly compliant with policy.

- 10.66. 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. Annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each such window. If the window 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 receive enough sunlight.

- 10.67. For sunlight, 97% of the rooms will receive the recommended levels of annual sunlight with three rooms receiving less than this. Two of these only fail in relation to winter sunlight but have adequate annual sunlight. On this basis, it is considered the proposal will have acceptable levels of daylight.
- 10.68. The proposal includes an area of open space to the west of the site. Even in the cumulative scenario with Skylines Village in place, 58.4% of the area sees at least two hours of sunlight on 21st March and as such is fully in line with BRE guidance.
- 10.69. To conclude, the sunlight to the proposed amenity space and the overall lighting levels within the proposed units are considered to be very good within the urban context. As such, the proposal is broadly compliant with policy and the BRE guidance.

Communal amenity space and play space

- 10.70. 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, this is in addition to communal amenity space required by London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document at a ratio of 50sqm for the first 10 units plus 1sqm for every additional unit.
- 10.71. Policy DM4 advises that LBTH child yields should be applied to ensure that 10sqm of useable child play space is provided 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.
- 10.72. The development includes provision of communal amenity space at level 2 (140 square metres for the affordable units in the form of a residents lounge and external terrace) and level 46 (592 square metres for the private units in the form of a residents gym, games area, lounge and external terrace). This equates to a total of 732 sqm of communal amenity space, significantly in excess of the requirements. Both spaces would be easily accessible, well lit and provide variety in terms of seating areas.
- 10.73. The majority of child playspace (573 sqm) would be provided at second floor level in the form of internal/ external child play space facilities for both private and affordable units with the remaining space (160sqm) being provided at ground floor level.
- 10.74. The space at second floor level would include internally: 0-5 soft play, 5-11 kids play and a teenager games room. The external terraces indicate a range of play equipment to be included and details of the play equipment will be secured by condition. The remaining 160 sqm at ground floor level would include play equipment for 0-5 and 5-11 year olds. Again, details of this would be required and secured through a planning condition.

10.75. The table below demonstrates the child yield from the proposed development in accordance with the GLA child yield calculator.

	Number of children	%	On site provision (sqm)	Required provision (sqm)
Under 5	30	35	278 (-22sqm)	300
5-11	31	36	309 (-1sqm)	310
12+	26	29	146 (-114 sqm)	260
Total	87	100	733 (-137 sqm)	870

10.76. As shown within the table, the proposal includes the provision of 733 sqm of dedicated child play space. This would fall short of the requirement for 870 sqm child play space by 137sqm. The shortfall is predominantly within the 12+ age range. As outlined within policy DM4, 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.

10.77. Should members be minded to grant planning permission for the scheme, a condition would be attached requiring the redistribution of child play space so that all of the 0-11 play space can be met on site. This can be achieved by a reduction of the 12+ play space by 23sqm to be provided towards 0-11 play space, 123sqm of 12+ space could be provided against the requirement of 260sqm.

10.78. The inclusion of an internal games room and external terrace area dedicated for this age group, combined with the access to the communal amenity space as well as the 360sqm square of public open space at ground floor level is considered reasonable given that St Johns Park is just a 6 minute walk to the south and includes a tennis courts and a multi use games pitch. Overall, inclusion of varied, high quality internal and external dedicated play space is considered to be a key benefit of the scheme and the scheme is in broad compliance with the policies.

Summary on housing quality

10.79. Overall, the scheme meets or exceeds many of the housing quality standards and the overall quality of accommodation is considered to be very good and thus broadly compliant with policy.

Heritage

10.80. The environmental statement (ES) assesses the likely effects of the proposed development on strategic views within the London View Management Framework.

10.81. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2016) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.

10.82. London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the

Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

- 10.83. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The strategic views referred to above are 'designated' heritage assets.

Strategic Views

- 10.84. The applicants view assessment includes images of the existing, proposed and cumulative scenarios taken from designated strategic views within the London Management View Framework (LMVF). The following views have been included: 5A.2, 1A.1, 2A.1, 4A.1, 5A.2, 6A.1, 11B.1, 11B.2, 12B.1, 15B.1. Within several of the views, the scheme can barely be seen and in some cannot be seen at all.
- 10.85. The site is most visible from 5A.2 (General Wolfe Statue Greenwich Park), 6A.1 (Blackheath) and 11B.1 (London Bridge).
- 10.86. With regards to 5A.2 from Greenwich Park, Paragraph 146 of the LVMF SPG states that:

“The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London.”

- 10.87. The applicant's Heritage, Townscape and Visual Impact Assessment illustrates how the building will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs.
- 10.88. With regards to views 6A.1, 11B.1 and the other views tested, officers have considered these views and have concluded that the proposed development will fall within a larger cluster within distant views and not be unduly detrimental within any of these views. Furthermore, no objections have been raised by English Heritage. Based on the above, the proposal is compliant with the relevant policy.

Surrounding Conservation Areas and Listed Buildings

- 10.89. When determining listed building consent applications and planning applications affecting the fabric or setting of listed buildings, 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 interest. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the above mentioned Act.
- 10.90. The closest Conservation Area is Coldharbour to the east and The Gun Public House is the nearest Listed Building. Given the distance between this site and surrounding heritage assets along with the cumulative effect of consented tall buildings in the Tower Hamlets Activity Area, the proposal is considered to preserve the setting of these assets.

- 10.91. To conclude on heritage impacts, the proposal would conserve the setting and appearance of the designated heritage assets and would not be unduly detrimental from any of the strategic viewpoints. The proposal therefore complies with the relevant policy.

Urban design

NPPF

- 10.92. The parts relevant to design / appearance and heritage are Chapter 7 'Requiring good design' and Chapter 12 'Conserving and Enhancing the Historic Environment.' The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites whilst responding to local character. Matters of overall scale, massing, height and materials are legitimate concerns for local planning authorities (paragraph 59).

The London Plan

- 10.93. The London Plan addresses the principles of good design and preserving or enhancing heritage assets. Policy 7.4 'Local Character' requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place and be informed by the surrounding historic environment. Policy 7.5 'Public realm' emphasise the provision of high quality public realm. Policy 7.6 'Architecture' seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and for development to optimise the potential of the site. Policy 7.7 'Tall and large scale buildings' provides criteria for assessing such buildings which should:

- a generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;*
- b only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;*
- c relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*
- d individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;*
- e incorporate the highest standards of architecture and materials, including sustainable design and construction practices;*
- f have ground floor activities that provide a positive relationship to the surrounding streets;*
- g contribute to improving the permeability of the site and wider area, where possible;*
- h incorporate publicly accessible areas on the upper floors, where appropriate;*
- i make a significant contribution to local regeneration.*

- 10.94. The Plan adds that tall buildings should not adversely impact on local or strategic views and the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas include conservation areas, listed buildings and their settings, registered historic parks and

gardens, scheduled monuments, or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.

10.95. London Plan Policy 7.8 ‘Heritage assets and archaeology’ requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Policy 7.10 ‘World Heritage Sites’ requires development not to cause adverse impacts on World Heritage Sites or their settings.

Tower Hamlets Local Plan

10.96. Core Strategy Figure 37 page 80 ‘Creating distinct and durable places’ shows 225 Marsh Wall within an area where the priority is to ‘protect and improve local distinctiveness, character and townscape in areas of high growth.’

10.97. Within the Core Strategy’s Vision for Cubitt Town (page 124) development principles include:

- New development should be focused in the north of Cubitt Town on identified development sites:
- Development should provide transition between the higher rise commercial area to the north and the nearby low-rise residential areas to the south and east.

10.98. Core Strategy Policy SP10 ‘Creating distinct and durable places’ seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings.

10.99. These principles are followed in the MDD and Policy DM24 ‘Place-sensitive design’ requires developments to be built to the highest quality standards. This includes being sensitive to and enhancing the local character and setting and use of high quality materials.

10.100. MDD Policy DM26 ‘Building heights’ and Figure 8 require building heights to accord with the town centre hierarchy. It seeks to guide tall buildings towards the Aldgate and Canary Wharf Preferred Office Locations. In this case, the site is within an Activity Area, the second step down in the hierarchy.



Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

Figure 11- MDD Building heights and the Town Centre Hierarchy

South Quay Masterplan 2015 (SQMP)

- 10.101. The latest supplementary guidance for Marsh Wall East is the South Quay Masterplan 2015. The masterplan supplements the development plan and is a material consideration in determining the planning application at 225 Marsh Wall.

Figure V1 Vision Map



- 10.102. The Master Plan (Figures V1 & 3.1) identifies the site of 225 Marsh Wall for an active ground floor frontage on Marsh Wall, with massing comprising a tall building, a taller element (10+ storeys), a plinth (3-10 storeys) and a podium 1-2 storey). The massing of new developments should complement and provide a transition from the Canary Wharf Major Centre to the adjacent residential areas, particularly along the southern boundary. It should ensure that build step down from dock side and open spaces.

Site Layout

- 10.103. The site layout has been informed by the aspiration to create a significant area of high quality public realm through connecting the approved public open space within the Meridian Gate scheme immediately west of the application site. On this basis, the proposed building has been positioned to the east of the site and a area of open space (approximately 600m) is proposed to the west of the site. The proposed surface materials reflect those of Meridian Gate in order to visually connect these spaces and the access road to the west would match these materials to further strengthen this link.
- 10.104. The building has been set back approximately 6m from the eastern boundary line, which is around 7m with the inclusion of half of the width of the eastern access road. This has increased by approximately 2.5m in the amended drawings from the initial submission. Ideally, the building would be 9m from the neighbouring site at 227 Marsh Wall, to allow 18m between habitable rooms should the site next door come forward for residential development.

However, this would compromise the area of public open space proposed to the west of the application site. Furthermore, the application site which is not dissimilar in size to 227 Marsh Wall, has set back approximately 15m from the western boundary to allow for public open space and as such, a requirement for 227 to set back 11m to allow for residential development is not considered unreasonable.

- 10.105. The building is 16m from the office building to the north and in excess of 20m from the buildings to the west at Meridian Gate and to the south at Skylines. This is considered acceptable in terms of site layout.
- 10.106. The building has been designed in a cross shape which allows for 100% dual aspect units and results in good lighting levels as detailed within the housing section of the report.
- 10.107. Active uses have been provided along the southern boundary at ground floor level in accordance with the South Quay Masterplan and residential access cores and access to cycle stores are positioned along the north, east and west elevations to provide activity at ground floor around the perimeter of the site.
- 10.108. Conditions will be attached to secure the final design, layout and materiality of the public open space. However, officers consider that the proposal provides a good mix of hard and soft landscaping and a range of spaces including open grass areas, planting, benches and seating and a play area. Overall, officers support the approach to site layout which complies with the relevant design policies.

Height, Mass and Bulk

- 10.109. On balance, officers consider that the proposed development meets the criteria of London Plan Policy 7.7 for tall and large scale buildings, the Core Strategy and Managing Development Document policies on tall buildings as well as advice in the 'Housing' SPG to assess schemes which exceed the ranges in the Sustainable Residential Quality Matrix:
- 10.110. The site is located in an opportunity area and an activity area where tall buildings are generally directed. The proposal would be 163m AOD, which is 23m (8 storeys) less than the previous withdrawn application (PA/15/02303- as detailed in 'Planning History' section of this report). The foot print of the building has also reduced from 51.5m wide and 29.4m long in the previous scheme to 36.8m wide and 18.9m long in the current scheme. This has allowed for a greater area of open space to the west of the site and a wider access route to the east and thus a greater distance between the application site and the neighbouring site at 227 Marsh Wall.
- 10.111. As detailed within the 'Planning History' section of the report, a previous application on the site (PA/09/01637) which proposed a 154m AOD height building was refused in 2010 due to unsatisfactory scale and mass in conjunction with development proposed at Skylines Village site (Ref. PA/10/00182). It was decided that the schemes, due to cumulative height, scale, mass and proximity, would result in a townscape which would appear incongruous in both local and long-distance views and canyonize the public realm on Marsh Wall.

10.112. Also detailed within the 'Planning History' section of the report, is a current application for the Skylines scheme which was submitted in June 2017. The scheme proposes 600 residential units, a two form entry school, an office building and ground floor commercial uses. The building heights include a tower of 48 storeys and two towers around 25 storeys. Immediately opposite 225 Marsh Wall on the Skylines scheme, there is a part 6 storey, part 12 storey office block. The positioning of commercial space in this location on the Skylines site avoids habitable rooms facing on to one another. However, the distance between the schemes still maintains approximately 20m in line with the recommended privacy separation distances.

10.113. The residential use at 225 is the more sensitive use of the two buildings and the cross shape form of the building has allowed dual aspect for all of the units within the building. This means that any units with windows on the southern elevation on the lower floors of the building (levels 3-10 opposite the Skylines business centre) that don't fully comply with BRE guidance also have an east or west facing window with good lighting levels allowing for an overall well lit unit. The 'Housing Quality' section of the report concludes that 225 Marsh Wall benefits from very good levels of lighting in the context of this urban area. The impacts of 225 on Skylines have also been considered and the council's independent daylight/ sunlight consultant has concluded that the scheme at 225 by virtue of its position and orientation in relation to Skylines would have a negligible impact on the Skylines scheme. In relation to cumulative impacts on existing surrounding developments, it was concluded that whilst there are some impacts on surrounding properties, this is largely due to poor lighting levels in existing developments and other developments within the cumulative scenario.

10.114. The tall buildings on the Skylines scheme have been positioned to the west away from the building proposed at 225 Marsh Wall. Furthermore, since the 2010 refusal, the local context has changed with permissions at South Quay Plaza, Meridian Gate and Dollar Bay. Permitted heights (AOD) for development in the surrounding area is as follows:

225 Marsh Wall proposed	163 m.
One Canada Square	245.75 m.
Pan Peninsula constructed	147 m.
South Quay Plaza 1-3permitted	Part 220 m, part 181 m.
South Quay Plaza 4	198m
Baltimore Wharf under construction	154.8 m.
Meridian Gate under construction	187.45 m.
Dollar Bay under construction	144.5 m.
Wood Wharf permitted	Max 211.5 m.

10.115. The height of the approved scheme at Meridian Gate was accepted because of site specific reasons, in particular because it terminates the northern vista up Limeharbour. 225 Marsh Wall does not benefit from such a location and is further away from 1 Canada Square than Meridian Gate. However, the statutory local plan policy requires heights to provide a transition between the Canary Wharf tall building cluster and the low rise townscape to the south and east of the Isle of Dogs. At 163m, the proposed building is nearly 25m below the building at Meridian Gate and is therefore around half way between the height of Meridian Gate to the north and Dollar Bay (144.5m) to the east. The building does therefore demonstrate a gradual downward transition in height from the Canary Wharf tall buildings cluster in line with the adopted policy.

- 10.116. No objections have been raised by Historic England or the London Borough of Greenwich regarding impact on views protected by the London View Management Framework, including views from the Greenwich Maritime World Heritage Site and London Bridge. It is not considered that there would be any adverse effect on the setting of the Coldharbour Conservation Area.
- 10.117. In terms of local views, officers have raised concerns with regard to the perceived mass and bulk of the north and south elevations which would appear as a significant mass when viewed straight on. There is little opportunity to view the entirety of the south elevation straight on from the local views. However, from the northern side of south dock, the full width of the north elevation would be visible and does appear wide and bulky from this view. This would cause harm to the local townscape within the context of this particular area. However, with the exception of the direct view towards the northern elevation, the local and strategic views are acceptable within the context. Views of the east and west elevations are more visible within the local context and these elevations are smaller in width and are broken up by the stepped down and stepped in shoulder elements.
- 10.118. With the exception of the view from the northern side of the dock, the proposed views are acceptable. The harm caused to the local view from the northern side of the dock is outweighed by scheme benefits. These benefits include the delivery of a significant amount of high quality housing, affordable housing, community/ office and retail floor space, improved public realm and contributions towards infrastructure in the borough.
- 10.119. Finally, the previous report made reference to the scheme not incorporating the varied podium and plinth heights as indicated within the south quay masterplan. The proposal indicates a podium level which is clearly defined from the upper floors of the building. Ideally a podium level would have been incorporated to allow for more of a step down. However, as noted in the above sections, the overall height and mass of the building is considered to be acceptable and the views are broadly supported. The incorporation of a plinth level 3-10 stories would have a significant impact on the scheme viability and thus would result in a significant loss of affordable housing.

External Appearance

- 10.120. Each elevation is broken in to three elements with the more central element emphasising the verticality and the outer elements appearing softer and more reflective. The vertical bands would be a light cast reconstituted stone, vertical highlights and feature cladding would be copper coloured metal, horizontal lines and planes would be grey blue semi-gloss coating to metal panels and glazing would be constructed of light grey-blue glass, metal backed spandrel shadow boxes and black joints. The elevational design and materials proposed would result in a high quality, external appearance. The exact specification of materials would be secured by condition.
- 10.121. The ground and first floor levels of the building form part of the podium. The vertical glazing panels over ground and first floor, along with the copper coloured feature screen wrapping around the first floor of the podium define the lower commercial floors of the building from the residential tower above. This is further emphasised by the stepped in second floor of the building which provides an outdoor terrace to accompany the internal amenity and play space. The podium provides a more human scale at street level, which

provides visual interest and contributes to the high quality external appearance of the scheme.

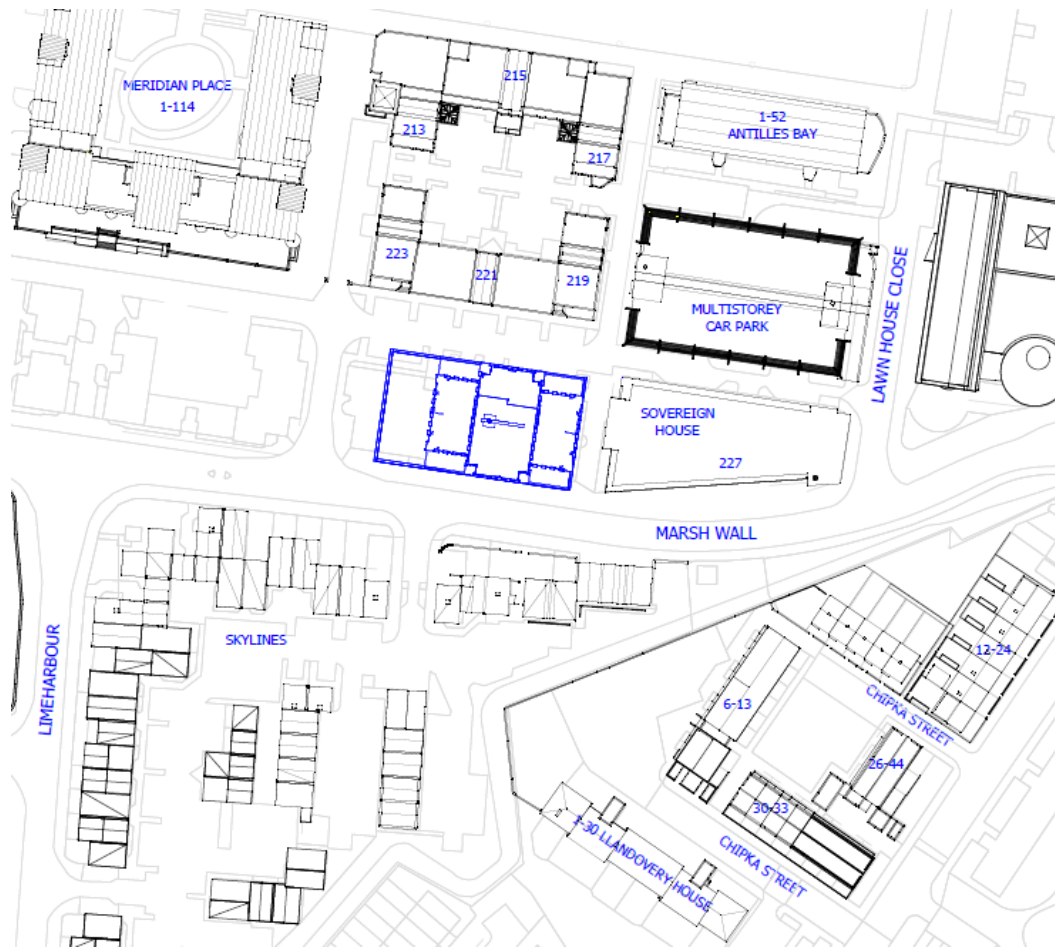
- 10.122. To conclude on design; the site layout allows for a area of public realm space and high quality, well lit residential units; the height of the scheme is acceptable within the context and the overall scale and massing is broadly supported and; the proposed materials and design detailing would provide in a high quality external appearance and finish. The councils Conservation and Design Advisory Panel (CADAP) were also supportive of the scheme. The proposals comply with the relevant design policies.

Amenity / Impact on surroundings

- 10.123. Further to policy 7.6 of the London Plan and SP10 of the Core Strategy, policy DM25 of the Managing Development Document requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure or loss of outlook, unacceptable deterioration of sunlighting and daylighting conditions or overshadowing and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phases of the development.

Daylight and sunlight

- 10.124. Guidance on assessment of daylight and sunlight is set out 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 0.8 times its former value. The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%.
- 10.125. For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse. The daylight/ sunlight section within the ES assesses the impact of the proposal on the daylight/ sunlight on surrounding residential properties.
- 10.126. Since the application was submitted, an application for a 600 unit residential led scheme including a 48 storey tower has been submitted on the Skylines site on the opposite side of the road (PA/17/01597- as detailed within the 'Planning History' section of the report). The applicant has submitted further information detailing: The impacts of the Skylines scheme on 225 Marsh Wall, the impacts of 225 Marsh Wall on the Skylines scheme and the cumulative impacts of both these schemes on surrounding developments. This information has also been reviewed by the Council's independent consultant.



- 10.127. The analysis covers the nearest residential properties to the development. There are dwellings along and near Roffley Street (directly to the south of the development, just visible at the bottom of the map above) and the other side of East Ferry Road, but these are further away and should be less impacted by the development.
- 10.128. The building immediately to the north of the proposed development (known as Meridian North) is currently a commercial building, and therefore would not usually be included in an assessment of loss of daylight and sunlight. However, it could potentially be developed for future residential use. It is clear that the development at 225 Marsh Wall would place restrictions on daylight, and especially sunlight, provision to a potential future development at Meridian North. The BRE Report provides guidance on provision to adjoining development land. GIA have not undertaken an assessment using these guidelines. However, there are no current proposals on the land at Meridian North and this site is also owned by the applicant.
- 10.129. There are two new developments at various stages of completion near the site. Dollar Bay, to the north east of the site and Meridian Gate, directly to the west of the site. The cumulative impact of the proposed building with these developments (and the Wood Wharf development to the north of South Quay) are assessed in Chapter 16 of the Environmental Statement. As outlined above, the Skylines scheme on the opposite side of the road has also been

included within the cumulative scenarios. Cumulative impacts are discussed separately for each surrounding property.

10.130. The impacts on the following properties are considered:

- Meridian Place
- 1 – 52 Antilles Bay
- 12 – 24 East Ferry Road
- 26 – 44 East Ferry Road
- 30 - 33 Chipka Street
- 6 - 13 Chipka Street
- 1 – 30 Llandoverly House
- Loss of sunlight to courtyard at Meridian Place
- Overshadowing of surrounding areas
- Potential impact to The Madison development

Meridian Place

10.131. In terms of daylight, of the 366 windows analysed, 356 would meet the BRE guidelines. 9 of the 10 windows would appear to be only marginally below the guidelines for VSC. The results suggest that some rooms are lit by multiple windows. Of the 183 individual rooms in the results, 177 would have at least one window meeting the BRE guidelines.

10.132. In terms of sunlight, 4 potential living rooms out of 87 potential living rooms (some are marked as 'unknown' but have been tested to allow for a worst case scenario) would have sunlight provision below the BRE guidelines.

10.133. In the cumulative scenario, 329 windows at Meridian Place would not meet the BRE guidelines for vertical sky component (37 of 366 windows would meet the guidelines). Ten rooms would not meet the daylight distribution guidelines (172 of 183 rooms would meet the guidelines). Comparing the results with the proposed scenario, Meridian Gate and Skylines have a much greater impact on Meridian Place than the proposed development. The cumulative impact on daylight is assessed as moderate to major, though most of this is due to other developments in the cumulative scenario.

10.134. In the cumulative scenario 229 out of 358 windows would meet both the annual and winter probable sunlight hours guidelines. Comparing the results with those of just the proposed development, The Madison is directly to the south of a portion of Meridian Place and therefore has a greater impact on sunlight to Meridian Place than the proposed development. The cumulative impact is assessed as moderate, though most of this is due to other developments in the cumulative scenario.

1-52 Antilles Bay

10.135. In terms of daylight, of the 59 windows analysed at the property, 48 would meet the BRE guidelines for VSC. 37 of the 42 rooms would have at least one window which would meet the guidelines. The daylight distribution results presented show that all 42 rooms would meet the BRE guidelines. The loss of daylight impact is assessed as minor adverse.

- 10.136. In terms of sunlight, the ten windows analysed would be below the BRE guidelines for loss of sunlight, however, these are identified as bedrooms and the loss of sunlight would be assessed as negligible.
- 10.137. With a cumulative scenario, 18 out of 59 windows at Antilles Bay would meet the BRE guidelines for vertical sky component. 41 out of 42 rooms would meet the BRE guidelines for daylight distribution. The cumulative impact for daylighting is assessed as minor to moderate adverse.
- 10.138. In the cumulative sunlight scenario, the impact on the 10 bedroom windows is negligible.

12-24 East Ferry Road

- 10.139. In terms of daylight, all 31 rooms tested would meet the VSC guidelines. The 31 windows light 24 individual rooms, which would all also meet the daylight distribution guidelines. The loss of daylight is assessed as negligible.
- 10.140. The development is to the north of 12 – 24 East Ferry Road and would therefore not impact sunlight provision.
- 10.141. In the cumulative scenario, 3 of the 31 windows analysed would meet the BRE guidelines for vertical sky component. All rooms would meet the guidelines for daylight distribution. The cumulative impact is assessed as minor to moderate. Again, it is clear that the results are predominantly caused by other developments in the cumulative scenario.
- 10.142. There would be no cumulative impact on sunlight provision since development sites are to the north.

26- 44 East Ferry Road

- 10.143. In terms of daylight, of the 28 windows analysed, 18 would meet the BRE guidelines for VSC. The daylight distribution results for the 27 rooms analysed show that all would meet the BRE guidelines.
- 10.144. Additional VSC results were provided showing the VSC if overhanging balconies are omitted. This shows significant improvements with almost full compliance. This does illustrate that the balconies are having a material impact on the VSC results and that, if the balconies were not present, then the impacts that could be reported would be less significant. Therefore, the loss of daylight is assessed as minor due to the overhanging walkways and the improved situation without these walkways.
- 10.145. The development is to the north of 26 – 44 East Ferry Road and would therefore not impact sunlight provision.
- 10.146. In the cumulative scenario, 6 of the 28 windows analysed meet the BRE guidelines for daylight, this low is due to the existing lighting levels and overhanging walkways. There would be no cumulative impact on sunlight provision since development sites are to the north.

30-33 Chipka Street

- 10.147. In terms of daylight, all 32 windows analysed would meet the BRE guidelines for VSC. The 32 windows light 24 rooms, all of which would also meet the BRE guidelines for daylight distribution.
- 10.148. The loss of daylight is assessed as negligible and the development is to the north of 30 – 33 Chipka Street and would therefore not impact sunlight provision.
- 10.149. Within the cumulative scenario, 6 out of 28 windows would meet the BRE vertical sky component guidelines. The cumulative impact is assessed as minor. There would be no cumulative impact on sunlight provision.

6-13 Chipka Street

- 10.150. In terms of daylight, of the 34 windows analysed, 7 would meet the BRE guidelines. Daylight distribution is calculated in 33 rooms, with all meeting the BRE guidelines.
- 10.151. The loss of daylight is considered to be minor-moderate because the failures are largely due to the balcony overhangs on the building. The development is to the north of 6 – 13 Chipka Street and would therefore not impact sunlight provision.
- 10.152. With the cumulative scenario, none of the windows analysed at 6 – 13 Chipka Street would meet the BRE guidelines for vertical sky component. All analysed rooms would meet the guidelines for daylight distribution. The cumulative impact is assessed as major. However, as outlined above, this is due to the existing balcony overhangs. There would be no cumulative impact on sunlight provision.

1-30 Llandovery House

- 10.153. All of the 20 windows (which were the most likely to be affected) analysed would meet the BRE guidelines for vertical sky component. Windows along the rest of the façade would also be expected to meet the BRE guidelines.
- 10.154. The results tables suggest that the windows analysed light 15 rooms, all of which would also meet the daylight distribution guidelines. Loss of daylight is assessed as negligible. The development is to the north of Llandovery House and would therefore not impact sunlight provision.
- 10.155. With the cumulative scenario, none of the 20 windows analysed would meet the BRE guidelines for vertical sky component. All rooms would meet the guidelines for daylight distribution. The cumulative impact is assessed as minor. There would be no cumulative impact on sunlight provision.

Loss of sunlight to courtyard at Meridian Place

- 10.156. The assessment has calculated the hours of sunlight received across the area of the existing courtyard amenity area at Meridian Place.
- 10.157. The BRE guidelines for existing amenity areas recommend that at least two hours of sunlight on 21st March should be received over at least half of the

area of the space. If the area that can receive two or more hours of sunlight on 21st of March is reduced to less than half with the proposed development in place and also less than 0.8 times the value before, then the loss of sunlight is likely to be noticeable.

- 10.158. The values presented show that currently the amenity space can receive two or more hours over 55.08% of its area. With the proposed development in place 49.17% of the space would be able to receive two or more hours of sunlight on 21st March.
- 10.159. In the cumulative scenario prior to the Skylines submission, 30% of the area would benefit from 2 hours of sunlight on 21st March. With the Skylines submission in place, this reduces to 0%. This results in a major adverse impact, however, the impacts are predominantly due to surrounding schemes within the cumulative scenario and is typical within the urban environment.

Potential impact to the Madison development (Meridian Gate)

- 10.160. The Madison development is directly to the west of the proposed development. Most facades of the building would not have a direct view of the proposed development and therefore would not expect to be significantly impacted by it.
- 10.161. Chapter 16 of the Environmental Statement dealing with cumulative impacts (with associated Appendix 16.6) discusses the impact to daylight at windows to The Madison development.
- 10.162. Vertical sky component “plots” are presented in Appendix 16.6 representing values of vertical sky component on the façade with and without the proposed development and a percentage difference between the two. The figures indicate none of the facades would be significantly impacted by the proposed development.
- 10.163. The Madison includes an amenity area that would adjoin the proposed ground floor open space. The cumulative results show that 98% of the area would be able to receive two or more hours of sunlight on 21st March and thus the BRE guidelines would be met.

Potential Impact to Skylines

- 10.164. The applicant provided additional daylight/ sunlight information following the submission of the Skylines application. The accompanying letter sets out why the effect can be considered to be negligible. An independent consultant reviewed this on behalf of the council and responded with the following.
- 10.165. For daylight, the applicant has undertaken a VSC analysis across the façades of Skyline Block C and then, from that carried out average daylight factor calculations for the second floor, which will be the lowest residential floors. The relationship between Skyline Block C and 225 Marsh Wall is that they are diagonally across from each other on plan and therefore the 225 Marsh Wall tower will only materially affect the north east corner of Skyline Block C. The Marsh Wall development will result in a lower level of VSC to windows in that north east corner, than would be the case if Skyline were built without 225 Marsh Wall in place with VSC levels on lower floors reducing to around 11% VSC. However, the rooms in this corner of the building are all dual aspect and

therefore have the capacity to receive good levels of sky visibility from the north or east, from windows not directly affected by 225 Marsh Wall.

- 10.166. As Skylines has not yet been constructed, it is appropriate to consider the ADF results as it is more appropriate to identify whether the rooms in Skyline will be left with adequate levels of internal illuminance rather than set a standard based on a reduction of daylight which will be inappropriate for a room that does not currently enjoy daylight. The applicants letter therefore also includes the ADF results for the lowest level residential rooms in Skyline Block C and this shows that these will have ADF values of between 3.6% and 4.8%. The standards that should be achieved for ADF are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Therefore, the levels of ADF will be significantly above minimum recommended levels and will actually be well lit for an urban location.

Conclusions

- 10.167. Overall, whilst there is some impact on surrounding properties, much of this is due to the design of existing surrounding buildings which have overhanging walkways or balconies. In the case of the cumulative scenarios, whilst there is impact, given the density of nearby consented schemes and the site locality in an urban area, the proposal is on balance acceptable.

Privacy and Overlooking

- 10.168. Policies SP10 and DM25 in the Core Strategy (2010) and Managing Development Document (2013) respectively require developments that do not result in overlooking or loss of privacy. The supporting text makes reference to an 18m separation distance between habitable rooms.
- 10.169. The proposed building would benefit from very substantial separation distances from the nearest adjoining properties. The proposed residential tower would be sited some 40 m. from residential accommodation in Meridian Place and some 65 m. from the Madison development with satisfactory privacy. The site is approximately 20m from Meridian North to the north and the Skylines site to the south. As detailed under the 'Site Layout' heading of the report within the design section, the proposal is a satisfactory distance from the Skylines site to the south and from 227 to the east. On this basis, the proposal complies with the relevant policies.

Micoclimate

- 10.170. A Wind Microclimate Assessment has been submitted as part of the Environmental Statement including wind tunnel results of the proposed scheme in the context of existing surrounding environment and a cumulative scenario. To ensure robustness, all tests have been carried out with the proposed mitigation measures in place. The results are presented in terms of the Lawson Comfort Criteria which identifies comfort categories suitable for different activities, as well as in terms of the likely occurrence of strong gusts of wind which could be a threat to safety.
- 10.171. Generally leisure walking is desired on pedestrian routes during the windiest season, standing/entrance conditions at main entrances and drop off areas throughout the year and sitting conditions at outdoor sitting and amenity areas

during the summer season when these areas are likely to be used the most often.

- 10.172. Following the submission of the Skylines scheme (as detailed within the 'Planning History' section of the report), the applicant has submitted additional wind tunnel testing taking in to account the Skylines scheme in the cumulative scenario. The assessment of the additional information will follow in an update report.

Light pollution

- 10.173. A condition has been included to require submission of full details of proposed lighting along with light spill drawings, in order to minimise any impact on the amenity of adjoining occupiers.

Noise

- 10.174. Appropriate conditions have been included to include any details of plant equipment and to control the noise levels from any subsequent plant. Conditions have also been included to control the opening hours should an A3 use be implemented within the flexible commercial unit. With the inclusion of the abovementioned conditions and given the small scale of the proposed flexible unit, the proposal would not result in any undue noise impacts.

Construction Impacts

- 10.175. The construction impacts of the proposal would be carefully controlled and minimised through suitable conditions such as the Construction Management Plan which would include working hours restrictions, measures to control dust, air pollution, noise pollution, vibration and which would, in general, aim to minimise the impact on the nearby residential and commercial occupiers. Compliance with the Council's Code of Construction Practice and the Considerate Constructors Scheme is to be secured through a planning obligation.

Air Quality

- 10.176. An Air Quality Assessment has been submitted as part of the Environmental Statement. The Environmental Health Air Quality Officer has confirmed that air quality neutral requirements would be met and that there would be no significant impacts arising from the operation of the energy centre or from traffic emissions.

Conclusion

- 10.177. Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining building occupiers. Appropriate conditions and a planning obligation have been included to mitigate any adverse impacts.

Transportation and Highways

- 10.178. The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. 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.

- 10.179. Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by policy DM20 of the Managing Development Document.
- 10.180. Policies 6.3 of the London Plan and DM22 of the Managing Development Document set standards for bicycle parking for staff and visitors while policies SP05 of the Core Strategy and DM14 of the Managing Development require provision of adequate waste and recycling storage facilities.
- 10.181. The application is accompanied by a Transport Assessment which forms part of the Environmental Statement.

Public transport

- 10.182. The site has a TfL Public Transport Accessibility Level PTAL4 'Good'. It is considered the proposed density is more suited to an area rated 'Excellent'.
- 10.183. The projected development would increase person trips that would affect the local public transport network, including buses, the DLR at South Quay and the interchange with the Jubilee Line and Crossrail at Canary Wharf. There is no suggestion that development on the Isle of Dogs should be restrained due to inadequate public transport capacity and the Elizabeth Line (Crossrail) is due to open shortly. The draft Isle of Dogs Opportunity Area Planning Framework recommends a future increase in the capacity of the DLR through Crossharbour. TfL raise no objection in principle and request financial contributions to improve bus capacity and Mayor's cycle hire scheme to mitigate the impacts of the development. A contribution to buses has been included within the draft section 106 but the council's Community Infrastructure (CIL) team have advised that the contribution to docking stations would be captured within CIL payments.

Car parking and access

- 10.184. Four wheelchair accessible parking spaces and two electric vehicle charging points are proposed. This is the maximum that is feasible on site given the size constraints on the site and the narrow surrounding roads. A planning condition is attached to ensure the applicant is required to deliver and maintain these spaces and equipment. A planning obligation would secure the development as car free to minimise any additional parking stress in the area.

Servicing

- 10.185. There are segregated servicing bays for car/ taxi drop offs, deliveries and refuse collection to the north of the site along Meridian Place. UK power network areas are accessed via a designated service road to the east of the site. A condition is recommended to request submission of a Delivery and Servicing Management Plan. Auto-tracking diagrams have been provided to demonstrate that the required movements can be carried out safely.

Cycle Parking

- 10.186. There is provision for 724 cycle bicycles to be stored on site, which exceeds the London Plan standards. Storage for 182 cycles is located in the basement, 12 of which are provided for the A1/A3/D1 uses at ground and first floor. Storage for 108 cycles are provided for the affordable residential units and are accessed via a dedicated cycle entrance on the north east corner of the building. On each typical private residential level, bicycle storage for up to four bikes per unit is located within personal lockable storage cupboards accessible from the communal lift lobby. However, two bikes has been assumed so that the remaining space can be used for other storage items. Due to the lift overrun arrangement, apartments on level 12 will have access to basement cycle storage (as opposed to the lockers on each floor level).
- 10.187. A condition would require submission of full details of the proposed cycle storage arrangements including measures to ensure ease of use and accessibility.

Walking

- 10.188. The proposed public realm works would improve the quality of the pedestrian environment adjoining the application site.

Waste storage

- 10.189. Each residential level has access to the refuse chute, which is located well within the 30m travel distance required between the front door and the waste room. The proposed chute system will consist of a single 600mm diameter stainless chute that incorporates a 'tri-separator' system within the refuse room. The tri-separator will allow general waste, mixed recyclables and food to be collected separately as required by the Council's waste department. The chute will discharge at ground floor level into the main waste store, where the segregated waste will be stored in the containers.
- 10.190. The management of the main waste store will be the responsibility of the on-site facilities management team who will ensure Eurobins containing waste and mixed recyclables are separated in separate stores and will also be responsible for cleaning the bins. A separate store for bulky waste will be provided on site. A detailed waste management strategy would be secured by condition.

The council's waste team initially objected to the twice weekly collection. However, it is accepted that the approach has changed from when the scheme initially came in at pre-application stage and given that the applicant was previously advised that twice weekly collection would be acceptable, it would not be reasonable at this stage to require additional space that would have implications on viability and/ or the amount of ground floor active frontage. As such, with the inclusion of conditions, the proposal complies on balance with the relevant policies.

Trip generation

- 10.191. Neither Transport for London nor the Council's highways department have raised objections to the resulting trip generation. However, Transport for London have required a contribution towards bus services (£100,000) and

cycle docking stations (£35,000) to account for the additional users. The buses contributed would be secured by through the section 106 legal agreement. However, the council's Community Infrastructure (CIL) team have advised that the contribution to docking stations would be captured within CIL payments. TfL also requested that CIL monies should be put towards a pedestrian bridge at South Quay. This request is noted but this is not a request within planning remit that the planning committee can decide upon.

Conclusion

- 10.192. Overall, subject to conditions and the planning obligations, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts. It is noted that neither the Council's Highways & Transportation Officer nor TfL raise an objection to the proposal.

Sustainability and Energy Efficiency

- 10.193. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy and the Managing Development Document policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 10.194. The submitted proposals have followed the energy hierarchy of be lean, be clean & be green and seek to minimise CO₂ emissions through the implementation of energy efficiency measures and use of a centralised energy system (CHP). The CO₂ emission reductions are anticipated to be at 23% against the Building Regulations 2013, short of the 45% policy target.
- 10.195. In accordance with policy requirements, the applicant has agreed to the full financial contribution to the Council's carbon offsetting programme to achieve a total reduction of 45% (£203,040)- this is acceptable given that the potential for renewable energy technologies is limited due to the limited roof area and the desire to provide residential terraces.
- 10.196. The Barkantine energy centre is currently undertaking an expansion strategy and a challenge is the timing between the delivery of the new network and the completion of new developments. Given the uncertainty of timeframes for the district heat network expansion and the 225 Marsh Wall development it would be appropriate to re-evaluate the connection potential post any planning permission. As such, the requirement to test for the feasibility and if possible install a connection to the Barkantine heating network will be secured by condition.
- 10.197. Conditions have also been included to ensure compliance with the proposed energy efficiency and sustainability strategies.
- 10.198. Overall, subject to conditions and the carbon off-setting planning obligation, the proposal would accord with the relevant policies and guidance.

Flood Risk and sustainable urban drainage

Flood risk

- 10.199. The NPPF says the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.12 'Flood Risk Management' and Tower Hamlets Core Strategy Policy SP04 (5) within 'Creating a Green and Blue Grid'.
- 10.200. The Environment Agency's Flood Map shows that the site is located in Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year). However, it is protected by the Thames Tidal flood defences to a 1 in 1,000 year annual (<0.1%) and mean the site is within a low risk area but at risk if there was to be a breach or the defences overtopped.
- 10.201. The Environment Agency's most recent breach hazard modelling study shows the site to be outside of the areas impacted by flooding were the defences breached. The site is therefore at a low risk of flooding.
- 10.202. Residential is a 'More Vulnerable' land use and the Environment Agency advises that the proposed use is appropriate providing the site passes the Flood Risk Sequential Test, the Council being satisfied that there are no alternative sites available for the development at a lower risk of flooding. A site specific Flood Risk Assessment (FRA) should be undertaken which demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere and passes the Exception Test.
- 10.203. NPPF Paragraph 102 explains that for development to be permitted both elements of the Exception Test must be passed:
- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
 - A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 10.204. Marsh Wall East (including 225 Marsh Wall) is allocated in the Tower Hamlets Local Plan for a strategic comprehensive mixed-use development and has passed the Tower Hamlets Sequential Test within the Borough's Level 2 Strategic Flood Risk Assessment 2011.
- 10.205. A site specific FRA has also been submitted with the application as part of the ES. In line with the Tower Hamlets Strategic Flood Risk Assessment, the development would provide wider sustainability benefits to the community, namely the provision of housing that outweigh the flood risk. The proposed layout, with residential on the upper floors, means that residents would have safe refuge. The site is already developed and would not increase the risk of

flooding elsewhere. It is therefore considered that the proposal passes the Exception Test.

Sustainable urban drainage (SUDS)

- 10.206. The London Plan provides policies regarding flood risk and drainage. Policy 5.11 “Green roofs and development site environs” requires major development proposals to include roof, wall and site planting including the provision of green roofs and sustainable urban drainage where feasible. Policy 5.13 ‘Sustainable drainage’ requires schemes to utilise SUDS, unless there are practical reasons for not doing so, and aims to achieve greenfield run-off rates and manage surface water run-off in line with the following hierarchy:
- 1 Store rainwater for later use
 - 2 Use infiltration techniques, such as porous surfaces in non-clay areas
 - 3 Attenuate rainwater in ponds or open water features for gradual release
 - 4 Attenuate rainwater by storing in tanks or sealed water features for gradual release
 - 5 Discharge rainwater direct to a watercourse
 - 6 Discharge rainwater to a surface water sewer/drain
 - 7 Discharge rainwater to the combined sewer.
- 10.207. Core Strategy SP04 5. within ‘Creating a green and blue grid’ requires development to reduce the risk and impact of flooding through, inter alia, requiring all new development to aim to increase the amount of permeable surfaces, including SUDS, to improve drainage and reduce surface water run-off. MDD Policy DM13 ‘Sustainable drainage’ requires development to show how it reduces run off through appropriate water reuse and SUDS techniques.
- 10.208. The submitted Outline Drainage Management Plan aims to achieve a 50% reduction in surface water discharge, by the use of permeable surfaces and attenuation tanks. The details of the measures to achieve this will be secured by condition.
- 10.209. A condition is also attached to secure sustainable measures that provide source control and other benefits, such as permeable paving, rainwater harvesting systems or grey water recycling to improve the sustainability of the site as per the appraisal of drainage techniques presented in the strategy.
- 10.210. The applicant proposes to restrict runoff rates to 50% of the existing rate for the 1 in 100 year event including climate change. This is in compliance with the minimum standards of the London plan and will be achieved by including 113m³ of storage. The details of the storage will be secured via condition.
- 10.211. Details of key drainage components and details of ongoing maintenance of drainage will be secured by condition. Finally, a condition is added requesting evaluation of safe and appropriate flow routes from blockage and exceedance of the drainage system to avoid flood risk.
- 10.212. With the inclusion of the abovementioned conditions, the scheme would benefit from a good drainage system and would not result in any additional flood risk. On this basis, the proposal complies with the relevant policy.

Trees, ecology and Biodiversity

- 10.213. Core Strategy SP04 concerns '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 whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 'Living buildings and biodiversity' requires developments to provide elements of a 'living buildings.' This is explained to mean living roofs, walls, terraces or other building greening techniques. MDD Policy DM11 also requires existing elements of biodiversity value to be retained or replaced by developments and requires developments to deliver net biodiversity gains in line with the Tower Hamlets Local Biodiversity Action Plan (LBAP).
- 10.214. The proposals include a sizeable area of soft landscaping, which will be a significant gain in vegetation. However, it is not clear that any of the proposed features would contribute to LBAP targets, as required by DM11. New tree planting will include native species such as silver birch and rowan, which will benefit biodiversity but not contribute to specific LBAP objectives. Extensive areas of tall grasses and herbaceous perennials are proposed. If the proportion and diversity of nectar-rich perennials is sufficiently high, this could contribute to a LBAP target to create more forage for bees and other pollinating insects. However, the illustrations in the Landscape Strategy suggest these areas will be mainly grasses, and the diversity of perennials will be low. If no biodiverse roof is possible, the detailed design of this grass/perennial planting could be key to meeting the requirements of DM11.
- 10.215. Policy DM11 also requires elements of a living building, such as green roofs. If there is an opportunity for biodiverse green roofs on parts of the roof this would be one way to contribute to LBAP targets and meet the living building requirement of DM11. Other opportunities to contribute to LBAP targets include incorporating nest boxes for swifts in the new building.
- 10.216. Conditions have been included requiring: details of bio-diverse roofs, landscaping details and details of bat boxes and nest boxes for appropriate bird species. With the inclusion of the abovementioned conditions, the proposal complies with the relevant policy.

Other

Archaeology

- 10.217. The site is located within an Archaeological Priority Area. The NPPF (Section 12) and London Plan Policy 7.8 'Heritage assets and archaeology' emphasise that the conservation of archaeological interest is a material consideration in the planning process. The NPPF requires applicants to submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. MDD Policy DM27 'Heritage and the historic environment' requires development proposals located within Archaeological Priority areas to be supported by an Archaeological Evaluation Report.
- 10.218. Intrusive ground works during the demolition and construction works could disturb any archaeological heritage that has survived historical development. The Greater London Archaeological Advisory Service (GLAAS), has

requested a condition securing a targeted programme of archaeological investigation and evaluation that would determine a detailed mitigation strategy to be implemented in advance of intrusive ground works. A condition securing this arrangement has been added. With the inclusion of this condition, the proposal complies with the relevant policy.

Aviation

- 10.219. An Aviation Assessment has been submitted as part of the Environmental Statement. NATS and City Airport do not object to the proposals and the proposal would result in no unacceptable aviation impacts.

Land Contamination

- 10.220. A Ground Conditions report has been submitted as part of the Environmental Statement. At the request of the Environmental Health Contaminated Land Officer, a condition has been included to appropriately deal with the identified potential land contamination, to minimise risks to health and ecology.

Television and radio reception

- 10.221. The application is supported by Radio and Television Signal Interference Assessment that considers impacts during the Construction Phase and the Operational Impacts of the Completed Development.

- 10.222. The implementation of the identified mitigation measures will be secured by condition.

Environmental Impact Assessment

- 10.223. The planning application represents EIA development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (from this point referred to as the '2011 EIA Regulations'). The application was submitted in September 2016 accompanied by an Environmental Statement (ES) produced by Waterman Infrastructure & Environment Limited.

- 10.224. It is noted that since the application was submitted, new EIA Regulations have been published on 16th May 2017 - The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (from this point referred to as the '2017 EIA Regulations'). Regulation 76 of the 2017 EIA Regulations sets out the transitional provisions for the regulations. Regulation 76(1) specifically states The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) continue to apply where an ES has been submitted prior to the 2017 EIA Regulations coming into force. This application therefore continues to be processed under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

- 10.225. The ES assesses the environmental effects of the development under the following topics:

- Demolition and Construction;
- Socio-Economics;
- Transportation and Access;

- Air Quality;
- Noise and Vibration;
- Archaeology (Buried Heritage Assets);
- Ground Conditions and Contamination;
- Water Resources and Flood Risk;
- Daylight, Sunlight, Overshadowing and Solar Glare;
- Wind; and
- Cumulative Effects.

10.226. In addition, the Applicant submitted 'further information' under Regulation 22 of the 2011 EIA Regulations, which was processed as required under the regulations.

10.227. Regulation 3 prohibits the Council from granting planning permission without consideration of the environmental information. The environmental information comprises the ES, including any further information submitted following request(s) under Regulation 22 and any other information, any representations made by consultation bodies or by any other person about the environmental effects of the development.

10.228. LBTH's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. The ES has also been reviewed by the Council's EIA Officer and internal environmental specialists.

10.229. The EIA consultants and EIA Officer have confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.

10.230. LBTH, as the relevant planning authority, has taken the 'environmental information' into consideration when determining the planning application. Mitigation measures will be secured through planning conditions and/or planning obligations where necessary.

Impact upon local infrastructure / facilities

10.231. 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 how these impacts can be assessed and appropriate mitigation.

10.232. 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.

10.233. 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.

10.234. Securing necessary planning contributions is further supported Core Strategy Policy SP13 'Planning obligations' which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development. This is explained in the Council's Draft Planning Obligations SPD that sets out the borough's key priorities:

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

10.235. The borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability

10.236. If permitted and implemented, the proposal would also be subject to the Council's community infrastructure levy.

10.237. The development is predicted to have a population yield of 619 of which 87 would be aged between 0-15 and generate a demand for 54 school places. The development would also generate jobs once complete. Therefore, the development would place additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene. Should planning permission be granted, the LBTH CIL contribution is estimated at £6,379,000

10.238. In addition the development would be liable to the London Mayor's CIL estimated at £1,147,440. The development does not involve a net increase in commercial floorspace and would not attract the Mayor's Crossrail levy.

10.239. The applicant has also offered 25% affordable housing by habitable room with a tenure split of 66:34 of affordable rented (50% Tower Hamlets living rents and 50% London Affordable rents) and shared ownership housing, respectively. This offer has been independently viability tested and the information submitted is considered to be comprehensive and robust. The maximum level of affordable housing has been secured in accordance relevant development plan policy.

10.240. Should permission be granted, the developer would also be required 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 car parking permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and 2 electric vehicle charging points. The developer would also be required to maintain public access to public open space and to maintain publically accessible routes to the dockside.

Other Local finance considerations

10.241. Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning 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.

10.242. 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.

In this context “*grants*” include the New Homes Bonus Scheme (NHB).

- 10.243. NHB was introduced by the Government in 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB 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. The grant matches the additional council tax raised by the Council for each new house built for each of the six years after that house is built. This is irrespective of whether planning permission is granted by the Council, the Mayor of London, the Planning Inspectorate or the Secretary of State.
- 10.244. If planning permission is refused for the current application NHB would not be received but would be payable were the Mayor to grant permission or an alternative development involving new housing was consented should the NHB scheme remain in operation.
- 10.245. The proposal will also generate income from the DCLG’s New Homes Bonus.

Human rights Act 1998

- 10.246. Section 6 of the Act prohibits the local planning authority from acting in a way which is incompatible with the European Convention on Human Rights parts of which were incorporated into English law under the Human Rights Act 1998.
- 10.247. Following statutory publicity, no objections have been raised on the ground that a grant of planning permission would result in any breach of rights under Article 8 of the European Convention on Human Rights and the Human Right Act 1998.

Equalities Act 2010

- 10.248. The Equalities Act 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. The Committee must be mindful of this duty when determining all planning applications and representations to the Mayor. 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.

10.249. It is considered the proposed development would not conflict with any of the above considerations. It is also considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive. In particular, the development, including access routes and buildings that would be accessible by persons with a disability requiring use of a wheelchair or persons with less mobility.

10 CONCLUSION

11.1 All relevant policies and considerations have been taken into account. It is recommended that the Committee resolves to inform the Mayor of London that planning permission for the redevelopment of 225 Marsh Wall should be approved for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.

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