

DEVELOPMENT COMMITTEE

Wednesday, 13 February 2019 at 6.30 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

This meeting is open to the public to attend

Members:

Chair: Councillor Abdul Mukit MBE
Vice Chair : Councillor John Pierce
Councillor Mufeedah Bustin, Councillor Peter Golds, Councillor Gabriela Salva Macallan
and Councillor Helal Uddin

Substitutes:

Councillor Dipa Das, Councillor Bex White, Councillor Andrew Wood and Councillor
Kyrsten Perry

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 11 February 2019**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 12 February
2019**

Contact for further enquiries:

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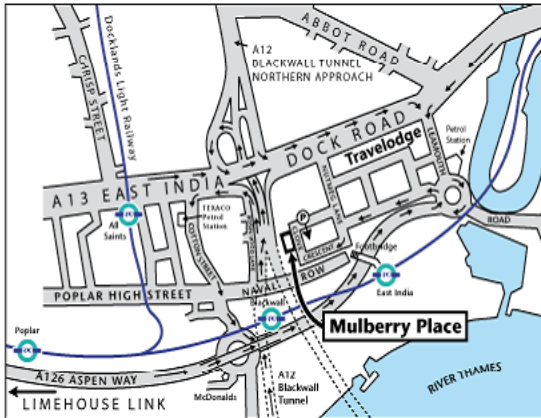
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)

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 9 - 34)

To confirm as a correct record the minutes of the meetings of the Development Committee held on 20 December 2018 and 24 January 2019.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 35 - 36)

To RESOLVE that:

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

		PAGE NUMBER	WARD(S) AFFECTED
4.	PLANNING APPLICATIONS FOR DECISION	37 - 40	
4 .1	1 - 7 Mears Close, London, E1 1AS (PA/18/01538)	41 - 70	Whitechapel
4 .2	2 Jubilee Street, London E1 3HE (PA/16/02806)	71 - 130	Stepney Green
5.	OTHER PLANNING MATTERS	131 - 132	
5 .1	PLANNING APPEALS REPORT	133 - 152	

Next Meeting of the Development Committee

Wednesday, 13 March 2019 at 6.30 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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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 Probity and Governance and Monitoring Officer,
Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.32 P.M. ON THURSDAY, 20 DECEMBER 2018

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

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor John Pierce
Ruhulx.Amin
Councillor Mufeedah Bustin
Councillor Gabriela Salva Macallan
Councillor Helal Uddin
Councillor Andrew Wood (Substitute for Councillor Peter Golds)

Other Councillors Present:

Councillor Asma Begum

Officers Present:

Paul Buckenham	– (Development Manager, Planning Services, Place)
Solomon Agutu	– (Interim Team Leader Planning, Legal Services, Governance)
Piotr Lanoszka	– (Team Leader, Planning Services, Place)
Max Smith	– Team Leader, Planning and Building Control
Hoa Vong	– (Planning Officer, Place)
Antonella Burgio	– (Democratic Services)

Registered Speakers In Attendance:

Ms N Rahman on behalf of the Applicant (item 4.1)
Ms A Kindell – supporter (item 4.1)
Ms C Trumper – objector (item 4.1)
Mr G Bingham – objector (item 4.1)
Mr S Frazer – Architect assisted by a representative from Gateway Housing (Item 4.2)
Mssrs K Holloway and R Bardett – supporters (item 4.2)
Mr A Hart – objector (item 4.2)
Mssrs M Mitchel and A Spencer – objectors (item 4.2)
Councillor Asma Begum – Ward Councillor (item 4.2)

Apologies:

Councillor Peter Golds

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The unrestricted minutes of the meeting held on 11 November 2018 were approved as a correct record of proceedings.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

1. The procedure for hearing objections be varied.
Accordingly officers and registered speakers engaged in the order outlined.
 - The Development Manager introduced the application and then the Planning Case Officer presented his report.
 - Following this, registered speakers made their submissions in the following order; objectors, Ward Councillors and applicants/agents.
 - Members then questioned the parties on the information submitted
2. That the meeting guidance be noted.
3. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting.
4. 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 be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

4. PLANNING APPLICATIONS FOR DECISION

The Committee **RESOLVED** that the information, advice and legal framework on decision making as set out in the document be noted.

4.1 Raine House, 16 Raine Street, London, E1W 3RL, (PA/18/02994 and PA/18/02995)

The Development Manager introduced the report which concerned an application for planning permission and listed building consent for a number of exterior works at Raine House, London E1W. He advised Members that, under the Council's Constitution, consent for works to listed buildings was a matter reserved to Committee. The Committee then received a presentation from the Planning Case Officer. He set out the relevant issues concerning the application which were around, design, heritage and consultation.

The following additional information was then provided by the Planning case Officer in response to Members' questions:

- A previous application for external and interior works to the premises had been refused by the Committee in September 2018.
- The application now before Members was for exterior works only; these were considered necessary to ensure the longevity of the premises. The permission sought was for the same exterior works for which permission had been sought at the meeting on 27 September 2018 and included works to provide wheelchair access to the external courtyard area of the premises.
- Any interior works would require a further report to Members since the Council's Constitution prescribed that consent for works on listed buildings that are Council owned is a matter reserved to Committee.
- Consultation had been undertaken a new. One response had been received which requested clarification of the nature of the works to be undertaken.

The Committee then heard from two objectors who raised the following concerns:

- Consultation had been poor. Many objectors felt they had not been properly notified and therefore had been unable to respond during the consultation period. In this context, objectors requested that the consultation be undertaken a fresh and thereby give residents and interested parties opportunity to respond.
- There was concern amongst users of the premises that, while acknowledging that that works were necessary, their scope, time taken to complete them and the necessity to relocate community organisations during the refurbishment could potentially result in the loss of jobs and services. Delivery of services would be affected by decant of the building.
- The objectors acknowledged that revised works proposals were more sensitive to the style and historicity of the building.
- The application for refurbishment was incomplete because it did not include refurbishment of the basement. Objectors argued that this could be done for £500,000 and, based on an occupancy rate of 50%, the reinstatement of the basement would substantially contribute to the costs of running the building.

Having heard objectors' submissions a Member of the Committee observed that many of the issues which had been raised were not material planning considerations and therefore the Committee's scope. The matters raised relating to the use of the building and the scope of the proposed development were not planning matters. The Committee however noted concerns around the materials chosen to resurface the courtyard area; the health and safety issues this would create and that the choice of cobbles would not complement the activities that were delivered at the premises.

The Committee, being satisfied that there were no further questions or matters that needed to be clarified with the objectors, then heard from the applicant.

She informed Members that the purpose of the application was to undertake necessary external works to ensure the continued use of the premises.

Community concerns around the provision of alternative premises for projects presently accommodated at Raine House had been addressed and alternative accommodation had been secured from January 2019. The works were expected to take 8 to 9 months to complete.

Responding to Members' questions the applicant provided the following additional information:

- In regard to concerns around safety relating to the use of cobbles in the courtyard and the potential effects on accessibility, the Committee was informed that the materials chosen were not cobblestones but designed to replicate their appearance.
- In regard to how the Council had addressed concerns expressed by objectors around lack of engagement with the community, the Committee was informed that there had been three consultation events between February and June 2018. Additionally there had been frequent discussions with the existing users of the premises namely Pollyanna Theatre and Wapping Social Club. These had given feedback which had been taken into account in the design of the scheme. Also there were ongoing discussions concerning proposals for the interior. In addition agreement had been reached on the relocation of these projects. Councillor Wood noted the information provided and observed that some matters around the relocation of user groups remained unclear.
- Concerning the type of engagement undertaken, the Committee was informed that the Capital Delivery Team had not been involved in consultation with the community; however statutory planning consultation had been carried out by the Council's planning officers.
- Concerning details of the arrangements around the interior works following the completion of the exterior works, the Committee was informed that discussions were being initiated and proposals would be formulated in the New Year.

The Committee then received a representation from the Principal of Pollyanna Theatre who spoke in support of the application. She informed Members that the window frames at the first floor of the premises were in poor repair and

dangerous and that the roof leaked. Pollyanna Theatre had engaged with the Council from the outset and a short-term relocation to premises at Chandler Street had been agreed pending completion of the works. Community activities would be delivered from this temporary location but there were some concerns that projects already occupying these premises would be displaced.

Responding to Members questions the following information was provided:

- Concerning the possible impacts for users should the application not be approved, the Committee was informed that groups based at Raine House had known of the relocation for some time and all service providers were prepared to adapt in the short term.
- In regard to concerns around excessive disruption to services arising from the works which had been raised at the time of the previous application and the nature of any current concerns in this regard, the Supporter acknowledged that disruption would be experienced by groups based at Raine House at the anticipated benefits were such that they would adapt. She noted that the present facilities were not ideal and therefore it was felt that the anticipated improvements would render the inconvenience worthwhile.
- Concerning whether the Supporter had viewed plans for the integration of existing and relocated users at Chandler Street, the Supporter informed the Committee that she had not yet seen the plan but had had discussions with some of the organisations presently at Chandler Street and felt that any organisation which was a necessary part of the community will find a way to work co-operatively.
- Concerning whether Officers had provided a plan for the relocation of the organisations at Raine Street in the context of the 20 organisations currently delivering projects from the premises at Chandler Street and how the relocation would be implemented by the January deadline, the Supporter advised the Committee that she had been informed that Pollyanna Theatre would relocate between 6th and 8th January 2019 and that all relocated organisations would be accommodated at the premises. Some organisations that used Chandler Street and which were free enterprises would be able to move to other spaces but it was the intention that accommodation would continue wherever possible. A Committee Member observed that the timescales between a grant of permission and relocation were short and the applicant informed Members that the Council's Facilities Officers had direct contact with users at Chandler Street. Additionally the facilities would primarily be managed by the Council.

The Development Manager:

- Clarified that consultation by the Council as the Planning Authority had been undertaken in line with the published Statement of Community Involvement.
- Informed the Committee that the recommendation at Para. 3 of the report was to separately grant planning permission and listed building consent subject to conditions. Since planning permission could not be implemented without listed building consent he recommended that the Committee take a combined vote for the recommendation to grant

planning permission and listed building consent subject to conditions as set out in the report.

Being satisfied that all relevant matters had been clarified, the Committee indicated that it wished to move to vote on the application.

The Chair proposed that Members vote on the officer recommendation to approve the applications and on a vote of 6 in favour and 1 abstention, the Committee

RESOLVED

That the applications planning permission and listed building consent for:

1. Removal of x3 windows and replacement with x3 doors. Erection of new roof-level plant equipment with associated enclosure. Insertion of access hatch. Insertion of roof-level ventilation extracts. Removal of garden fence. Non-original hard surfacing within courtyard removed and replaced. Damaged plant/boiler extracts removed and made good.
2. External repair and restoration works inclusive of all windows and cills where necessary including removal of non-original plastic window panes. Structural and aesthetic restorative works to building fabric and masonry with re-pointing of lime mortar and repairs to flank walls. Like-for-like replacement of all rainwater goods (cast iron) and roof tiles in east wing (slate). Signage and non-original façade items removed and façade made good. Where necessary, repairing and repainting of plinth. Repairing of existing door and removal of metal kick plate. Removal and replacement of non-original door. RWP's and associated hoppers to be replaced with appropriate (cast iron) goods. Removal of non-original lamp from original fanlight location.

Be **GRANTED** subject to the obligations and conditions set out in the report.

4.2 Regency Court, 10 Norman Grove, London, E3 5EG (PA/18/00065)

The application was considered in conjunction with item 4.3.

An update report was tabled

A late application to speak, by Ward Councillor Begum, was accepted by the Chair since in his view it offered the Committee a broader Ward based consideration of the matters at issue and would assist the Committee in its decision making.

The Development Manager introduced the report which concerned the demolition of existing buildings at 10 Norman Grove and redevelopment to provide 32 residential dwellings (class C3) with new hard and soft landscaping and celery servicing and plant, car and cycle parking and associated works.

The Committee was informed that the implementation of the revised proposal at agenda item 4.3 (Appian Court) was contingent upon approval of the application at agenda item 4.2 (Regency Court) and therefore, upon the Officer's recommendation, the Chair agreed that the items may be considered concurrently. However each application would be determined individually.

The Planning in Case Officer introduced the report outlining that the application had been previously considered development committee on 27 September 2018 which time the committee had deferred to the application pending a site visit as concerns had been raised around overlooking by balconies at the exterior of the development and because of issues around massing. Further work on these was requested. Responding to concerns raised the applicant had proposed amendments to the application and consultation on these amendments had been undertaken. 30 letters of objection had been received out of the consultation on the amended scheme relating to an amenity, massing and amenity.

Relevant planning issues relating to the application were land use, design, massing, impact on neighbouring amenity, housing and planning contributions.

The Committee was informed that the update report addressed issues raised during the consultation and those raised by Councillor Whitehead.

The Planning Case Officer then presented the application for the development of Appian Court which is recorded at minute 4.3

Responding to Members question questions the Planning Case Officer provided the following information:

- The Children's Centre site adjacent to Regency Court was Council owned.
- The combined development proposals spanned three sites. Proposals for Vic Johnson house had been considered by Committee in 2015 and refused. However permission had been granted subsequently on appeal.
- Proposals for Regency Court and Appian Court had come forward later following development of their respective strategies.
- Current policies for sheltered housing need and provision were covered by the policy DM5.
- Housing to be provided at Appian Court was intended for residents over 55 years of age. Applications will be drawn from the housing list where the applicants were older people with housing need.
- There would be increased provision of over-all sheltered housing upon completion of the redevelopment of Appian Court.
- Communal amenity space would be provided in the central courtyard at Regency Court and there would be shared communal space between Appian Court and Vic Johnson House.

- The 13 new trees, additional soft landscaping and bird boxes proposed at Appian Court were deemed sufficient mitigation to offset the loss of the trees at the current site.
- The sales of residential units at Regency Court will part-fund the provision of sheltered accommodation at Appian Court.
- To access the GLA grant funding that was secured to develop the three sites, it was necessary that works start by March 2018. The funds were derived from the Housing Supported Fund and, would be clawed back by HM Treasury if not spent.
- Noting that the child play space at Appian Court was not compliant the Committee was informed that the calculation had been based on intermediate units which were not sheltered; however the provision was for those over 55 years of age.
- Concerning the potential impact of the loss of trees, the Committee heard that the Biodiversity Officer had proposed, had assessed and proposed the diversity enhancements which were considered to mitigate the loss of the trees presently located at Appian Court.

The meeting paused between 8:00pm and 8:05pm.

The Chair invited the registered speakers to address the Committee. Members first heard representations from Councillor Begum. She informed the Committee that some of the concerns around massing, design and privacy previously raised had been dealt within the revised proposals. However concerns remained around voids and demolition. Additionally residents felt that some of the provisions had been insufficient to satisfactorily address the issues of overlooking and separation.

The Committee then heard from two objectors who raised the following concerns; on these bases they asked for the application to be deferred:

- The proposal conflicted with policy H1
- The proposal at Regency Court did not facilitate the provision of mixed and balance communities that meet strategic needs.
- The policy did not comply with Spatial Development Strategy for Greater London (London Plan 2016, policy 3.9 -- mixed and balance communities).
- The designation of Regency Court as private housing exacerbates community segregation.
- Concerning Managing Development Document (April 2013) DM26 - building heights, an objector argued that development did not respect light and the context of the local area.
- There was a lack of commentary on daylight.
- It was not appropriate the developments of Appian and Regency Courts should be linked.
- The proposal did not deliver housing in accordance with the Local Plan since the scale was out of keeping with the surrounding terraced housing.
- The distance between the development and terraced housing was below the acceptable limits.

- The amendments proposed by the developer did not respond to all of residents concerns
- It was necessary that construction management plans were developed in conjunction with the local community.

Responding to Members' questions the objectors provided the following additional information:

- While it was acknowledged that many of the separation distances in the surrounding streets did not meet the requirements of Policy DM24, objectors argued that it was necessary that the separation distance be the stipulated 18 metres or else the development should take its form in the style of its surrounding buildings (these were low-rise terraces).
- The application could be changed to ensure that the height of the development was in keeping with those of the surroundings.
- Since the housing that would be provided across the three sites (Regency Court, Appian Court and Vic Johnson House) totalled 152 units, the proposals should have been referred to the Mayor of London.
- The developments across the proposed sites would not deliver a diverse community set within a mix of types of dwellings. An objector contended that diverse provision such as that suggested brings communities together.
- Concerning the community's views on matters of viability, the objectors advised that the community supported initiatives to build affordable housing via a community-led trust. To this end it was their hope that lessons had been learned from mistakes of the past and that the ideas of local people would be heard. This outcome could not be achieved if developments were pursued solely on the basis of financial viability.

The Committee then proceeded to hear representations in support of the applications.

Members first heard from the Architect. He submitted that the Applicant, having heard the views and concerns of the Committee at the time the applications for Regency Court and Appian Court had first been brought for determination, had sought to address the issues raised through the revisions made to the scheme; these were now placed afresh before the Committee. Additionally the approach of 'linked developments' permitted delivery of 60.3% affordable housing across the two sites.

The Chair then agreed that two residents be permitted to make statements in support of the applications. They informed the committee that:

- The proposals for sheltered development were important to the community because of the poor quality of the current sheltered housing provision at Regency Court where the buildings were outdated.
- All residents of Regency Court in sheltered housing supported the application which would better their quality of life through the provision of modern sheltered facilities.

Responding to members questions the Agent, a representative from Gateway Housing (the Applicant) and supporters provided the following additional information:

- The representative from Gateway Housing informed the Committee that the new sheltered housing development was necessary since the current provision at Regency Court did not meet the needs of residence for quality of life.
- The revised plans ensured that, in future, the occupants of the residential units at Regency Court could not alter the design configuration of the living spaces since the kitchen was attached to the living room. Therefore it would be difficult to inhabit the units differently. It was also noted that the living areas would face inwards into the courtyard.
- Age UK would provide outdoor seating in the sheltered development.
- The current residential units at Appian Court had already been completely decanted.
- In regard to Members' concerns around the differential in scale between the terrace housing at Saxon Road and the proposed Regency Court development, the committee was informed that the 4th storey section of the development was located furthest from the conservation area.
- The applicant had not opted for a mixed tenure at each of the sites as without the GLA grant contribution, the applicant would not have been able to fund the scheme.
- The Gateway Representative informed the Committee that the aim of the development was to provide residents with empowered lives through a new model of sheltered housing.
- Concerning the rationale around the need for supported housing, supporters informed the Committee that the sense of community that the new development at Appian Court would provide was very important as was daily contact from the Concierge and the better adapted facilities that would lead to better quality of life.

Having heard all representations the Committee then proceeded to discuss the material considerations which were land use, design and Heritage, standard of accommodation, neighbouring amenity, Housing and contributions

The Committee received advice from the Development Manager that, concerning the cumulative impacts of construction, permission did not require that development must take place but that a construction management plan would mitigate delivery; although this did not address linkage.

The Committee then proceeded to vote on each application individually.

The Chair proposed that Members vote on the officer recommendation to approve the application for the redevelopment of Regency Court and on a vote of 6 in favour and 1 abstention, the Committee

RESOLVED

That the application for planning permission for demolition of the existing building at Regency Court and redevelopment to provide 32 residential dwellings (Class C3) with new hard and soft landscaping, ancillary servicing and plant, car and cycle parking, and associated works be **GRANTED** subject to the obligations and conditions set out in the report.

4.3 Appian Court, 87 Parnell Road, London, E3 2RS (PA/18/00092)

The application was considered and discussed in conjunction with item 4.2 and the matters discussed relating solely to the proposed redevelopment of Appian Court are recorded here for clarity.

The Planning Case Officer presented his report. He informed the Committee that the application proposed demolition of the existing buildings and construction of a part 4/5, plus lower ground floor, storey building to provide age restricted sheltered housing consisting of 60 units together with the provision of communal amenity space, parking and cycle storage spaces and associated landscaping. It was linked to the redevelopment of Regency Court via a S106 legal agreement. The application had also been deferred pending a site visit.

Relevant planning issues related to this application were land use, heritage (the site adjoined the Roman Road conservation area) and highways. The committee was informed that the loss of sheltered housing units which would arise from the redevelopment of Regency Court and Vic Johnson House were acceptable in that the development of Appian Court would create extra provision over all. Additionally assessments of impacts of the proposed design had been assessed and were considered to be acceptable.

Representations and the discussions arising from these are recorded at minute 4.3.

Having heard all representations and discussed the material considerations, the Committee proceeded to vote on the application for Appian Court.

The Chair proposed that Members vote on the officer recommendation to approve the application and on an *unanimous vote in favour*, the Committee

RESOLVED

That the application for planning permission for demolition of the existing buildings at Appian Court and the construction of a part 4/5 plus lower ground floor storey building to provide age restricted sheltered housing consisting of 60 units together with the provision of communal amenity space, parking and cycle storage spaces and associated landscaping be **GRANTED** subject to the obligations and conditions set out in the report.

4.4 767-785 Commercial Road, E14 7HG (PA/16/03657 & PA/16/03658)

The Committee **NOTED** that, for planning reasons, this application had been withdrawn prior to the meeting.

4.5 Virginia Primary School, Virginia Road, London, E2 7NQ (PA/18/01523)

The Development Manager introduced the report which concerned an application for listed building consent and planning permission to replace six windows at the top floor front elevation of the premises.

The Committee was informed of the following relevant matters:

- Under the Council's constitution consent for works to listed buildings where the Council is also the owner was a matter reserved to Committee.
- There had been no representations against the application and therefore under planning procedure rules for applications recommended for approval, the matter would be determined on the basis of the written report.
- The area surrounding the school premises was a 19th-century housing estate and a conservation area; therefore the replacement windows must accurately replicate the original windows surviving in the building to preserve the character features and fabric of the building and preserve and contribute to the overall character of the conservation area in which the school is situated.

Members indicated that there were no questions that they wish to ask and therefore the Chair moved to vote on the proposal.

The Chair proposed and on an *unanimous vote in favour*, the Committee

RESOLVED

That the application for listed building consent at Virginia Primary School for replacement of six windows at top floor to front elevation with all details, materials and colours to match existing be **GRANTED** subject to the obligations and conditions set out in the report.

The meeting ended at 8.57 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.35 P.M. ON THURSDAY, 24 JANUARY 2019

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

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor John Pierce
Councillor Mufeedah Bustin
Councillor Peter Golds
Councillor Gabriela Salva Macallan
Councillor Helal Uddin

Other Councillors Present:

Councillor Rachel Blake – applicant (Item 5.2)
Councillor Asma Islam – (Item 5.1)
Councillor James King – (Item 5.1)

Officers Present:

Solomon Agutu	– (Interim Team Leader Planning, Legal Services, Governance)
Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Richard Humphreys	– (Planning Officer, Place)
John Miller	– Planning Officer
Piotr Lanoszka	– (Team Leader, Planning Services, Place)
Hoa Vong	– (Planning Officer, Place)
Antonella Burgio	– (Democratic Services)

Registered Speakers In Attendance:

Mr T Ridge – objector (item 5.1)
Ms F Hussain and Ms E Livergant – objectors (item 5.1)
Mr M Sherman – agent (item 5.1)
Mr G Zizer and Mr H Busiakiewicz - applicant and architect (item 5.1)
Mr J Townsend – objector (item 5.2)
Ms B Morea Roy – objector (item 5.2)
Councillor Rachel Blake – applicant (Item 5.2)
Mr Robinson – objector (item 5.3)
Mr G Hindley – objector (item 5.3)
Mr D Leon – architect (item 5.3)

Apologies:

No apologies for absence were received.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Salva- Macallan declared a non-disclosable non-pecuniary interest in respect of agenda item 5.2 in that she had attended a Christmas party at which this application had been spoken of. Notwithstanding, she had not formed a view on the matter.

2. UNRESTRICTED MINUTES OF THE PREVIOUS MEETING

The unrestricted minutes of the meeting held on 20 December 2018 were deferred to the following meeting.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

1. The procedure for hearing objections be varied.
Accordingly officers and registered speakers engaged in the order outlined.
 - I. The Development Manager introduced the application and then the Planning Case Officer presented his report.
 - II. Following this, registered speakers made their submissions in the following order; objectors, Ward Councillors and applicants/agents.
 - III. Members then questioned the parties on the information submitted
2. That the meeting guidance be noted.
3. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting.
4. 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 be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

4. DEFERRED ITEMS

4.1 Limehouse Marina, Limehouse Basin, The Highway, London, E14 8BT (PA/17/03268)

An update report was tabled.

The Applications Team Leader, Development, introduced the report which concerned an application for the construction of 5 leisure pontoons at Limehouse Marina. The Planning Case Officer then presented the report informing the Committee that the application had first been considered at the meeting on 14 November 2018 at which time it had been deferred for a site visit. Members had requested this because of concerns around open access, openness, navigation, and amenity. 9 letters of objection related to the application were received and the issues raised had been addressed in the update report.

The Committee was invited to ask questions of the Planning Case Officer and Members indicated that they had no questions that they wished to ask.

The Committee then moved to vote on the application. The Vice-Chair proposed and the Chair seconded that Members vote on the officer recommendation and on a vote of 1 in favour, 3 against, and 2 abstentions, the Committee indicated that it did not support the officer recommendation.

There was an adjournment between 6:48pm and 6:50pm.

The Committee indicated that it was minded not to support the recommendation because of concerns around:

- Navigation – although tests had been undertaken, the Committee was concerned that a separate verification had not been undertaken by the Council. Additionally since the pontoons would be for leisure use, they would be used by inexperienced persons and the reduced navigation space was a concern.
- Substantial harm to the marina from the additional use that the pontoons would generate.
- Over capacity of mooring.
- Loss of open water and open character.
- Pollution of the environment from the additional boats.

The Committee were of a view that these factors would constitute substantial harm.

The Vice-Chair indicated that the Committee was minded to refuse the application; the proposal was seconded by Councillor Salva-Macallan and on a vote of 5 in favour and 1 abstention, the Committee

RESOLVED

That the application to construct five pontoons to provide leisure moorings at Limehouse Marina, Limehouse Basin, The Highway, London, E14 8BT be **REFUSED**.

5. PLANNING APPLICATIONS FOR DECISION**5.1 767- 785 Commercial Rd E14 7HG (PA/16/03657 & PA/16/03658)**

An update report was tabled.

Councillor Golds informed the Committee that he had received a pamphlet, addressed to his home, which provided information in support of the application. He was concerned that the literature did not identify the sender.

The Area Planning Manager (East), then introduced the report which contained proposals for the redevelopment of 4 sites from 767 – 785 Commercial Road, London E14 7HG. The proposals also included an application for listed building consent for the restoration of 3 Grade II listed buildings that were included in Historic England's Register of Buildings at Risk. The Planning Case Officer then presented the report, informing Members that the application had first been presented at the meeting on 20 December 2018 but, for planning reasons, had been deferred prior to consideration. He set out the relevant issues concerning the application which were; heritage, conservation area, design and appearance, effects on listed buildings and conservation areas, effects on the Blue Ribbon network and economic impact. He advised that the proposals would provide regeneration in the forms of housing units class C3, class B1 offices and a number of communal living units which are in the form of a new type of HMO accommodation as set out in the report. Other planning considerations were transport and highways. There had been statutory planning consultation comprising site notices and 458 individual letters sent to neighbouring properties. 2 letters and 2 petitions objecting to the proposal had been received.

Responding to Members' questions the Planning Case Officer provided the following additional information:

- The consequences of failure to restore the listed buildings and redevelop the site would be further deterioration of the listed buildings and their potential loss.
- In regard to the buildings at risk, there was no responsibility to intervene incumbent upon the Council. The Council has powers of compulsory however the current circumstances for local authorities needed to be considered.
- Concerning minimum space standards for the proposed communal living units, the Committee was advised that national planning standards do not apply to this new form of housing, nor were there any local standards for this type of accommodation; this has been identified

as an issue by the Mayor of London. However Members were asked to note that the size of the sleeping accommodation proposed in the communal units was greater than that specified under national planning standards.

- Concerning what feedback had been offered by Historic England, the Heritage Officer advised that Historic England had monitored the building over many years and had been fully involved in the proposals that concerned the heritage buildings. A Member observed that the details of the application suggested that the applicant had had regard to the historicity of the site.
- Concerning what guidance was available to ensure that the new communal living units would operate successfully and what policies, regulations and enforcement there were around this type of accommodation in term of contracts and minimum standards; the Committee was informed that the standard of accommodation proposed was far higher than that specified in the established London HMO guidance. Additionally, there were draft management arrangements which specified length of tenancies and enforceable management arrangements were proposed. A Member noted that the measuring standards used were not in the Local Plan nor in the London Plan; Officers advised that a proposal for this new type of HMO accommodation had been carefully considered and the recommendation was site-specific. Therefore it did not set a precedent.
- Concerning what parameters determined how much accommodation could be delivered, the Committee was informed that the quantity of accommodation was prescribed by the Council's desire to preserve and enhance the character of the conservation area. Viability was investigated by consultants GVA who initially advised that the cost of restoration of the heritage elements would cancel out any affordable housing. However following reassessment a small capacity equating to 3 affordable residential units was proposed.
- The rationale for listing the buildings at 777-783 as heritage buildings was to secure their future. Their listing enabled these buildings to be retained and restored using minimal appropriate intervention.
- Concerning parking and disabled parking provision, the Committee was informed that because of the location and nature of the site, no parking provision was proposed. However cycle spaces which met agreed standards would be provided.
- Concerning provision of employment, the development would deliver 2500 m² of B1 business space.
- Concerning other benefits which would be delivered, Members were informed that these were varied and included a new pedestrian canal-side access to Limehouse Cut.
- Concerning whether the proposed size of the communal living units was normal for this type of arrangement, the Committee was informed that there were few examples of this kind in the Country. In London there were 2 sites; a site in Ealing was operational and one in Stratford had not yet received permission because of concerns around the quality of accommodation.

- Concerning the modest S106 contribution secured, Members were informed that since CIL was applicable, S106 would be smaller. However the main benefit of this scheme was the restoration of the listed buildings.
- Concerning the effects of the proposal on the Blue Ribbon network, the Committee was informed that the development site was situated alongside this network and did not preclude use of the canal.

Members made the following observations:

- Much of the development concerned conservation and restoration of heritage buildings, however the materials for the development were of bright colours and bricks clashed with the materials of the existing heritage buildings. The Heritage Officer advised the Committee that suitable materials had been considered; those of the listed buildings was red brick and the proposed adjoining developments would comprise red and white materials to reference the original. Final choices presently were subject to confirmation, nevertheless, the scheme aimed to achieve an acceptable mix of materials.
- A Member expressed concern that the London Mayor's Housing SPG supported the new form of HMO and the Committee was informed that support was subject to 6 criteria. The new draft London Plan contains a provision for licensing new shared access developments where the neighbourhood level meets 8 criteria. Additionally policy DH7 in the emerging Tower Hamlets Plan references this new type of accommodation.
- Members observed that the scheme must meet housing need in accordance with the Local Plan. They were informed that this did not apply to the proposed communal living development as it was intended that rooms would be let at market rents.

The Committee then heard from 3 objectors 2 whom had agreed to make a joint representation. The objectors raised following concerns:

- The Sailmakers Warehouse was the only surviving structure of its kind and therefore should be fully preserved.
- Insufficient consideration had been given to sympathetic replacements of existing structures or alternative design which would reduce the necessity for the demolition of large parts of the adjoining historic Engineering Workshop.
- Historic England had failed to give due consideration to conservation as it had revised its approach. Because of this, the proposal would result in the loss of many heritage features in the Engineering Workshop and the Committee was asked to give greater weighting to conservation.
- There was concern that the proposals lacked a social housing provision. Therefore residents of the Borough on low incomes would not be able to access much-needed social housing. Additionally the development would cause rents to increase.
- The proposal would harm the local community because it was focused towards exclusive accommodation and did not foster a mixed environment of housing.

Having heard the submissions, Members questioned the objectors and received the following additional information:

- Although the purpose of the proposal was to preserve some of the Borough's heritage, objectors contested the developer's assertion that a social housing element was not viable because of the costs of conservation. They asserted that conservation and provision of social housing should not be mutually exclusive.
- Concerning criticism of the approach taken by Historic England towards the proposed renovations, the Committee was informed that Historic England no longer followed the conservation-led approach but followed an approach based on enhancements of significance. This would result in the demolition of large proportions of the service building. The objector further argued that, with some modifications, demolition of large proportions of the service building would not be necessary.

The Committee then heard representations from 2 Ward Councillors. They asked the Committee to refuse or defer the application based on the following:

- The accommodation that would be provided was not affordable. Although the buildings would be restored, little community benefit would be delivered.
- The proposal did not meet the Borough's housing needs or help the community but only benefited the developer. The Committee was asked to commission an assessment of the benefits of the proposed scheme.
- Policy DM 87 from the emerging Plan states that development should be resisted where other housing forms are eliminated and the proposal provided no social housing.
- There had been no reference to the Council's own viability study, therefore Members were asked to defer the application to permit this assessment to be brought forward.

The Committee was invited to question the Ward Councillors and Members indicated that there were no questions that they wished to ask.

The Committee then heard from the Applicant's Agent. He informed Members that the applicant and architect had worked closely with the local authority over three years to bring forward proposals for the development which included the restoration of historic buildings. The proposed shared living element was of the highest quality and emerging local plan policies included this new type of communal living accommodation; additionally a housing needs assessment had indicated a need for this. The applicant had undertaken viability testing and this had been provided to the Council. In concluding his presentation, the agent offered to increase the number of class C3 units to be given as affordable housing from 3 units to 4 units plus S106 contributions.

The Applicant then made his submission informing the Committee that he was from a family firm with a background in this type of development. He

acknowledged that the new communal living proposed was not suitable for all but met housing needs that suited short term living arrangements.

Responding to Members' questions the Agent, Applicant and Architect provided the following information:

- When working with listed buildings there must of necessity be adaptations in order that schemes may be delivered. These adaptations are required to be delivered within certain parameters and wherever possible efforts had been made to preserve the heritage features. The proposal had been endorsed by Historic England and the Council's Conservation Officer.
- It was intended that the weekly rent of the communal living units would be £250-£280 per week including bills.
- It was intended that the communal living arrangements would enable the tenants to interact with each other when using the cooking facilities and also when using the communal area at the front of the building. These arrangements would enable more interaction with the community.
- Concerning how the proposal fulfilled the Land Plan which specified that development should contribute to neighbourhood development, the Committee was informed that the proposal would enable people to come to live in the area that would otherwise be prevented from doing so.
- In regard to mixed living, the proposal would provide different types of tenure across the scheme.
- The additional housing unit offered by the Applicant as a contribution would be one of the 9 Class C3 units specified in the scheme; the authority could determine which to choose.
- Concerning provision of open spaces, the Committee was informed that the development would offer more openness towards the canal-side of the development; the areas fronting Commercial Road would be less open to defend against noise and pollution.
- Overall, the aim of the development was to reinstate the streetscape, the building and its surroundings.

The Committee briefly adjourned between 8:35pm and 8:38pm and then then moved to vote on the officer recommendation. The Vice-Chair proposed and the Chair seconded, and on a vote of 3 in favour, 2 against and 1 abstention the Committee

RESOLVED

That

1. The application for the demolition of 767 and 785 Commercial Road (behind retained facade). Mixed-use redevelopment to provide 558 m² of class B1(a) offices within 777 - 783 Commercial Road; 134 rooms of communal living accommodation and associated facilities (sui generis) at 769 - 775 and 785 Commercial Road; and 252 m² of class B1(a) offices and 9 x self-contained class C3 residential flats at 767 Commercial Road **BE GRANTED** subject to completion of a legal agreement to the

satisfaction of the Chief Legal Officer and subject to delivery of 4 x affordable housing units within the 9 Class C3 dwellings at 767 Commercial Road - the composition of these to be determined by Tower Hamlets Council and subject to conditions and informatives.

2. The application for listed building consent for works to 777 - 783 Commercial Road, Grande II, **BE GRANTED**.

SUSPENSION OF STANDING ORDERS - THE GUILLOTINE

At 9:15pm the Chair moved, the Vice-Chair seconded, and the Committee

RESOLVED

That the guillotine be suspended and the meeting extended 30 minutes beyond the permitted time to enable the Committee to conclude its consideration of the applications listed for determination.

5.2 Stepney Library, Lindley Street, London, E1 3AX (PA/18/02821)

The Area Planning Manager (East), introduced the application which concerned proposals for the redevelopment of the site of the former Stepney Library. The Planning Case Officer presented the report which concerned a proposal to demolish the disused Stepney Library building and construct 5 x 3-bedroom houses 2 of which were wheelchair accessible. Members were informed that

- 100% of these proposed units were to be affordable.
- Statutory planning consultation had been undertaken and 10 letters of objection and a petition had been received raising concerns about design, amenity and loss of the community facility.
- The planning issues for consideration were land use, loss of accommodation of a community facility, design and transport.
- The loss of the facility had been assessed and was considered acceptable since the building had not been occupied for 15 years and the community facilities had been re-provided at the nearby Idea Store.

Responding to Members' questions the Planning Case Officer provided the following additional information:

- Concerning whether the concept of re-provision of a community facility had been appropriately applied, the Committee was informed that the application had been appropriate since Idea Stores had replaced all libraries in the Borough.
- There were no community facilities presently operating from the building.
- It was intended that the proposed properties would be provided in the form of 3 social rents and 2 LBTH Housing rents. The provision would be private housing at social rent.
- Concerning the misleading information alleged in the report around the consultation process, the Committee was informed that this

consultation referred to community meetings which had taken place, however the content of these was not known.

The Committee then heard from objectors who raised the following concerns:

- Very few in the community had been involved in the consultation.
- There had been no equality assessment.
- The proposed design was out of keeping with that of the surrounding estate.
- There would be overlooking at Jarman House and Colverson House; Members were asked to consider a site visit to assess this concern.
- There had been issues around antisocial behaviour on the estate in the past 4 years.
- 10 years ago, there had been an alternative consultation on uses of for the existing building but this had not been undertaken well.
- The estate was already overcrowded; this concern was a subject of the petition and the proposed development would exacerbate the sense of overcrowding in the locality.
- Residents supported the reinstatement of the building as a community centre since Idea Stores did not engage residents in a broad way. Additionally a community facility would provide facilities for teenagers.
- The proposed development was not sympathetic to the heritage style of the estate
- The site was not appropriate for the proposed development since the estate required community facilities rather than additional housing.

Responding to Members' questions, objectors provided the following additional information:

- The Idea Store was too distant and its provision differed from that which a community centre could provide.
- The local TRA would consider a match funding arrangement for a community facility if reinstatement could be offered; however removal of the building would be an irrevocable loss.
- The facility would give a heart to the community

The Committee then heard from Councillor Rachel Blake who spoke on behalf of the Council - the applicant. She informed the Committee that the proposal contributed to the Council's targets for social housing and disabled housing. The properties were affordable comprising 3 social rents at £167.67 per week and 2 Tower Hamlets rents at £230.28 per week. The proposal had been equality assessed and this indicated that it would deliver a positive impact. There had been 3 pre-application consultations with the local TRA in addition to the statutory consultation by Planning; additionally a newsletter had been circulated.

In the context of the relocation of the library function to the Idea Store the Councillor agreed it was appropriate that the demand for a community use facility should be explored. To this end premises were available at Flat 2 Jarman House and at the Stifford Centre. The Council did not have a large land bank, therefore careful assessment of the proposal and search for a suitable site had been undertaken. In regard to concerns around antisocial

behaviour, she advised that there was evidence that new developments led to reduction in antisocial behaviour due to natural surveillance and the elimination of dead areas.

Responding to Members' questions Councillor Blake provided the following additional information:

- The proposal would address the need for larger family homes as all of the properties to be delivered were three-bedroom units and the site had been assessed as appropriate for this.
- Concerning rental percentages, the proportion of social rent was slightly higher (at 60% social rented properties) than that of living rents.
- Concerning the loss of council housing on the Estate, the Committee was informed that the loss was at 50% however this was not a material planning consideration.
- The provision of D1 space at Jarman House had not been attached to the application because the provision (the Community Flat) was already operational.
- The proposal had not offered 100% social housing because this did not meet the requirements of a sustainable model of development.

The Committee then moved to vote on the officer recommendation. Councillor Bustin proposed, the Vice-Chair seconded, and on a vote of 5 in favour and 1 against, the Committee

RESOLVED

That the application to demolish the Former Library/community centre (D1) and general landscaping including parking and construction of 3 x three storey three bedroom houses and 2 x two storey three bedroom wheelchair accessible houses and revised parking/landscaping **be GRANTED** subject to conditions and informatives

5.3 Regents Wharf, Wharf Place, London E2 (PA/18/01676)

The Area Planning Manager (East) introduced the application which concerned a proposal to remove an existing roof structure and construct a mansard style roof extension at Regent's Wharf, Wharf Place London E2. The Planning Case Officer then presented his report informing the Committee that the proposal was to remove the existing pitched roof and replace with a mansard-style roof extension to provide 4 one-bedroom flats, and 2 two-bedroom flats with associated cycle parking and refuse storage facilities. Notice had been served on residents. The site was situated in the Regent's Canal conservation area. Statutory consultation had been undertaken and 25 letters of objection have been received concerned mainly around design. The relevant planning issues were; land use, design, amenity, and transportation. An environmental plan which deals with noise during construction had been produced.

The Chair enquired and Members indicated that they had no questions for the Planning Case Officer.

Members then heard from objectors who raised the following concerns:

- The proposal contravened policies DM26 (tall buildings were not displayed correctly), DM24 (the proposal did not demonstrate place sensitive design).
- The proposed development would create noise and disruption to existing occupants of the building. Additionally there had been much successive development at the premises, much of which had not been delivered efficiently. Therefore residents were not confident that the current proposal would be delivered in an efficient and timely manner.
- The proposal contained inaccuracies related to the orientation of some of the units which in fact faced East-West.
- The proposal would create new overlooking and exacerbate existing issues around overlooking.
- The additional height that would be created would negatively affect daylight/sunlight into some of the existing flats.
- Existing parking had been lost as the developer had inserted flats in the basement. The additional cycle parking would reduce this further.
- The proposal also prevents occupants from enjoying their own home and working from home because of noise and disruption during development.

Responding to a Member question, objectors informed the Committee that there were concerns around waste storage because the Paladin containers were not accessible.

The Committee then heard from the Architect who highlighted the following elements of the proposal:

- All in all specifications of the proposal complied with all Tower Hamlets policies.
- The design was sympathetic to its location.
- The site offered scope for height adaption for a mansard conversion and the design had been carefully planned to maintain privacy.
- All elements for waste storage had been met.
- Concerns around previous construction works had been noted and there was a construction management plan.
- During the pre-application period, the applicant had worked to improve the scheme to ensure compliance and that the locality was enhanced.

Responding to Members' questions the Architect provided the following additional information. In regard to previous applications withdrawn and rejected or dismissed, the architect advised that these had involved other firms; however since his engagement to the project he had worked to achieve an improved proposal/outcome.

The Committee then addressed the Planning Officers and enquired:

- How the Council would ensure that the issues around delays and disruption were not repeated. Members were advised that the application should be considered on the basis of planning policy on the

use of the land. Additionally it was not the possible to impose conditions on completion times.

- Whether the proposal triggered over development criteria. Members were informed that the density calculation met the planning tests.
- Why daylight and sunlight assessments had not been undertaken. Members were informed that this had been because the additional height (0.6m) that the proposal would cause was considered negligible.
- What assessments had been undertaken in regard to parking facilities. Members were informed that relevant data had been checked and cycle parking facilities inspected before bringing forward a recommendation.

The Committee, having considered all of the information provided, remained concerned that the impacts of the proposal on daylight/sunlight had not been assessed and that there was alleged daylight and sunlight impacts on windows in the block

Councillor Salva-Macallan moved a proposal that the application be deferred pending a daylight and sunlight assessments this was seconded by Councillor Bustin and on a vote of 5 in favour and 1 abstention the Committee

RESOLVED

That the application **BE DEFERRED** pending provision of:

1. daylight/sunlight assessments and
2. a briefing detailing build management, in the context of the historic issues around delivery of previous enhancements; what the Developer could offer to mitigate, how it will function and whether it can be enforced

6. OTHER PLANNING MATTERS

6.1 PLANNING APPEALS REPORT

This report was **DEFERRED**. Since the meeting had reached the guillotine, Members were unable to consider the report.

The meeting ended at 10.00 p.m.

Chair, Councillor Abdul Mukit MBE
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. Members of the public in support	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. 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.5.5](#) Planning Code of Conduct and 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.</p> <p>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.</p> <p>Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules - Part 5.5 of the Council's Constitution (Rules of Procedure). • Terms of Reference for the Strategic Development Committee - Part 3.3.8 of the Council's Constitution (Responsibility for Functions). • Terms of Reference for the Development Committee - Part 3.3.7 of the Council's Constitution (Responsibility for Functions). 	 <p>Council's Constitution</p>

Agenda Item 4

Committee: Development	Date: 13 th February 2019	Classification: Unrestricted	
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 CORPORATE DIRECTOR, GOVERNANCE

- 3.1 The Committee is required to determine planning applications in accordance with the development plan and other material planning considerations. Virtually all planning decisions involve some kind of balancing exercise and the law sets out how this balancing exercise is to be undertaken. After conducting the balancing exercise, committee is able to make a decision within the spectrum allowed by the law. The decision as to whether to grant or refuse planning permission is governed by section 70 (2) of the Town and Country Planning Act 1990(TCPA 1990. This section requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; to have regard any local finance considerations, so far as material to the application; and to have regard to any other material considerations
- 3.2 What does it mean that members must have regard to the Development Plan? Section 38(6) of the Planning and Compulsory Purchase Act 2004 explains that having regard to the development plan means deciding in accordance with the Development Plan, unless material considerations indicate otherwise. If the Development Plan is up to date and contains material policies (policies relevant to the application) and there are no other material considerations, the application should be determined in accordance with the Development Plan. This is because it is the Council's own plan and in adopting the Plan, the Council was representing to the community and to applicants, that this plan was going to guide Committee decision making.

LOCAL GOVERNMENT ACT 2000 (Section 97)

LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER THE ITEM PLANNING APPLICATIONS FOR DECISION

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

3.3 The Local Development Plan and Other Material Considerations

The relevant Development Plan policies against which committee is required to consider each planning application are to be found in

- The London Plan 2016
- The Tower Hamlets Core Strategy Development Plan Document 2025 adopted in 2010
- The Managing Development Document adopted in 2013

The Planning Officer's report for each application directs Members to those parts of the Development Plan which are material to each planning application, and to other material considerations. National Policy as set out in NPPF 2018 is a material consideration.

The purpose of a planning officer's report is not to decide the issue for the committee but to inform Members of the considerations relevant to their decision making and to give advice on and recommend what decision Members should take. Part of a planning officer's expert function in reporting to this committee is to make an assessment of how much information to include in the report. Applicants and Objectors may also want to direct Members to other provisions of the Development Plan (or other material considerations) which they believe to be material to the application. The purpose of officer's report is to summarise and analyse those representations, to report them fairly and accurately and to advise members what weight, in their professional opinion, to give those representations. Ultimately it is for members to decide whether the application is in accordance with the Development Plan or other material considerations

3.4 Local Finance Considerations.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority shall have regard to a local finance consideration as far as it is material in dealing with the application. Section 70(4) of the 1990 Act defines a local finance consideration and both New Homes Bonus payments (NHB) and Community Infrastructure Levy (CIL) fall within this definition.

Although NHB and CIL both qualify as "*local finance considerations*", the key question is whether they are "material" to the specific planning application under consideration..

The prevailing view is that "in some cases CIL and NHB can lawfully be taken into account as a material consideration where there is a direct connection between the intended use of the CIL or NHB and the proposed development. To be material a consideration must relate to the planning merits of the development in question.

Thus NHB or CIL money will be 'material' to the planning application when reinvested in the local areas in which the developments generating the money are to be located, or when used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. Specific legal advice will be given during the consideration of each application as required.

3.5 Listed Buildings and Conservation Areas

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.

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 Trees and Natural Environment

Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

Section 40 of the Natural Environment and Rural Communities Act 2006(Duty to conserve biodiversity) *“must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*

Section 17 of the Crime and Disorder Act 1998(Duty to consider crime and disorder implications) *“dutyto exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)”*

Section 144 Greater London Authority Act (to have regard to the London Mayor’s Transport strategy)

Section 149 of the Equality Act 2010 (Public Sector Equality Duty). This is a duty to have “due regard” to among other matters the need to “advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it”..

The Human Rights Act 1998. This sets out the basic rights of every person together with the limitations placed on these rights in the public interest.

3.7 Third Party Representations

Under section 71(2)(a) of the Town and Country Planning Act 1990 and article 33(1) of the DMPO the Committee is required, when determining an application, to conscientiously take into account any representations made within specified time limits. The officer report directs members to those representations and provides a summary. In some cases, those who have made representations will ask to address the committee.

Members are reminded that other areas of legislation covers aspects of building and construction and therefore do not need to be considered as part of determining a planning application. Specific legal advice will be given should any of that legislation be raised in discussion.

The Committee has several choices when considering each planning application

- To grant planning permission unconditionally
- To Grant planning permission with conditions
- To Refuse planning permission
- To defer the decision for more information (including a site visit)

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 Agenda Item “RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE”.

5. RECOMMENDATION

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

Committee: Development Committee	Date: 13 February 2019	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Place	Title: Full Planning Permission
Case Officer: Adam Garcia	Ref No: PA/18/01538
	Ward: Whitechapel

Special Circumstances and Reasons for Urgency

- The report was unavailable for public inspection within the standard timescales set out in the Authority's Constitution; and because of a scheduling issue the document was published 24 hours after set date.
- The applications cannot be deferred to a later meeting as the decisions are time sensitive and involve consultees external to the Council and all parties were expecting the applications to be heard on this date.

1. APPLICATION DETAILS

Location:	1 - 7 Mears Close, London, E1 1AS
Existing use:	Residential (Use Class C3)
Proposal:	Roof extension to the existing terrace (nos. 1-7) comprising the addition of one storey to increase residential floorspace including a roof terrace and associated privacy screens and skylights. The roof terrace is to be accessed via a protruding stairwell at the rear.
Ownership/Applicant:	Mears Close Collective
Historic building:	N/A
Conservation area:	Myrdle Street Conservation Area
Approved drawings and documents	Refer to Appendix 2

2. EXECUTIVE SUMMARY

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) in addition to the London Plan (2016) as well as the National Planning Policy Framework (2018) and all other material planning considerations.

- 2.2 The application seeks to construct a roof extension to the existing terraced properties. This would include the addition of one storey and an associated roof terrace with associated privacy screens and skylights.
- 2.3 The main material planning considerations for Members to consider are whether the proposal would have an acceptable impact on the neighbouring amenities of residents and whether the proposed design preserves or enhances the character or appearance of Myrdle Street Conservation Area.
- 2.4 Officers acknowledge that a large number of residents have made written representations to the application expressing their concerns about impact on daylight and sunlight. However, officers are satisfied that the benefit of reviewing the applicant's submitted daylight and sunlight that the daylight/sunlight amenity impacts to neighbours are acceptable.
- 2.5 The Borough Conservation Officer raises no objections from a design and conservation perspective to the scheme.
- 2.6 In conclusion, officers support the scheme in the absence of evidence that any amenity issues arising from the scheme would significantly detract from the amenity of surrounding neighbours.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **APPROVE** planning permission subject to conditions as set out below.
 - 1. Three year time limit.
 - 2. Compliance with approved plans and documents
 - 3. Samples and details of all facing materials including construction methodology
 - 4. Retention of privacy screens
- 3.2 Informatives:
 - 1. Building Control
 - 2. Fire and Emergency

4. PROPOSAL AND LOCATION DETAILS

Site and surroundings

- 4.1 The site application site is bound by Fieldgate Street to the north, Settles Street to the east, Kobi Nazrul Primary School to the south and Greenfield Road to the west. The site consists of 5 houses and 6 apartments which gained planning permission in 2004 (application ref: PA/03/01236). Prior to this the site was used as a covered car park and workshop which were demolished to allow for the redevelopment of the site.
- 4.2 Approximately 150m north of the site is Whitechapel Road where there are many taller buildings which occupy the streetscape. The site also lies within the Myrdle Street Conservation Area which is located west of the Royal

London Hospital extending southwards from Whitechapel Road. This is characterised by a Georgian street scene and early 19th century terraces.

- 4.3 The buildings are neither statutory nor locally listed.
- 4.4 There are a number of residential properties surrounding the application site. As the site is a mews development it is surrounding on all four sides, three sides of which are residential. To the west, on Greenfield Road, there are some residential properties in use on upper floors. To the east there are terraced properties on Settles Street, the rear elevations which face into Mears Close. The building to the north, currently under construction at 42 Fieldgate Street (application ref: PA/13/03036) is for a 4 storey residential scheme which will face into Mears Close upon completion.

Proposal

- 4.8 The application proposes to construct a roof extension to the existing terraced properties. This would include the addition of one storey and an associated roof terrace with associated privacy screens and skylights.
- 4.9 The five townhouses of no. 3-7 Mears Close will include additional bedroom space. The apartments at 1-2 Mears Close will include the addition of a 2 bedroom penthouse. This will create a unified extension across the entire roofscape.

5. RELEVANT PLANNING HISTORY

Application site

- 5.1 PA/03/01236: Demolition of existing covered car park and workshop, and redevelopment to provide x 5 two-bedroom houses and x 6 one-bedroom flats on three floors together with landscaping of site. Approved: 10/09/2004
- 5.2 PA/17/01511: Erection of a roof extension to provide an additional storey to existing terraced house including screened roof terrace. This application is aligned with 4 other related townhouses at 3,5,6 & 7 Mears Close. Withdrawn by Applicant: 02/08/2017

42 Fieldgate Street

- 5.3 PA/13/03036: Redevelopment and change of use of existing car park by erection of residential building to provide 7 new flats comprising 1 x 3 bed, 3 x 2 bed, 3 x 1 bed. Permitted: 14/04/2014

80-82 Greenfield Road

- 5.4 PA/17/00840: Demolition of building on site and erection of a 5 storey building comprising of educational use (D1) on the basement, ground and first floors together with residential use on the second, third and fourth floors, comprising of 4 one bed, 3 two bed and 2 three bed apartments. Withdrawn by applicant: 03/11/2017
- 5.5 PA/18/00079: Demolition of building on site and erection of a 5 storey building comprising of educational use (D1) on the basement, ground and first floors

together with residential use on the second, third and fourth floors, comprising of 4 one bed, 3 two bed and 2 three bed apartments. Not yet determined.

6. POLICY & LEGAL FRAMEWORK

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

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
- Pay special attention to the desirability of preserving or enhancing the character or appearance of Myrdle Street Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

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

6.3 Government Planning Policy

National Planning Policy Framework (2018)

5.4 London Plan MALP (2016)

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 5.17 Waste Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.5 Core Strategy (2010)

- SP02 Urban Living for Everyone
- SP05 Dealing with Waste
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working Towards a Zero-carbon Borough
- SP13 Planning Obligations

5.6 Managing Development Document (2013)

DM0	Delivering Sustainable Development
DM3	Delivering Homes
DM4	Housing Standards and Amenity Space
DM9	Improving Air Quality
DM11	Living Buildings and Biodiversity
DM13	Sustainable Drainage
DM14	Managing Waste
DM22	Parking
DM23	Streets and the Public Realm
DM24	Place-sensitive Design
DM25	Amenity
DM27	Heritage and the Historic Environment
DM29	Achieving a Zero-carbon Borough and Addressing Climate Change

5.7 Supplementary Planning Guidance/Documents

- Housing SPG, GLA (2016)
- Shaping Neighbourhoods: Character and Context SPG, GLA (2014)
- Tower Hamlets Air Quality Action Plan, LBTH (2003)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)
- Myrdle Street Conservation Area Character Appraisal and Management Guidelines (2007)

5.8 Emerging Planning Policies

The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits

- 5.9 Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not completed its process of examination by the Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 48 of the NPPF (2018).

Draft New London Plan

- 5.10 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and closed on 2nd March 2018. The draft London Plan has been submitted to the Secretary of State for examination. The current 2016 consolidation London Plan is still the adopted Development Plan.

However, the draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however, the weight given to it is a matter for the decision maker.

7. CONSULTATION

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

Internal Consultees

LBTH Transportation and Highways

- 7.2 A car parking permit free agreement should be secured against the newly created Penthouse and any other new units. Cycle storage for the Penthouse should be provided within the site.

LBTH Waste Policy and Development

- 7.3 With regards to full planning application PA.18.01538, my comments are as follows: Waste Store Facility The applicant should consider liaising with the other properties and developing a suitable waste storage facility for all properties in Mears Close. Bins The applicant needs to provide information on the volume of waste by litres, size and type of containers to be used. All bins must meet the British Standard EN 840 Waste Collection Service The current waste storage arrangements appear to be bins stored openly along the wall of the gated entrance into Mears Close. Taking into consideration the new units in Mears Close the waste capacity will increase and the current arrangements may not be suitable for this development. The applicant must ensure that there is a maximum 10m trolleying distance from the bin store to waste collection vehicle. Residents The carrying distance for all residents must be a maximum of 30 meters. Internal Storage All new units should be provided with internal waste storage preferably within the kitchen units: Refuse 40 litres Recycling 40 litres Food Waste 10 litres Waste Policy and Development requires the above points to be addressed before we can be supportive of the application.

LBTH Design and Conservation

- 7.2 The assessment made by Conservation & Urban Design Team are set out in the main body of the report (paragraphs 9.3 to 9.3.16)

External Consultees

N/A

8. LOCAL REPRESENTATION

- 8.1 A total of 73 planning notification letters were sent to nearby properties as detailed on the attached site plan on 29/06/2018 A site notice was erected on Fieldgate Street on 06/07/2018 and a press notice was advertised on 05/07/2018

- 8.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:

- 23 letters of representation
- 22 letters of objection
- 1 petition (6 signatures) of objection.

- 8.3 The comments raised in objection to the proposal can be summarised as follows:

- Impact on daylight and sunlight to neighbouring habitable rooms
- Overlooking and consequent impact on privacy
- Increased sense of enclosure
- Noise during construction works

9.0 MATERIAL PLANNING CONSIDERATIONS

- 9.1 The main application has been assessed against all relevant policies under the following report headings:

1. Land Use
2. Design and Heritage
3. Quality of residential accommodation
4. Amenity
5. Transport and servicing

9.2 Land Use

- 9.2.1 The proposed extension would be associated with the existing C3 use at the properties and as such there are no direct land use implications arising from the proposals.

9.3 Design and Heritage

- 9.3.1 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 state that *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”* and *“the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.
- 9.3.2 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 listed buildings and 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 or enhancement of heritage assets should be given great weight in the consideration/determination of the application.

- 9.3.3 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to 'Heritage, Design and Appearance' are Chapter 12 '*Achieving Well-designed Places*' and Chapter 16 '*Conserving and Enhancing the Historic Environment*.'
- 9.3.4 Chapter 12 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual and visually attractive buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 9.3.5 Paragraph 192 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.
- 9.3.6 Paragraph 189 of the NPPF provides that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 190 provides that local authorities should assess the significance of any assets that may be affected. Paragraph 192 describes what should be taken into account in determining applications. In this case, the relevant designated heritage asset is the Myrdle Street Conservation Area. The subject site is not listed however in part, forms part of the Conservation Area. The part of the development which forms part of the Conservation Area is 5-7 Settles Street.

Bulk and massing

- 9.3.7 The proposal is only partly within the Myrdle Street Conservation Area and thus it is necessary to understand how it would impact the Conservation Area. The Myrdle Street Conservation Area is characterised by high density development and a variety of types and sizes of property ranging from terraced houses and mansion blocks, dating from 18th Century onwards. The front elevation of Mears Close looks out to the rear elevations of the terraced properties on Settles Street. These properties are adjacent to the eastern part of the site, and within the Conservation Area. The properties on Settles Street are amongst the largest of their type within the Conservation Area, they are 5 storeys in height plus a basement level.
- 9.3.8 To the north of the site is 42 Fieldgate Street. Since the construction of Mears Close this site has been vacant and thus views from Fieldgate Street through to the properties have been open. However, this site has a consent (application ref: PA/13/03036) for a 4 storey building which is currently under construction. This will mean the aforementioned view through to Mears Close

will be closed. 42 Fieldgate Street lies within the Myrdle Street Conservation Area.

- 9.3.9 On the western boundary of the application site is 80-100 Greenfield Road, a row of 2, 3 and 4 storey buildings. 86-88 Greenfield Road is understood, from letters of objection received and satellite images of the proposal, to be a building in residential use however it does not benefit from express planning consent for residential use. These properties are not within the Myrdle Street Conservation Area.
- 9.3.10 On the southern boundary of the site is Kobi Nazrul School. The part of the school to which the southern boundary of the site abuts is the playground. The school is not within the Myrdle Street Conservation Area.
- 9.3.11 Due to the height of the existing terraced properties on Settles Street and proposed height of 42 Fieldgate Street, which is under construction, the proposed roof extension would not be seen from public views within the Conservation Area. Views from Greenfield Road, which is not within the Conservation Area, would be limited and not considered to present any discernible impact to the surrounding urban form. The overall proposed height of the development would be 3 storeys with a protruding stairwell to the rear. Overall, it is considered that the development would sit comfortably within the prevailing pattern of built form in the locality. The development is unified in its design and subservient with regards to bulk and scale when looking to the surrounding context and as such the proposed massing would have no adverse impact upon the visual character or significance of the Myrdle Street Conservation Area.

Design and materials

- 9.3.12 The existing row of buildings is a contemporary mews which enhances the Conservation Area. The proposed extension would be set back from the front of the row and includes a protruding stairwell at the rear. This proposed design is considered to be sensitive in its approach and would not be visible when stood within the mews internal courtyard.
- 9.3.13 The proposed extension would respect the existing building whilst enhancing the overall architectural appearance of the development. The existing development is defined by stark angles and large expanses of panelling and glazing. The proposed extension is set back, thereby respecting these design features, whilst introducing visually interesting angular protruding stairwells that would reflect and build upon the general design ethos of the existing development to maintain and provide a unified design approach between existing and proposed. .
- 9.3.14 The proposed roof terraces are set to the rear of the development and screened in order to prevent overlooking to the properties to the rear located on Settles Street, which are set significantly away. As indicated within the drawings, most of the windows in the rear of Settles Street are over 18 metres away from the usable area of the roof terrace. The windows in the rear outriggers are some 14 metres away from this useable area. In between both the roof terrace and the additional storey are sedum trays and solar panels which both promote sustainability and subservient design approach to set the edges of the proposal back from the original roof form.

- 9.3.15 The proposed materials follow those used throughout the existing building. The proposed rear façade will use a translucent glazing system in order to allow daylight penetration to the properties whilst not causing overlooking to properties on Greenfield Road.
- 9.3.16 It is considered that the proposed development is of an original architectural style which reinforces its own distinct character whilst promoting the local distinctiveness of the surrounding area. Overall the proposed development is considered to be designed to a high quality standard, incorporating accepted principles of good design. The height, bulk, scale and massing of the development is considered to be appropriate to its local setting, and the design and materials used for buildings are high quality and help to enhance local character. Conditions requiring all external materials to be approved will be added, subject to approval. In regards to nearby designated heritage assets, it is considered that the development would preserve, and indeed enhance, the character and appearance of the Myrdle Street Conservation Area pursuant of the Listed Building and Conservation Areas Act 1990 and Policy DM27 of the adopted Local Plan.

9.4 Quality of Residential Accommodation

Internal space

- 9.4.1 The Mayor of London's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring they are "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 9.4.2 Both the additional bedroom space to 3-7 Mears Close and the proposed 2 bedroom penthouse apartment to 1-2 Mears Close comply with nationally described internal space standards in regards to minimum gross floor areas and floor to ceiling heights (minimum 2.5m height).

External Space

- 9.4.3 Policy DM4 of the Managing Development Document (2013) sets out that a minimum of 5sqm private open space is required to be provided for 1-2 person dwellings with an extra 1sqm needed for each additional occupant. Balconies should have a minimum width/depth of 1.5m. The proposal provides a policy compliant amount of private open space in the form of roof terraces to the units.

9.5 Neighbouring Amenity

- 9.5.1 The Council's Core Strategy policy SP10 (4) states that the Council will ensure development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution. Policy DM25 (1A & 1E) of the Council's Managing Development

Document (2013) seeks to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development during the life and construction of the development.

Impact on Outlook, Privacy and Sense of Enclosure

- 9.5.2 With regard to the properties on Settles Street, the rear of these properties is some 10 metres away from the existing front facades of the application site. The proposed additional storey is set 2 metres away from this façade and the terrace handrail a further 2 metres. Due to the significant separation distance, which is some 14 metres between the useable terrace area and closest windows on the rear elevation of the Settles Street terraces, and the addition of a 1.7 metre privacy screen, the proposal is not considered to introduce a detrimental impact from overlooking. The extension would present an additional 5 metres in height at the rear with the protruding stairwells. However these are set to the rear of properties.
- 9.5.3 The separation distance, combined with the design of the extension including a privacy screen is considered to adequately mitigate potential negative impacts arising from the proposed development ensuring that there would not be significant adverse impacts on outlook, privacy and sense of enclosure.
- 9.5.4 To the rear of the proposed development is No 86-88 Greenfield Road. No 86-88 Greenfield Road is understood, from letters of objection received and aerial photographs of the proposal, to be in residential use for some years, however the building does not benefit from express planning consent for residential use. There is an approximate 7 metre separation distance from rear windows and doors of these individual properties to the rear of the application site. There are no proposed windows facing into this rear yard space and thus, in privacy terms, the proposal does not raise adverse impacts. With regard to outlook and sense of enclosure, the proposal would incur an impact to these properties as the extension would increase the overall height of the development by approximately 5 metres. However, this is not the overall bulk of the extension as the protruding stairwells sit at angles and have spaces between them. This design feature breaks up their mass and reduces the sense of enclosure caused.
- 9.5.5 In conclusion, having regard to the heights of the proposed extension and its proximity to neighbouring buildings, overall it is not considered that the development would cause an undue sense of enclosure, nor would it impact on privacy or outlook.

Daylight and Sunlight

- 9.5.6 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.
- 9.5.7 A daylight and sunlight report was submitted by the applicant and reviewed by officers.

Impact on Daylight

- 9.5.8 With regards to daylight, it is considered that no surrounding properties would be adversely affected by the proposed development.
- 9.5.9 The properties on Settles Street have been assessed against the worst performing window which is located at the upper ground floor level of 49a Settles Street. This window has been chosen because it is the most enclosed and restricted of all windows to Settles Street. This is thus a 'worst case' study' to evaluate the amount of sky lost.
- 9.5.10 The retained VSC value for this window would be 8.5, when currently it is 9.5. The BRE guideline states that a loss of 20% or more is required to make a noticeable difference to occupants. This VSC loss is 10.52% and therefore falls within BRE guidelines. As stated, this window has been chosen as a worst case test and it would therefore be reasonable to conclude all of the other windows on the rear elevation of Settles Street would be affected to a lesser and indeed acceptable degree.
- 9.5.11 The residential properties on at 86-88 Greenfield Road have also been assessed against the 25 degree test for daylighting. A sectional diagram has been provided for the lower windows which show that the proposed development does not disrupt the 25 degree line in any instance of these windows and therefore meets the BRE guidance for daylight compliance.

Impact on Sunlight

- 9.5.12 BRE Guidelines state that obstruction to sunlight may be an issue where some part of the new development is 90 degrees due south of a main window wall of an existing building and no obstruction, measured in the section perpendicular to the window wall, subtends an angle of more than 25 degrees to the horizontal. Where this angle is not subtended, sunlight obstruction is not an issue.
- 9.5.13 When a 25 degree angle is drawn from the extension to the centre of the main rear elevation windows on Settles Street, the above rule is met and thus there is no additional sunlight obstruction.
- 9.5.14 It is acknowledged however that the rear outrigger elements are in closer proximity to the application site and thus the potential for sunlight impact is greater. As such, this has also been considered. When measuring from the lower window origin point on this rear elevation the existing parapet of the application site subtends an angle greater than 25 degrees. At this angle, between the existing parapet and proposed roof extension, the angle is not subtended further. That is, the proposed roof extension is not tall enough to further subtend the existing critical angle and is at a sufficient set back as to ensure there is no additional sunlight obstruction.
- 9.4.15 The residential properties on at 86-88 Greenfield Road have also been assessed for sunlight. When considering these habitable rooms against the BRE guidelines the proposed development is not considered to have an adverse impact on the sunlight allowed to these windows. This is because the new development does not subtend an angle of more than 25 degrees to the

horizontal when measured from the centre of the window in a vertical section perpendicular to the window.

Overshadowing

- 9.5.16 The BRE Guidelines state that, in order for amenity spaces to be adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If, as a result of new development, an existing amenity area does not meet the above, then the loss of sunlight is likely to be noticeable.
- 9.5.17 The daylight and sunlight report includes an overshadowing assessment to neighbouring amenity areas. The BRE guidance seeks that at least 50% of such identified amenity spaces benefit from two hours of sunlight on 21st March. In this case, these spaces are located at 86-88 Greenfield Road with 50% of one of the individual amenity spaces presently benefiting from at least 2 hours of direct sunlight on 21st March. The other two roof terrace spaces do not currently benefit from this metric. The assessment provided shows the proposed development would have no impact upon the quantum of amenity space that would benefit two hours of sunlight on 21st March, and as such the proposal is acceptable in this respect.

Summary

- 9.5.18 Officers have outlined any potential adverse impacts on neighbours and are satisfied that these have been mitigated and are not significant to warrant refusal, especially taking into consideration the public benefits of scheme including new housing and additional residential floorspace. Due to the reasons above, it is considered that the proposed development would be acceptable in terms of its impact on neighbouring amenity and would comply with Policy DM25 of the Managing Development Document (2013).

9.6 Transport and Servicing

- 9.6.1 According to paragraphs 108 and 110 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 9.6.2 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both corridor and local level are fully assessed. Development should not adversely affect safety on the transport network.
- 9.6.3 The site benefits from excellent public transport accessibility (PTAL 6a), therefore the proposed scheme is acceptable as a car-and-permit free agreement development, to prevent future occupants from parking on the existing road network – this would be secured by s106 agreement and condition. As such, the impact on the existing road network is considered to be minimal. This is in accordance with policies SP09 and DM22.

Cycle Parking

- 9.6.4 Additional cycle parking is to be provided at ground floor level for the newly created penthouse in the form of two spaces. The minimum London Plan and Council policy requirements have been met. Subject to approval, a condition will be attached requiring further details of the proposed cycle stores.

Waste

- 9.6.5 LP Policy 5.17 requires all new developments to include suitable waste and recycling storage facilities. Policies SP05 and DM14 seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 9.6.6 Refuse and recycling for the new penthouse unit will be incorporated with existing arrangements. The current storage is adjacent to the gated entrance from Settles Street. The additional space proposes a minor uplift in storage and will not result in any additional need for waste collection.

9.7 Financial Considerations

Section 70(2) of the TCPA 1990 (as amended)

- 9.7.1 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.
- 9.7.2 Section 70(4) defines “local finance consideration” as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 9.7.3 These can be material planning considerations when determining planning applications or planning appeals.
- 9.7.4 As regards Community Infrastructure Levy considerations, the scheme would not constitute an uplift in floorspace and as such would not be liable for CIL contributions. On this basis it is not a material consideration.

9.8 Human Rights Considerations

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

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

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

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

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

9.8.5 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.

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

9.8.7 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.

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

9.9 Equalities Act Considerations

9.9.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs 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.

9.9.2 It is considered that the proposed development would not conflict with any of the above considerations.

9.9.3 In light of the above, officers are satisfied that the proposed development would not adversely impact equality or social cohesion.

10 CONCLUSION

All relevant policies and material considerations have been considered. It is concluded that planning permission should be **GRANTED** for the reasons set out in this report.

Appendix 1: SITE MAP



Crown copyright and database rights 2018 Ordnance Survey, London Borough of Tower Hamlets 100019288

- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

Planning Applications Site Map PA/18/01538

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



London Borough
of Tower
Hamlets

Scale : 50m grid squares

Date: 06 February
2019

Appendix 2: DRAWINGS AND SUPPORTING DOCUMENTS

- 04.68.001 – Location Plan
- 04.68.100 – Existing Site Plan
- 04.68.120 – Existing Section EE
- 04.68.121 – Existing Section FF
- 04.68.122 – Existing Section GG
- 04.68.150 – Existing Axonometric – North-West
- 04.68.151 – Existing Axonometric – South-East
- 04.68.152 – Existing Axonometric – South-West
- 04.68.200 C – Proposed Site Plan
- 04.68.201 B – Proposed Second Floor Plan – No. 3-7 Mears Close
- 04.68.202 B – Proposed Roof Plan
- 04.68.203 C – Proposed Second Floor Plan – Penthouse Apartment
- 04.68.204 B – Proposed Roof Plan – Penthouse Apartment
- 04.68.205 – Proposed Waste Storage
- 04.68.210 B – Existing and Proposed Elevations – Front
- 04.68.211 B – Existing and Proposed Elevations – Rear
- 04.68.212 B – Existing and Proposed Elevations – Side
- 04.68.220 B – Proposed Section EE
- 04.68.221 B – Proposed Section FF
- 04.68.222 B – Proposed Section GG
- 04.68.223 B – Proposed Section HH
- 04.68.224 B – Proposed Section JJ
- 04.68.230 B – Proposed Study of Overlooking to Neighbours on Settles Street
- 04.68.231 B – Proposed Rear Elevation Details
- 04.68.250 B – Proposed Axonometrics – Relocated Roof Items
- 04.68.251 B – Proposed Axonometrics – North-West
- 04.68.252 B – Proposed Axonometrics – South-East
- 04.68.253 B – Proposed Study of Overlooking to Neighbours on Settles Street
- 04.68.254 B – Proposed Axonometrics – Penthouse Roof Terrace
- 04.68.260 – Sun and Daylight Study Plan
- 04.68.261 – Sun and Daylight Study Plan to Approved Window
- 04.68.262 – Sun and Daylight Section and Elevation
- 04.68.SDA – Sun and Daylight Assessment
- 04.68.SDA.GR A – Sun and Daylight Assessment to Residents on 86-88 Greenfield Road
- 04.68.DAAS – Design and Access Statement

Appendix 3: RELEVANT PLANS

Figure 1: 04.68.151 - Existing Axonometric - South-East

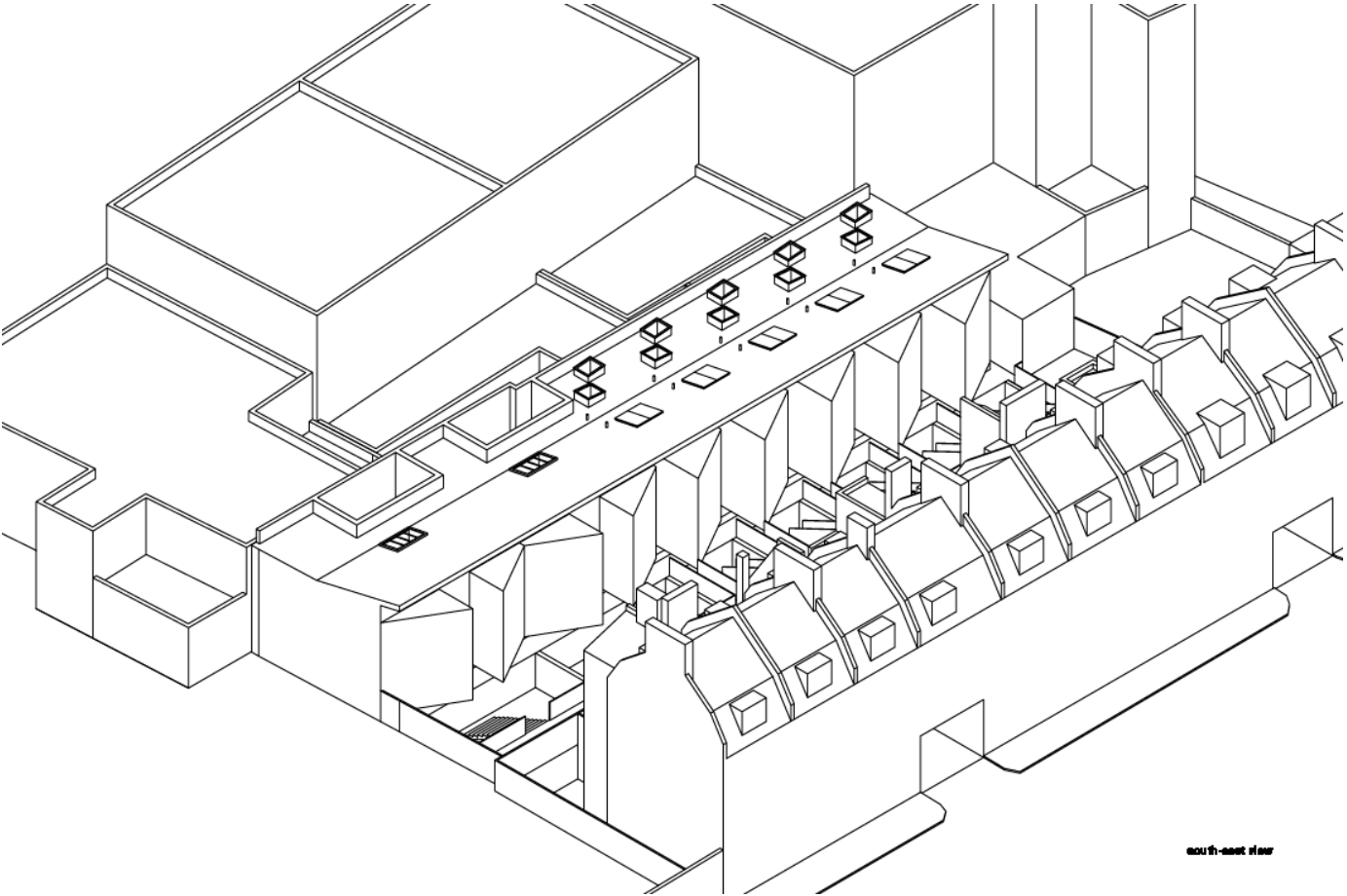


Figure 2: 04.68.252 - Proposed Axonometric - South-East

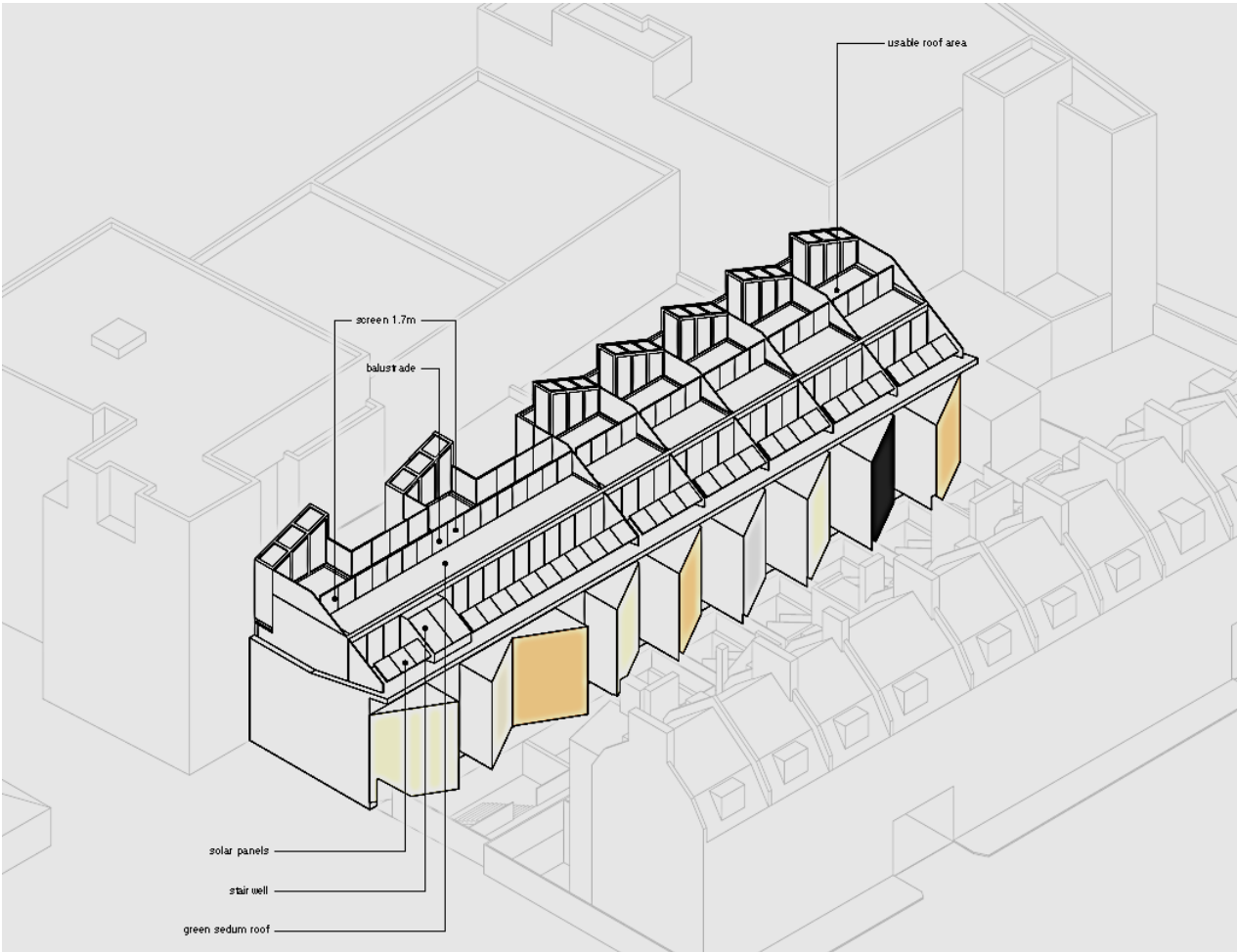


Figure 3: 04.68.230 - Proposed Study of Overlooking to Neighbours on Settles Street

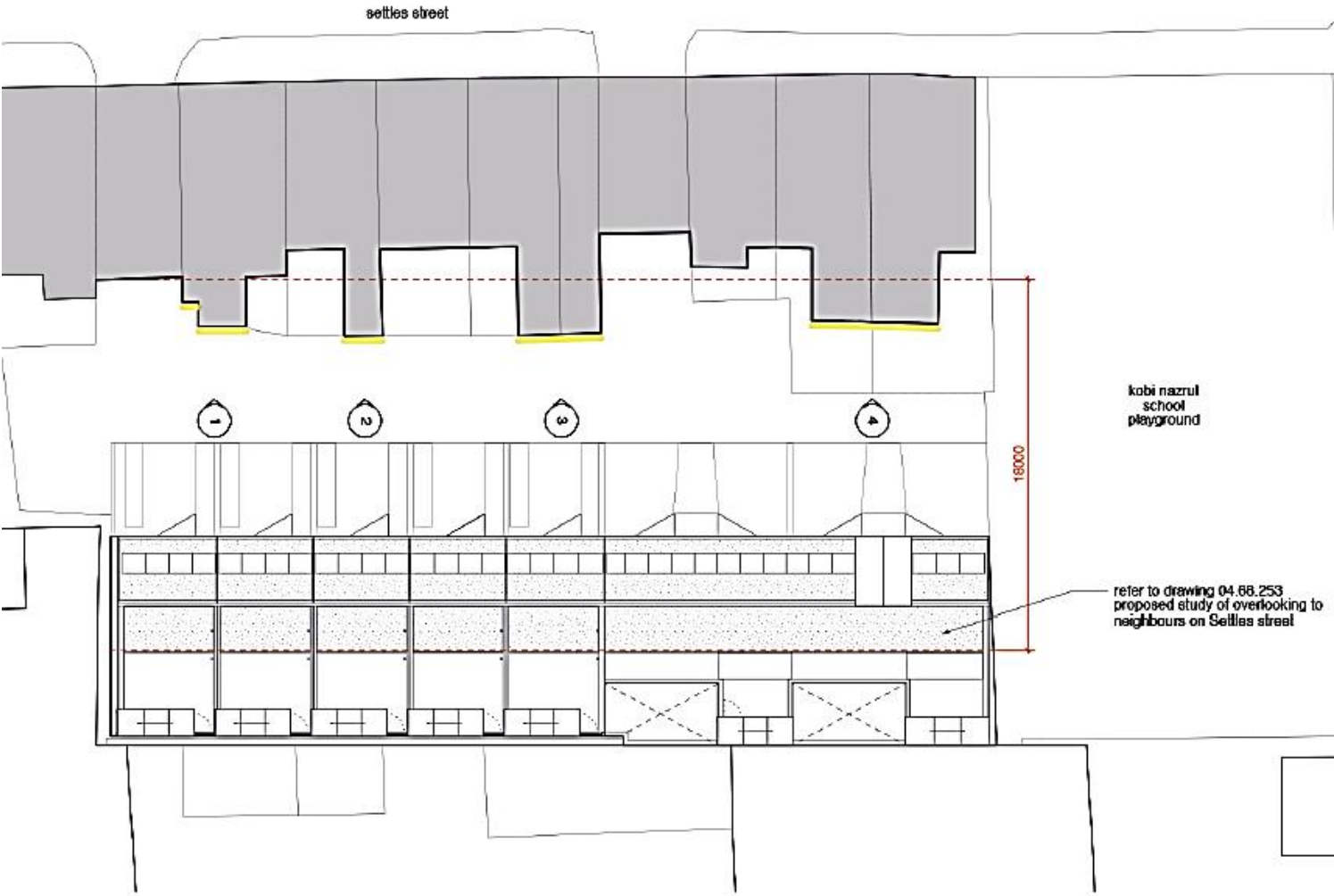


Figure 4: 04.68.220 - Proposed Section EE

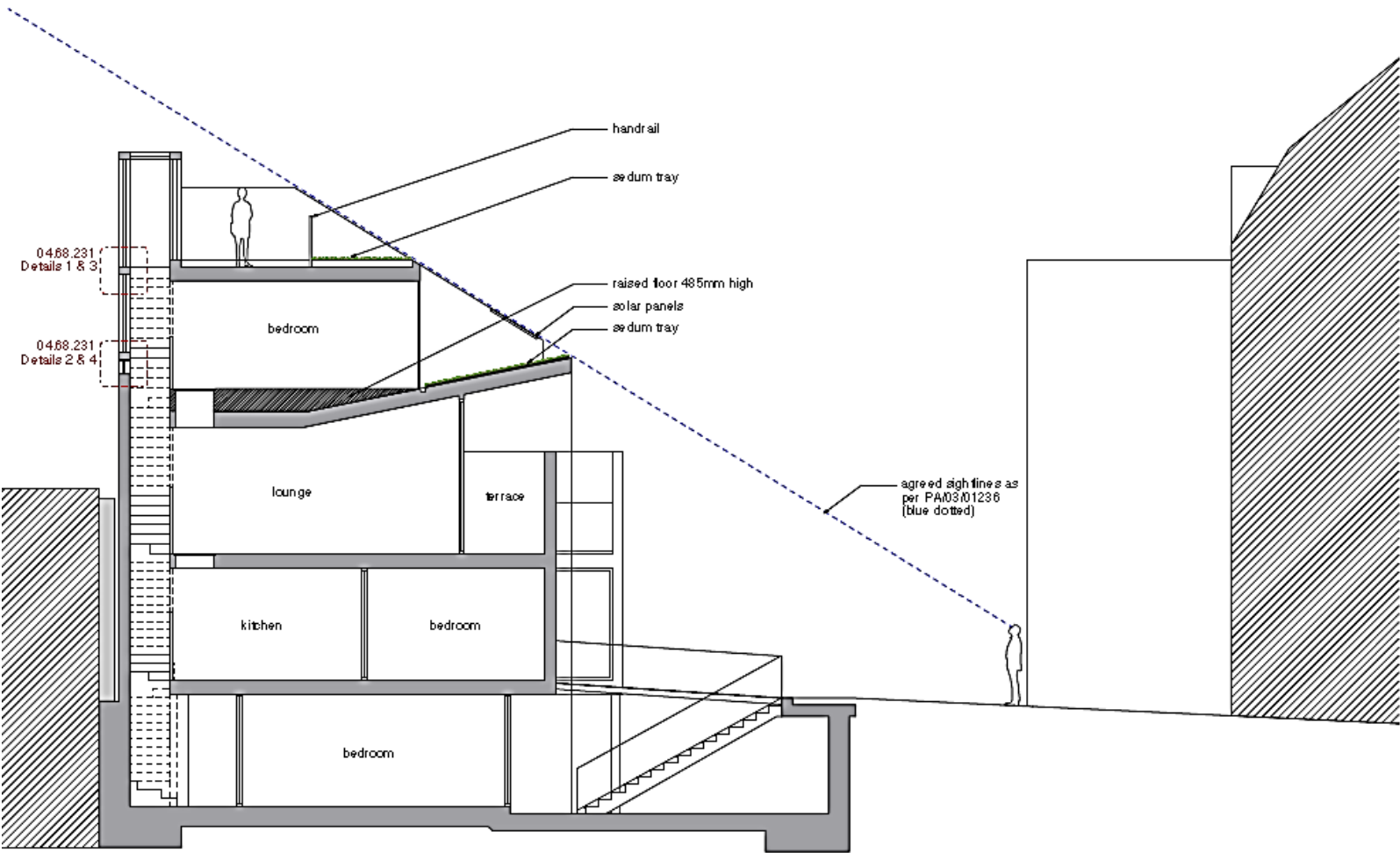


Figure 5: Rear of 86-88 Greenfield Road



Figure 6: Section through Rear Elevation of 86-88 Greenfield Road - W2-3

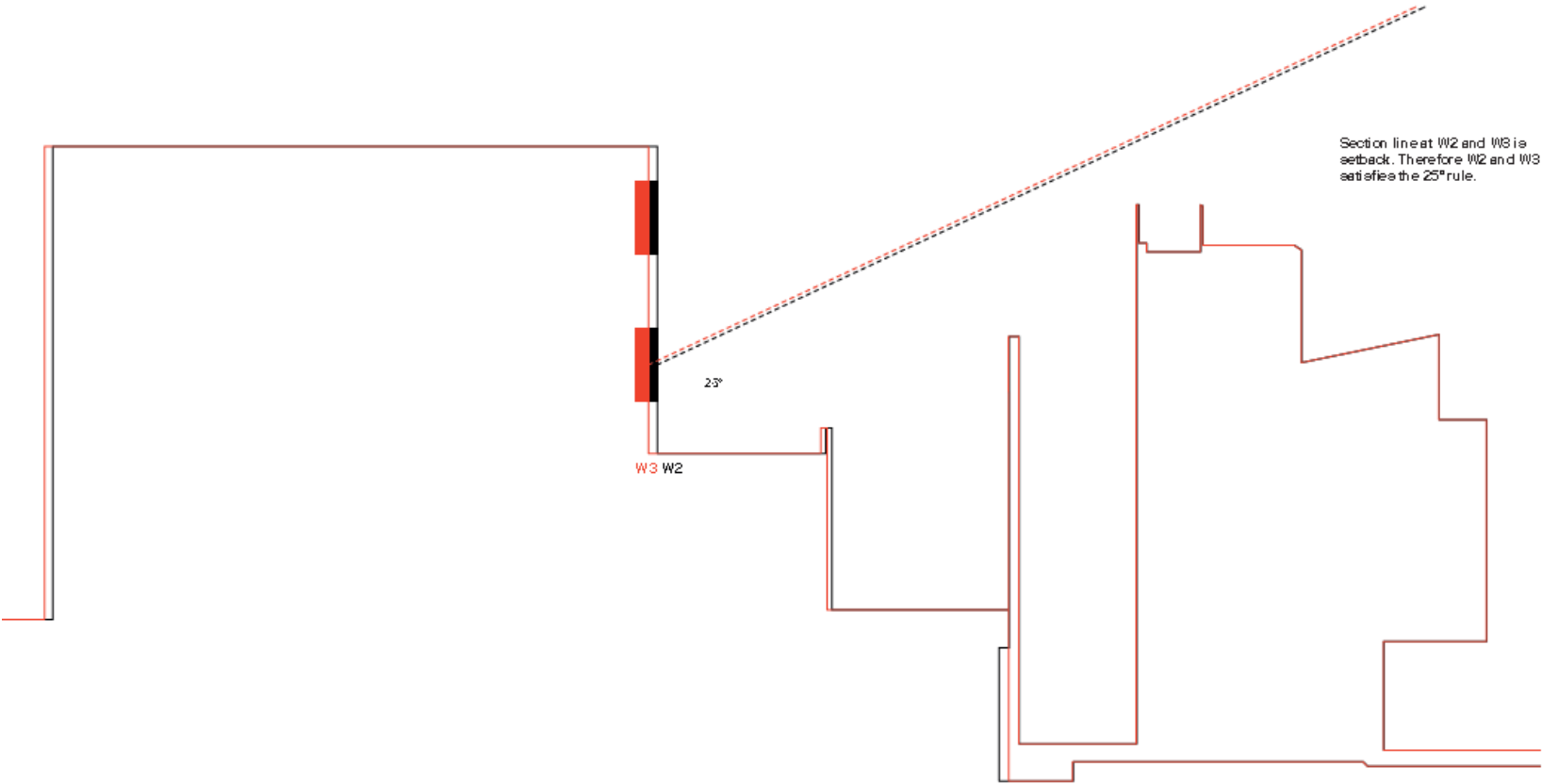
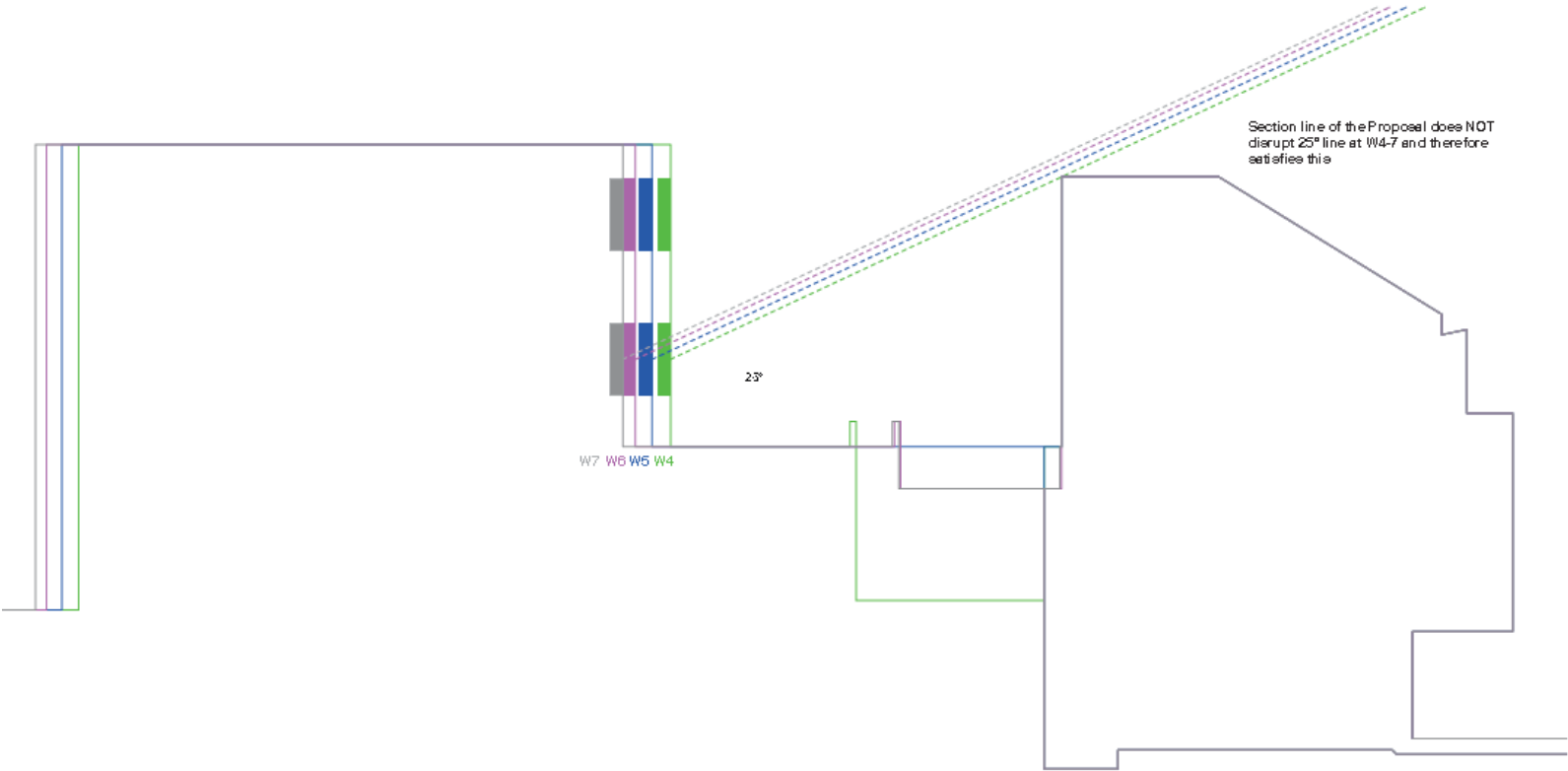
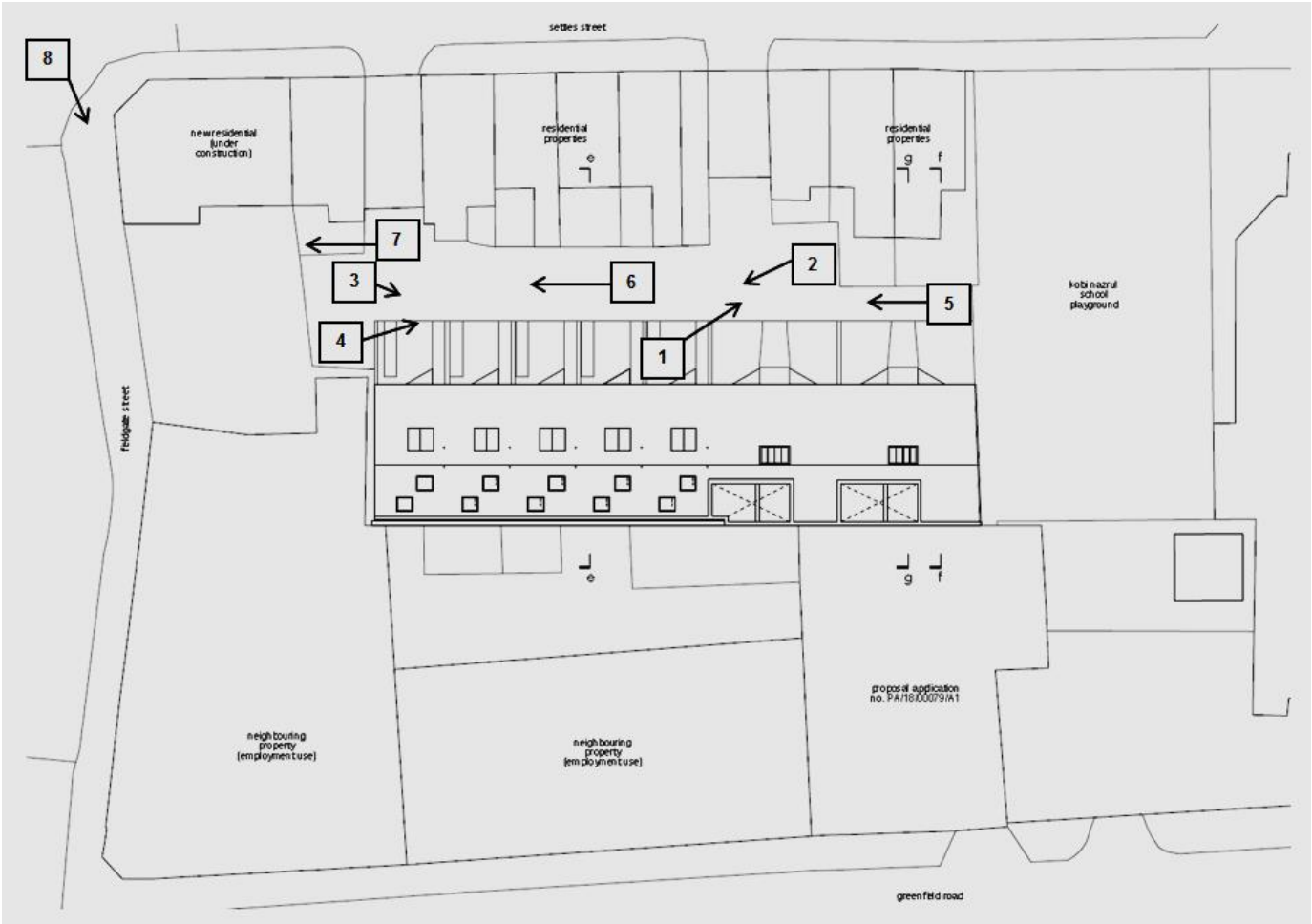


Figure 7: Section through Rear Elevation of 86-88 Greenfield Road - W4-7



Appendix 4: PHOTO ORIENTATION MAP



View 1



View 2



View 3



View 4



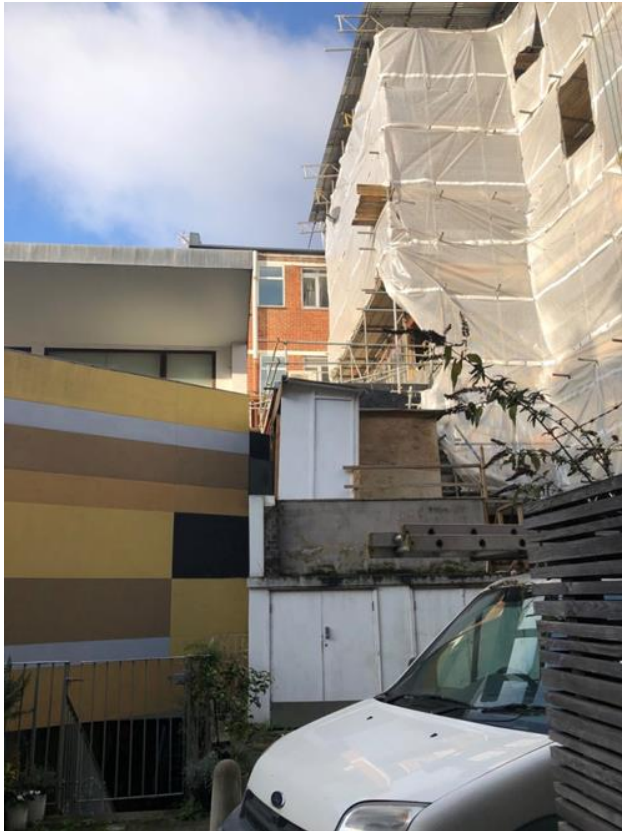
View 5



View 6



View 7



View 8



Committee: Development Committee	Date: 13 th February 2019	Classification: Unrestricted
Report of: Place Directorate		Title: Application for Planning Permission
Case Officer: Daria Halip		Ref No: PA/16/02806
		Ward: Stepney Green

Special Circumstances and Reasons for Urgency

- The report was unavailable for public inspection within the standard timescales set out in the Authority's Constitution; and because of a scheduling issue the document was published 24 hours after set date.
- The applications cannot be deferred to a later meeting as the decisions are time sensitive and involve consultees external to the Council and all parties were expecting the applications to be heard on this date.

1.0 APPLICATION DETAILS

Location:	2 Jubilee Street, London E1 3HE
Existing Use:	Vacant office building (B1)
Proposal:	Demolition of part of the existing buildings (to the north) containing 517sqm of floor space; retention and refurbishment of remaining existing office (665sqm) building (on southern part of site) and single storey roof extension (195sqm) to create new B1 office floor space; creation of a new build six storey (with setback top floor) residential block to the north to provide 37 dwellings (6 x studio, 15 x 1 bed, 12 x 2 bed, 2 x 3 bed, 2 x 4 bed) together with amenity areas, cycle parking and refuse/recycling stores.
Drawings and Documents	Refer to Appendix 2
Ownership/applicant:	IPE Jubilee Limited
Historic Building:	No listed buildings on site; however, the application site neighbours the Grade II Listed, The George Public House and the Commercial Road Conservation Area.
Conservation Area:	Abuts Commercial Road

2.0 EXECUTIVE SUMMARY

- 2.1 Officers have considered the particular circumstances of this application against the provisions of the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) in addition to the London Plan MALP (2016) as well as the National Planning Policy Framework (2018) and all other material considerations including the Equalities Act as set out in this report, and recommend approval of planning permission subject to conditions.
- 2.2 The application site is vacant and unallocated in the Local Plan.
- 2.3 The proposal is for redevelopment of the site to provide 37 residential units, in accordance with policy requirements under policy 3.4 of the London Plan (2016), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development Document (2013). These policies seek to ensure that the use of land is appropriately optimised.
- 2.4 The development would also make provision of quality office space for local businesses which is also policy compliant and supported.
- 2.5 The development would provide an acceptable mix of housing types and tenure including the provision of 35% affordable housing that would be split 75% affordable rented (with the rented units split between London Affordable Rent and Tower Hamlets Living Rent) and 25% intermediate. The proportion of 35% affordable housing is strongly supported and would complement the range of accommodation provided within the area.
- 2.6 The design of the scheme in terms of height, scale, general layout and appearance set within its immediate site context is appropriate and would deliver good quality homes in an appropriate location. All units would be served by either private balconies or small urban gardens that meet or exceed minimum London Plan SPG requirements for private amenity space.
- 2.7 The density of the scheme is considered acceptable. There would be no unduly detrimental impacts upon the amenities of neighbouring building occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure which would be indicative of overdevelopment. The high quality accommodation provided, along with appropriate external amenity spaces would create a good living environment for the future residents of the scheme and future occupiers of the employment space (B1 use Class) within the scheme.
- 2.8 The proposal would allow the grass root music venue, The George Public House, to continue to operate as it has been for many years including operate live music events that on occasion emanate significant levels of noise. The detailed design of the scheme has been carefully adapted to ensure any noise breakout from the George Public House would not present amenity issues for future residents of the scheme. The necessary design measure and acoustic safeguards would be secured by planning condition. In addition a mechanism is put into place to limit the opportunity for future residents of the proposed scheme to lodge a complaint on noise grounds, through a Deed of Easement. This would ensure that future operation of the Public House and the events take place within it would not be jeopardised by this scheme. The content of the Deed of Easement was agreed by all subject parties (the pub landlady, the developer and the Council) ensuring that the vitality of the Public House

is safeguarded and the Deed would be signed by relevant parties prior to Decision Notice being granted, if there is a resolution to grant consent for the proposal.

- 2.9 The development is policy compliant in terms of transport and highways, including parking provision, access and servicing arrangement such that the scheme will incur no detrimental impact upon highway safety or congestion on the surrounding highways network..
- 2.10 The scheme would meet the full financial and non-financial contributions required by policy.
- 2.11 Subject to the recommended conditions and obligations, the proposal is considered to constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the development plan and there are no other material considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the following planning obligations:

Financial Obligations:

- a) A contribution of **£12,472.00** towards employment, skills, training for the construction phase
- b) A contribution of **£5,469.75** towards the training and development of unemployed residents in Tower Hamlets
- c) **£2,500** monitoring fee (£500 per individual S.106 Heads of Terms)

Total £20,441.75

3.5 Non-financial Obligations:

- a) Affordable housing 35% by habitable room (9 units, 32 habitable rooms) of which:
 - 75% Affordable Rent (6 units, 24 habitable rooms):
 - 4 units at Tower Hamlets Living Rent 3x 2bed 4person and 1x 2bed 3 person;
 - 2 units at London Affordable Rent (both of which are fully accessible wheelchair accessible /c units to part M4(3)2B at: 2x 4bed units 6 person;
 - 25% Intermediate/Shared Ownership (3 units, 8 habitable rooms)
 - 2x 2b 3 person and
 - 1x 1b 2 person
- b) Access to employment
 - 20% Local Procurement
 - 20% of the construction phase workforce will be local residents
- c) Car-permit free agreement;
- d) Two disabled parking spaces
- e) 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 informative to secure the following matters:
- 3.6 Conditions:

Compliance Conditions

1. Permission valid for 3yrs
2. Development in accordance with approved plans
3. Hours of demolition and construction
4. Refuse stores to be provided prior to occupation
5. Internal Noise Standards
6. All lifts operational prior to occupation of the relevant part of the development
7. 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.
8. Compliance with Energy & Sustainability Strategy
9. Access to roof top amenity space for all the office users

Prior to Commencement Conditions:

10. Construction Environmental Management Plan
11. Ground contamination remediation and mitigation
12. Details of piling, all below ground works and mitigation of ground borne noise

Prior to commencement of 1st upper floor slab structure

13. Biodiversity mitigation and enhancements including biodiverse roof details
14. Child play space details including access arrangements, management and equipment
15. Detailed specification, tilt angle and location of photovoltaic panels
16. Scheme of highway improvement works

Prior to commencement of works on superstructure conditions:

17. Site wide drainage scheme and surface water measures in consultation with Thames Water
18. Details of all plant and machinery including air quality neutral measures
19. Details of all external facing materials including balcony details and screening details (both samples and design specification)
20. Details of all windows, doors and all acoustic enhancement
21. Layouts of Part M wheelchair units
22. Details of waste storage facilities

Prior to Occupation' Conditions:

23. Details of cycle parking, access to cycle stores, design and associated facilities
24. Final energy calculations to show how the scheme has delivered the stated carbon emission reductions;
25. Details of public realm enhancements, landscaping (including soft & hard landscaping), street furniture and boundary treatment

26. Details of all external lighting prior to occupation
27. Secured by Design accreditation
28. Details of privacy screening measures to windows in south elevation
29. A scheme for the attenuation of externally generated noise post completion and prior to occupation. The scheme to include the sound attenuation of the building envelope, the acoustic performance of any ventilation system and the detailed layout of the building.

Informative

1. Subject to s106 agreement
 2. Subject to Deed of Easement agreement
 3. CIL liable
 4. Thames Water informative
 5. Fire & Emergency Recommendation for sprinklers
 6. Footway and Carriageway
 7. Building Control
- 3.8 Any other conditions or informative considered necessary by the Committee or the Director of Place.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The site lies to the south-eastern end of Jubilee Street and is close to the junction with Commercial Road. The building on site is a 1960s/70s structure consisting of three storeys office use with associated car parking and servicing. The site is currently vacant, but was previously owned by the Council as offices and meeting rooms. The plot of land was sold to a private developer in May 2016. The office accommodation extends to 1182sqm of floor space and the overall site adds to 0.115ha.

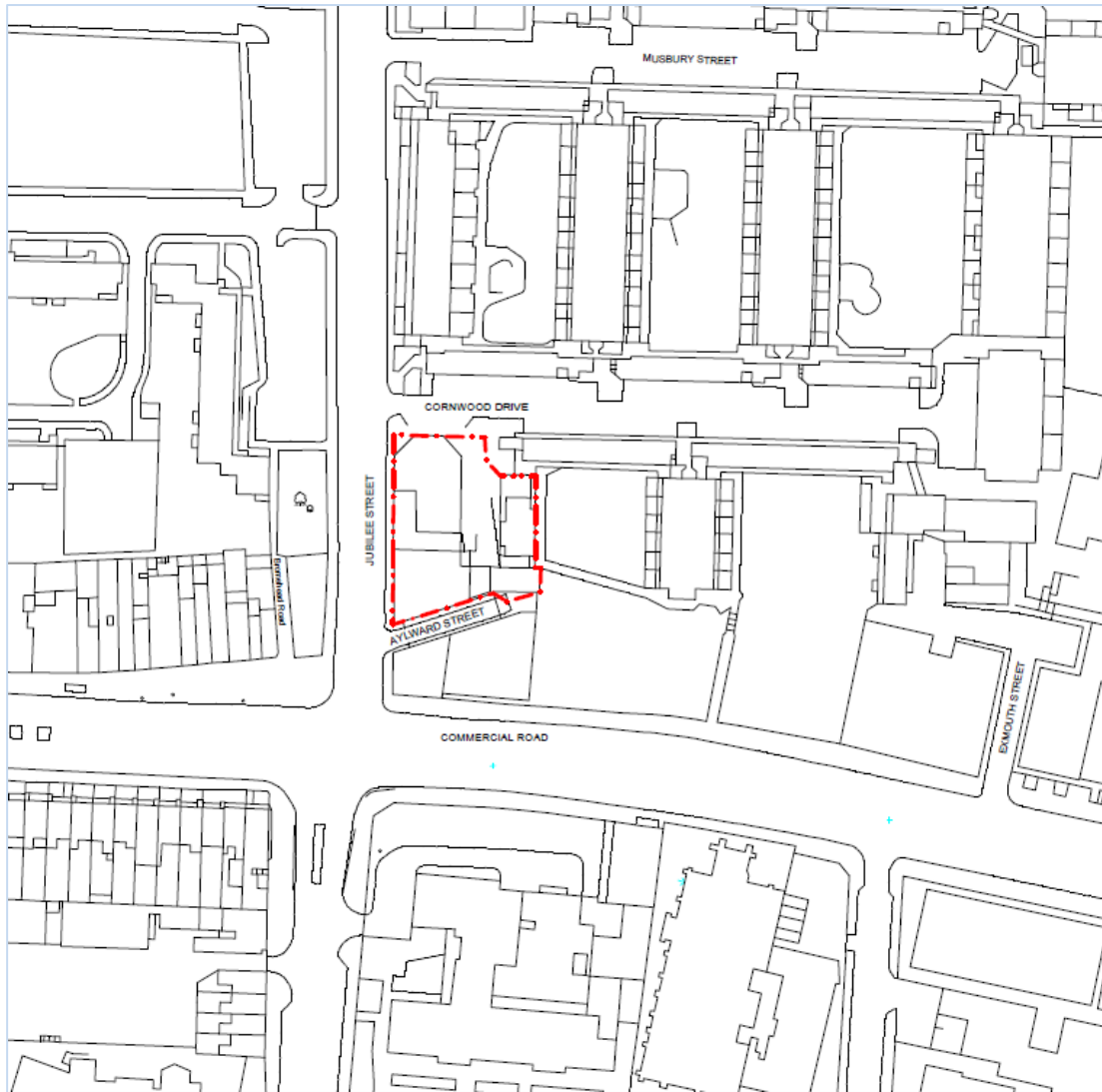


Figure 1: Existing Site Plan

- 4.2. The surrounding area is predominantly residential and buildings range from 3 to 7 storey high. Commercial Road in contrast is an arterial road and attracts more commercial/retail uses interspersed with residential mostly at upper levels. The nearest District Shopping Centre is Watney Market located approximately 320m to south west of the site.
- 4.3. The site has its main frontage on Jubilee Street with a side return on Cornwood Drive to its north. To its south, the site adjoins Aylward Street which is now blocked off and used by the owner/occupiers of the George Public as a beer garden. The site adjoins (to the east) Exmouth Estate, a large 1960s social housing development.
- 4.4. The site does not lie within a conservation area but falls just outside of the Commercial Road Conservation Area, as shown on the map (Figure 2) below. The building further south of the site and fronting Commercial Road is the Grade II listed The George Tavern. Other Grade II Listed buildings can be seen along Commercial Road to the south west of the site (highlighted blue in Figure 2).



Figure 2: Map showing conservation area (in pink) and listed buildings (in blue)

- 4.5. Jubilee Street lies within an area of good public transport capacity and enjoys a PTAL level 6a. A number of buses run along Commercial Road leading to Canary Wharf, Canning Town and further east, as well as to the City; Shadwell DLR station lies 560m south west of the site. To the north are Mile End Road and Whitechapel Road lying approximately 670m away; these roads are hosts to several bus routes serving east and west of the borough. Whitechapel and Stepney Green underground stations lie a short distance away along Mile End and Whitechapel Roads. The site lies approximately 690m south east of Whitechapel Station and 440m north east of Shadwell DLR and Overground station.

Planning History

Application site

- 4.6. None relevant to the current planning application, other than extensive pre-application discussions which were held between the applicant, their design team and LBTH planning officers (beginning in April 2014) culminating in the planning application that is the subject of this report.

Neighbouring sites

Car park between Jubilee Gardens and Jubilee Street (PA/16/02296)

- 4.7. Removal of existing car park and erection of new 5, 6 and 7 storey building providing 24 dwellings for affordable rent. New vehicular access from Jubilee street and conversion of Jubilee Gardens into a one way road, relocation of the existing bus stop and the removal of seven car parking spaces on Jubilee Street. Approved 01/11/2016

Former Stepney's Nightclub, adjacent to The George PH (PA/11/03301)

- 4.8. Demolition of existing/vacant single-storey building adjacent to the George Tavern (PH) and erection of a 3 storey mixed use building to provide new commercial floor space falling within use classes A1, A2 and/or B1 together with 6 new flats (3 x 1 bed & 3 x 2 beds) on upper floors including cycle parking, refuse/recycling facilities and amenity provision. Scheme refused and Appeal dismissed 03/05/2017

Proposal

- 4.9. Full planning permission is sought for the part demolition and part retention of existing building on site.
- 4.10. Retention and refurbishment of remaining three storey existing office (665sqm) building on the southern part of the site and creation of a single storey roof extension (195sqm) to create new B1 office floor space (860sqm).
- 4.11. Construction of a new build six storey (with setback top floor) residential block to the north to provide 37 dwellings (6 x studio, 15 x 1 bed, 12 x 2 bed, 2 x 3 bed, 2 x 4 bed), with associated landscaping, cycle parking and refuse storage facilities.
- 4.12. It is noted that the proposal was amended in November 2017 following discussions on design and control of noise. The number of residential units was reduced from 38 to 37 to accommodate the design changes.

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 (2018)

5.3 London Plan FALP 2016

- 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
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.13 - Affordable housing thresholds
- 3.16 - Protection and Enhancement of Social Infrastructure
- 4.1 - Developing London's Economy
- 4.2 - Offices

- 4.3 - Mixed Use development and offices
- 4.7 - Retail and Town Centre Development
- 4.8 - Supporting a successful and diverse retail sector
- 4.10 - New and Emerging Economic Sectors
- 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
- 5.17 - Waste Capacity
- 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
- 7.8 - Heritage assets and archaeology
- 7.9 - Access to Nature and Biodiversity
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting local open space and addressing local deficiency
- 7.19 - Biodiversity and access to nature
- 8.2 - Planning obligations
- 8.3 - Community Infrastructure Levy

5.4 **Core Strategy 2010**

- 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 place making
- SP13 - Planning Obligations

5.5 Managing Development Document 2013

- DM0 - Delivering Sustainable Development
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM8 - Community infrastructure
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- 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
- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

5.6 Mayor of London Supplementary Planning Guidance

- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Sustainable Design and Construction (2014)
- Housing SPG (2016)
- Affordable Housing & Viability (2017)
- Control of Dust and Emissions During Construction and Demolition (2014) Best Practice Guide
- Social Infrastructure SPG (May 2015)
- London's Grassroots Music Venues, Rescue Plan (October 2015)
- Culture and the Night Time Economy SPG (November 2017)

5.7 Other Relevant Documents

- National Planning Practice Guidance
- LBTH Planning Obligations SPD (2016)
- Commercial Road Conservation Area Appraisal (2007)
- LBTH Development Viability SPD (2017)
- Site Layout Planning for Daylight and Sunlight, BRE 2011

5.8 Tower Hamlets Community Plan objectives

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

5.9 Emerging Planning Policy

Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is now closed. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker.

The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and has closed. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has recently undergone its Examination in Public, its weight remains limited.

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

Thames Water (TW)

6.3 No objections. Conditions and/or informative are requested relating to the provision of a piling method statement, public sewers crossing or close to the development, surface water drainage and water/flow pressure.

The Night Czar, Greater London Authority (GLA)

6.4 No objections subject to a Deed of Easement being secured by all parties, to ensure that new residents and the existing venue can co-exist in harmony.

Transport for London

6.5 Car free development with blue badge parking available in the vicinity is welcomed. The overall quantum of cycle parking provision for both the residential and office element on site is supported. Clarification over the type of cycle stands to be adopted including location of the cycle stores to be provided. 5% of cycle spaces provision should accommodate larger cycles. The applicant to clarify details of the 10 cycle spaces for the office element on site. These should be designed in line with London Cycle Design Standards and secured by condition in consultation with TFL.

Historic England

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

Internal Consultees

Highways

- 6.7 Car Parking - Highways require a section 106 'car and permit' free agreement for this development as it is located in a good PTAL area (PTAL 6a). 2 accessible parking bays would be secured for this proposal. The two bays would be on private land and therefore would be implemented and enforced by the applicant and Swan Housing. The applicant would be responsible for all the works as part of their development and agree any payments privately, with the land owner.
- 6.8 Cycle Parking - an internal residential cycle storey with 44 spaces, all double stacked is being provided; furthermore, an external residential store with 10 spaces, all Sheffield Stands is also being provided. For the commercial space, an internal commercial cycle store containing 10 spaces with double stacking is proposed. 2 short stay spaces for the office and 1 short stay space for the residential are also required which would be conditioned as would the entire cycle parking provision. LBTH's preferred option is the Sheffield stand (1 Sheffield Stand = 2 cycle space) or a similar hoop design which allows bicycles to be rolled into a horizontal ground level position effortlessly while at the same time providing increased security.
- 6.9 Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development.
- 6.10 Due to the location of the proposed development, Transport and Highways require the applicant to submit a Construction Management Plan (CMP) to the local planning authority and receive written approval for the CMP prior to commencement. This must be secured through a planning condition.

Biodiversity

- 6.11 A landscape plan for the proposed biodiverse roof and play area at ground floor to be secured by condition. The landscape plan to ensure that the development would provide a net increase in biodiversity value, in line with the planning policies and objectives in NPPF and DM11 in the MDD.

Tree officer

- 6.12 No objections.

Waste policy and Development

- 6.13 Details on the volume of waste by liters, size and type of containers to be used for both residential and commercial units to be submitted for approval. All bins must meet BS Standards.
- Bin Stores: should be step free accessed with all containers with 150mm distance between each container; the width of the door should be sufficiently large with catches or stays. Internal access to the main residential bin stores should be considered.
 - Commercial bin stores: should be step free accessed directly from the public highway.
 - Waste collection service: dropped kerb should be secured to ensure step free access from the bin store to collection point. Bins for individual and commercial units appear beyond the 10m trolleying distance.
 - Internal storage requirements: all residential units should be provided with internal waste storage, preferably within the kitchen units, with the following capacity: refuse 40l, recycling 40l and food waste 10l

LBTH Appointed Noise Consultant

- 6.14 The proposed development site is adjacent to a long established licensed premise known as the George Tavern Public House (The George) which is a grass root music venue. Consequently, in line with the advice of Government Policy in paragraph 182 of the Revised National Planning Policy Framework (NPPF) it is important to ensure that should the mixed-use proposal go ahead that it incorporated adequate mitigation measures to prevent the new residents suffering from noise nuisance because of this existing business. So that the George would not be required to put in place unreasonable noise control measures in response to complaints by the new neighbours/residents.
- 6.15 The proposal would include noise mitigation in the design, layout and construction of the new scheme, including a buffer of offices between the residential parts and the George, including upgrading the noise insulation of the building envelope. This approach complies with the principles of national planning practice guidance to help avoid conflicts between residents of new housing and existing businesses. This is regarded as a practical demonstration of Good Acoustic Design incorporating the 'Agent of Change' principle.
- 6.16 The submitted noise assessment and proposals for incorporating noise mitigation into the scheme demonstrates that adequate control of noise can be achieved so that unacceptable adverse effects would be prevented. Significant adverse effects would be avoided and adverse effects suitable mitigated and minimised in the context of government and local policy. Furthermore, noise mitigation and control measures can be incorporated into the proposed scheme so that complaints by future residents would be unlikely and in the improbable event that complaints arise, it is considered that they would be highly unlikely to result in unreasonable restrictions being imposed to the George.
- 6.17 The circumstances of the urban nature of the location the mitigation proposed within the scheme, including using the building envelope with windows closed to provide noise insulation along with alternative means of ventilation and control of overheating so that windows do not have to be open, is satisfactory.
- 6.18 In coming to the view that the principle of the scheme is acceptable, weight has been given to the fact that the site is within a central urban area with an already robust noise environment from multiple noise sources other than the George. It is therefore recommended conditions are imposed onto the said decision notice requiring provision of appropriate noise mitigation and alternative means of ventilation and cooling other than opening windows, as described in the submitted assessments and reports.

7.0 LOCAL REPRESENTATION

Public Consultation

- 7.1 Letters were sent to occupiers of neighbouring properties on the original submission in 2016, on 25th October 2016 and then on the revised scheme, on 28th November 2017. Site notices (11/11/2016) were displayed outside the application site and a press advert (7/12/2017) was published in the local press. The following responses were received in relation to that scheme.

No of individual responses:	Objecting: 110 Supporting: 0
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No of petitions received:	0
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- 7.2 The key issues raised in representations received are listed below:

Amenity

- Noise from the George PH and the future threat the scheme then may pose to the future of the Public House as a pub and a live music venue from prospective noise complaints made by new residents within the scheme living in close proximity to the Public House
- Bringing new residents including family housing into a known high noise environment
- The noise and dust produced by the demolition and construction of this large development will affect the quality of life of the residents for an extended period
- The demolition and construction might reduce access to the estates bordering on this proposed development

Design

- The six storey block will not blend in with the local buildings, especially the George Tavern, which is a historical building that gives the area some character.
- Tall building will be an eyesore and cast a shadow over the existing properties in the area and therefore will probably reduce the value of residential property in the area

Highways

- Increase in heavy traffic to this area
- Increase noise and add to the congestion of the local roads/streets

8.0 MATERIAL PLANNING CONSIDERATIONS

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

- i. Land Use
- ii. Heritage and Design
- iii. Housing and Amenity for future residents
- iv. Noise Nuisance and safeguarding the future of George PH
- v. Neighbours Amenity
- vi. Transport, Access and Servicing

- vii. Sustainability and Environmental Considerations
- viii. 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 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. It is a core planning principle within the NPPF 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. Paragraph 80 states that the central government is committed to securing economic growth in order to create jobs and prosperity. The planning system should operate to encourage and not act as an impediment to sustainable growth. The NPPF stresses that significant weight should be placed on the need to support economic growth through the planning system.
- 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. London Plan policy 4.1 seeks to promote and enable the continued development of a strong, sustainable and diverse economy, ensuring the availability of sufficient workplaces in terms of type, size and cost. Policy 4.2 seeks office provision for small enterprises, including that of affordable office space. The Council's Core Strategy policy SP06 seeks to maximise and deliver investment in the borough by supporting the competitiveness, vibrancy and creativity of the local economy, ensuring a sufficient range, mix and quality of employment uses and spaces with a particular focus on the small and medium enterprise sector, and through ensuring job opportunities are provided in each place and at the edge of town centres.

Principle of B1 office use

- 8.6 The site comprises a vacant former office building on three storeys with an established B1 office use class. The total floor space as stated within the application proposal is approximately 1180sqm. Jubilee Street is predominantly residential. The site does not lie within a town centre but is very close to Commercial Road. The nearest District Shopping Centre is Watney Market located some 320m west of the site.

- 8.7 Policy SP06 of the Core Strategy provides the basis to support the growth of existing and future businesses across the borough through maximising and delivering investment and job creation.
- 8.8 DM15 of the MDD outlines how new development can and will contribute to delivering growth in locations outside designated employment policy areas. Policy DM15 (1) is particularly relevant in this case with regards to loss and re-provision of employment spaces. The first part of DM15 states that *“the upgrading and redevelopment of employment sites outside of spatial areas will be supported”*.
- 8.9 The second part of DM15 (1) states that *“Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition”*.
- 8.10 The current area of the entire (vacant) building is about 1180sqm and this is in the form of very outdated and not fit for purpose employment floor space. The proposal would retain B1 use on site which in policy terms is acceptable. A total of 665sqm would be retained and refurbished within the new development including 40sqm of office space in the form of a mezzanine and a further 195sqm would be provided within the new fourth floor level at roof level of the existing building. The scheme would result in a net loss of 320sqm of employment space. However this loss is considered acceptable as the current building has stood vacant for some years, is not fit for modern office employment and the new reduced quantum of office floorspace would provide a ready opportunity for realising greater employment density on the site given it would be fit for purpose. The scheme would not be providing ‘premium grade office space’ but spaces catering to the needs of start-up businesses and small and medium sized enterprises (SMEs).
- 8.11 The principle of regenerating the building is supported. It is currently in a state of disrepair with little prospect of finding future tenants. The proposed employment space is capable of providing accommodation for 41 full time employees. As such the development will bring much needed life and economic investment to the site and will increase employment opportunities within the area. Tower Hamlets hosts a significant financial services sector and also a large number of small and medium enterprises (SMEs). Maximising employment for local people is a major priority for the Council, and employment opportunities arising from development in the borough should be made accessible to its residents to increase employment levels and help to tackle poverty and social exclusion.
- 8.12 The scheme would deliver employment spaces well suited for occupancy by small and medium enterprises. It is considered the redevelopment of the site is consistent with land use policies SP016 and DM15 of the Local Plan together with policies 2.9, 2.13, 4.1, 4.2 and 4.3 of the London Plan.

Principle of residential use

- 8.13 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.

- 8.14 The principle of residential use at this site is acceptable in line with SP02 (1a) which focuses new housing in the borough. The site was sold by the Council, with a view for it to come forward for a residential development.
- 8.15 Given the above and the residential character of surrounding area around the site, the principle of a housing development on this brownfield site is strongly supported in policy terms.

Residential density

- 8.16 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.
- 8.17 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).
- 8.18 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).
- 8.19 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.
- 8.20 Housing SPG (March 2016) 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.
- 8.21 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.

HOUSING SPG

TABLE 3.2 - DENSITY MATRIX (HABITABLE ROOMS AND DWELLINGS PER HECTARE)

INDICATIVE AVERAGE DWELLINGS SIZE	SETTING	PUBLIC TRANSPORT ACCESS LEVEL (PTAL)		
		0 TO 1	2 TO 3	4 TO 6
	SUBURBAN	150 - 200 HR/HA	150 - 250 HR/HA	200 - 350 HR/HA
	3.8 - 4.6 hr/unit	35 - 55 u/ha	35 - 65 u/ha	45 - 90 u/ha
	3.1 - 3.7 hr/unit	40 - 65 u/ha	40 - 80 u/ha	55 - 115 u/ha
	2.7 - 3.0 hr/unit	50 - 75 u/ha	50 - 95 u/ha	70 - 130 u/ha
	URBAN	150 - 250 HR/HA	200 - 450 HR/HA	200 - 700 HR/HA
	3.8 - 4.6 hr/unit	35 - 65 u/ha	45 - 120 u/ha	45 - 185 u/ha
	3.1 - 3.7 hr/unit	40 - 80 u/ha	55 - 145 u/ha	55 - 225 u/ha
	2.7 - 3.0 hr/unit	50 - 95 u/ha	70 - 170 u/ha	70 - 260 u/ha
	CENTRAL	150 - 300 HR/HA	300 - 650 HR/HA	650 - 1100 HR/HA
	3.8 - 4.6 hr/unit	35 - 80 u/ha	65 - 170 u/ha	140 - 290 u/ha
	3.1 - 3.7 hr/unit	40 - 100 u/ha	80 - 210 u/ha	175 - 355 u/ha
	2.7 - 3.0 hr/unit	50 - 110 u/ha	100 - 240 u/ha	215 - 405 u/ha

Source: Greater London Authority

Figure 3: London Plan Residential Density Matrix

- 8.22 The site has a good public transport accessibility level (PTAL) of 6a. The London Plan defines "Central Areas as those with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre. The site and surrounding area has a character that fits the definition of a "Central" area given in the London Plan. The site is located within 500m walking distance of the London Central Activities Zone. The surrounding area is characterised by a mix of building typologies ranging from 4 stories to large tower blocks. Watney Market Town Centre is within walking distance of the site.
- 8.23 For a proposal with these characteristics, the table indicates that 650 to 1100 habitable rooms per hectare (hrph). Taking due account of non-residential floor space the proposal would be 1074 hrph, albeit the number of of residential units at 421u nits per hectare would lie just above the density matrix

- 8.24 The Mayor of London's 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. The 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.

Heritage and Design

- 8.25 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that great weight should be paid to the desirability of preserving or enhancing the character or appearance of designated heritage assets. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". Section 72(1) of the Planning (LBCA) Act 1990 requires decision makers determining planning applications that would affect buildings or other land in a conservation area to pay "*special attention the desirability of preserving or enhancing the character or appearance of that area*".
- 8.26 This statutory obligation is reflected within the policies set out in the NPPF. The implementation of legislation concerning the proper approach for assessing impacts on listed buildings and conservation areas has been addressed in Court of Appeal and High Court Judgments. The key outcome of these Court decisions for local planning authorities is the emphasis for decision makers in that when balancing the benefits and impacts of a proposal, the preservation of heritage assets should be given "special regard / attention" and therefore great weight and importance in the determination of applications.
- 8.27 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to 'Heritage, Design and Appearance' are Chapter 12 'Achieving well-designed places' and Chapter 16 'Conserving and Enhancing the Historic Environment.'
- 8.28 Chapter 12 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 8.29 Chapter 16 of the NPPF relates to the implications of a development for the historic environment and provides assessment principles. It also identifies the ways in which any impacts should be considered, and how they should be balanced with the benefits of a scheme. Paragraph 185 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

- the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment to the character of a place.
- 8.30 The NPPF is clear in its statement that the setting of a heritage asset comprises *‘the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.’* Paragraph 187 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- 8.31 Policy 7.8 of the London Plan (MALP 2016) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (MALP 2016) states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 8.32 The Tower Hamlets Conservation Strategy offers a clear understanding of the Tower Hamlets historic environment and the issues facing it and is intended to manage change and development within the Borough. It sets out a clear vision for ensuring that the historic environment is preserved and enhanced, and offers a positive strategy for the conservation and enjoyment of the Borough’s historic environment to ensure that it continues to be appreciated and enjoyed by current and future generations.
- 8.33 The Council’s Core Strategy 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. Policy DM24 of the Managing Development Document seeks high quality design in development, sensitive to the character of the surrounding area in terms of its use of materials, design details and building lines. This is supported by Policy SP10 of the Core Strategy and Policy 7.4 of the London Plan.
- 8.34 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.
- 8.35 Policy DM27 (1) of the Managing Development Document states that development will be required to protect and enhance the Borough’s heritage assets, including Listed Buildings and Conservation Areas. Policy DM27 (2) specifies that development within a heritage asset will only be approved where it does not have an adverse impact on the character, fabric or identity of the heritage asset, and requires development to be appropriate in terms of design, details and materials in the local context.

Assessment of existing building on-site

- 8.36 The existing building is modest in scale and height and is in a poor state of repair, which cannot be ignored. The front elevation is relatively nondescript and lacks distinctive quality or character in terms of architectural value. The building provides minimal positive townscape contribution to the street scene. Its architectural and

historical significance is low and as such there is no objection to the loss of the building. The building does not represent a non-designated heritage asset.

Impact of the new building on Commercial Road Conservation Area and the neighbouring the George Public House

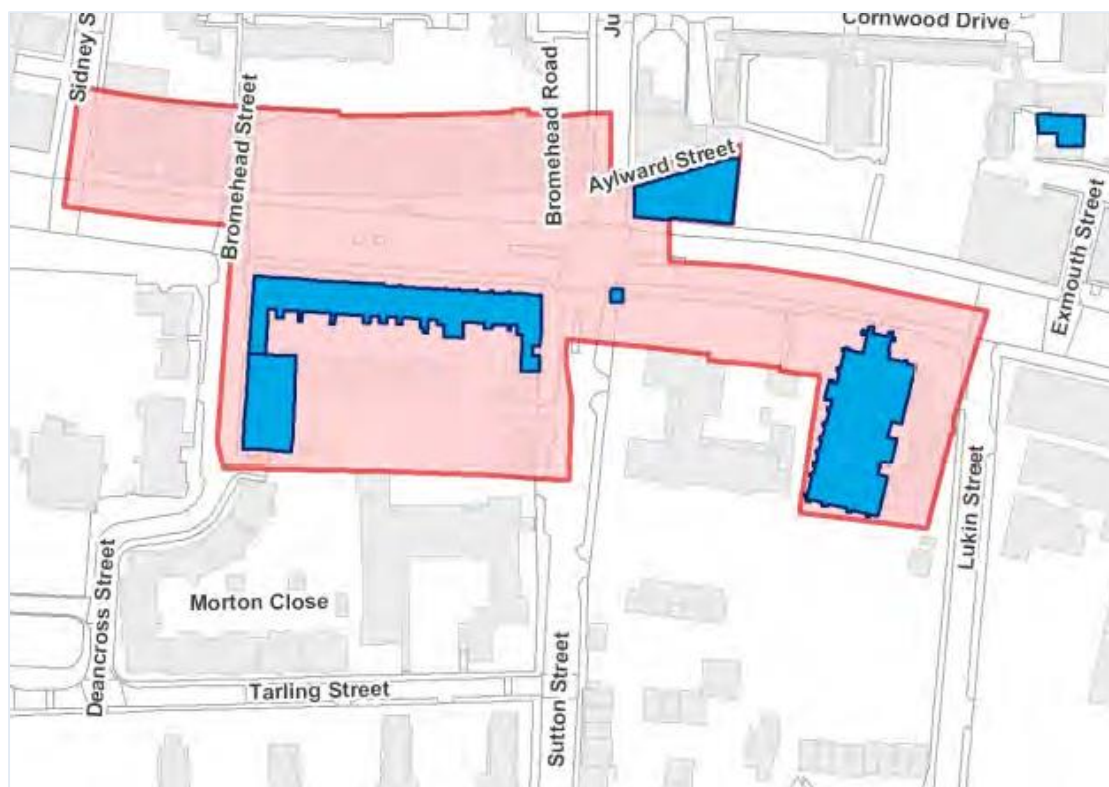


Figure 4: Map showing Commercial Road Conservation Area and Statutory listed buildings.

8.37 The application site lies just to the north of the listed Public House and the Commercial Road Conservation Area. The Conservation Area appraisal describes the townscape of the conservation area as “*not outstanding architecturally but does have some fine examples of mid and late Victorian terraced buildings. These form a homogenous and cohesive group, largely intact despite war damage and redevelopment*”.

8.38 The Conservation Area Appraisal describes the Grade II listed pub, The George, as follows:-

“The mid-19th century George Tavern Public House, established 1654, is set prominently at the corner of Jubilee Street and Commercial Road (No 373) with 2a Aylward Street. This handsome, three storey building has three facades with 4 windows facing south, 3 facing west and 1 on the Aylward Street façade. It features a stucco face to its two frontages, arches to the ground floor, a central pediment at first floor and a parapet roof level, providing this corner with great presence”.

8.39 Given the application site’s location, Council is required to assess what, if any, impact the scheme would have upon the setting of the George Public House (PH) and to what degree the setting contributes to the significance of the George PH as a

designated heritage asset. Council is also required to assess what degree the site contributes to the setting of the Commercial Road Conservation Area.

- 8.40 The surrounding area within this part of Jubilee Street is predominantly residential in character and neutral in its impact upon the aforementioned neighbouring designated heritage assets. However given the application site's close location to Commercial Road it is considered to give it an interesting position in the street scene. This is further heightened by the presence of the George PH. The PH building has a majestic presence on the street scene and is renowned for its architectural appearance and its use as a grassroots music venue. As stated already, the existing office building on the application site is of relatively recent construction and has little, if any, architectural merit. It has been vacant for some time, is in poor condition and detracts from the setting of the listed building and the character and appearance of the conservation area.
- 8.41 The replacement building would be a contemporary design and would respect the building lines of neighbouring buildings. The building height would be six storeys with the sixth floor stepped back from the parapet. The retained office would be extended to reach the height of the parapet of the George Tavern which would complement the prevailing coherent built form of the terraces within the conservation area. The windows at the first floor of the office would be designed to reflect the dimensions of those at the third floor of the pub which would achieve a much desired coherence. In addition to this, the proposal seeks to once again provide active frontages along Jubilee Street. The eastern portion of the site would be occupied by a number of contemporary terraces that would provide an attractive and active frontage to the open land found to the east. The use of recessed brickwork and white glazed ceramic cladding would reflect the palate of materials prevalent within the conservation area, including brick and stucco found at the George Tavern, as well as the nineteenth century terraces.
- 8.42 Furthermore, by setting back the roof storey, the mass and bulk of the building has been reduced so that the building would not appear overbearing within the context of its surroundings nor to the setting of listed Public House. Finish materials would be primarily brick, which is considered to be in keeping with the historic character of the area. In order to ensure that the facing materials are of satisfactory quality and finished appearance, samples and details of finishes shall secured by condition.
- 8.43 Overall, the development would relate well and enhance the setting to the George Public House. The proposed development provides an improvement to the overall townscape, through the partial demolition of the existing building on site. The proposed building, by virtue of its height, stepped roof profile, design and materials, would not adversely affect the significance of the setting to the neighbouring the George PH.
- 8.44 The development would provide a sympathetic transition along its Jubilee Street elevation between the more coherent character of the Commercial Road Conservation Area and the taller more modern housing developments that characterise the area to the north of the site. The proposal has been carefully designed to complement its sensitive location and it is considered that the choice of finish architectural materials and detailing would enhance the streetscene.

Height, Scale & Massing

- 8.45 As stated above, the proposed building height would be in line with other buildings in this area and would respect the George PH on its south elevation by retaining the

office building and adding one storey above, to appear coherent with the listed building. This part of the development would be four storeys high and would contain the office element. The rest of the building would be up to 6 storeys, with a recessed top level storey.

- 8.46 The massing of the scheme is broken up by the lower office block and the substantial stepping back of the roof top element on the residential element. Furthermore, the stepped up approach as seen from the south elevation, first from the amenity area of the office block and stepping up to the amenity area of the residential element, would help give the building block a balanced scale in line with the listed building and the residential block to the west.



Figure 5: View of the northern and western elevations



Figure 6: View of the office block/south-west elevation

- 8.47 Overall, officers are satisfied with the height, scale and massing of the proposal which has been subject to much negotiation and discussion between officers and the applicant, particularly during pre-application stage. The Urban Design and Conservation Team have reviewed this proposal and found the proposed scale and massing acceptable. Buildings rising up to 6 storeys are prevalent in the area and the additional set back storey set away from the listed building is welcomed. The top level setback successfully mitigates the impact of an additional floor upon the street scene.
- 8.48 The balconies located on the north-east corner of the building are considered acceptable and would provide welcome additional amenity space. To the rear, the fully projecting balconies add visual interest to the overall composition of the elevation. From the street the balconies are slightly recessed and this move is welcomed in order to reduce their impact on the street scene and to add a greater perception of depth to the façade.



Figure 7: View of the east elevation including The George PH

- 8.49 The proposed additional massing compared to the existing office building is not considered to have a detrimental impact on the setting of the neighbouring listed building, nor on the character and appearance of the adjacent conservation area. Subject to condition, it is considered that the proposed development would incorporate the principles of good urban design and would take into account and respect the surrounding built form and public realm in terms of scale, height and massing and finished appearance. The proposals would therefore accord with Policies 7.8 and 7.9 of the London Plan (MALP 2016) Policy SP10 (4) of the Council's adopted Core Strategy (2010) and Policies DM24 and DM27 of the Council's adopted Managing Development Document (2013).

Layout, Architectural Appearance, Materials and Landscape

- 8.50 Most of the original building and rear yard would be demolished except for the southern part which would be retained and refurbished to use as B1 offices. The new building would occupy the entire site and would sit close to its perimeter lines. The office and residential blocks would have their own separate entrances, lifts and stair cores. The following plan, Figure 8, shows the proposed ground floor layout.

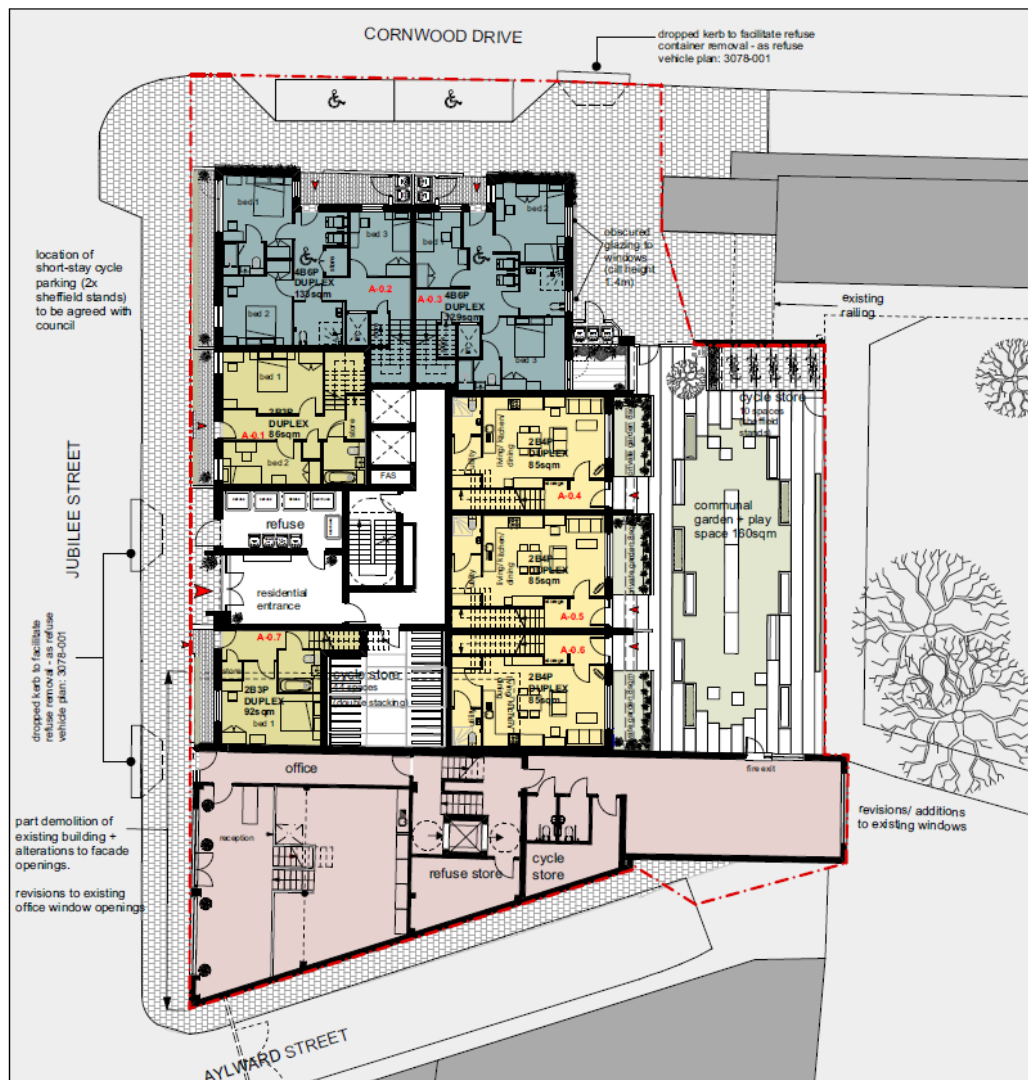


Figure 8: View of the ground floor layout, including 2 accessible car parking spaces on Cornwood Drive.

- 8.51 Pedestrian access to the development would be from Jubilee Street for both the office and residential elements. All the ground floor residential units would be duplexes with their own private entrances from either the street or off a communal garden area, in the case of the 3 east facing duplexes. Cycle and refuse stores would be located within the main building for the residential units located on the upper floors. The office would have its own cycle and refuse storage internally within the ground floor. The two 4 bed units to the north of the site would have their own private refuse storage; the three rear units would be given a dedicated bin area at rear near the communal area. Further bin storage and cycle parking would also be located at rear and accessed via Cornwood Drive.
- 8.52 The proposal would provide three separate private amenity spaces, one for the office block at roof level, the second one on the ground floor to the east and the third one on the roof of the residential part of the building. The ground floor amenity space would consist of a communal amenity area and dedicated child play space. The fifth floor external amenity area would be space exclusive for use of the office tenants. The ground floor units would have small front gardens. All residential units on the upper floors would benefit from private amenity space provided by balconies.

- 8.53 In terms of layout, it is considered that the proposal would capitalise on and gainfully use the green space to the east of the site. The proposal would open up to this green space and would create a more inviting appearance to the east where currently this is just an unused green space to the rear of the public house and derelict office building. The rear elevations would be enclosed by a low wall alongside the communal area but a gate would give access to the green open space which also leads to Commercial Road. The rear area of the building elevation will also benefit from natural surveillance and activity gained from upper floor balconies overlooking the green open space.
- 8.54 Overall, it is considered that the proposed building in terms of layout and design would respect the urban grain of the surrounding area including the traditional medium rise historic character found within the neighbouring conservation area. It is considered that the resultant scheme would overall enhance the appearance of neighbouring designated heritage assets. The proposal would be in line and respectful to the requirements of Policies SP02 and SP10 and SP12 of the Core Strategy 2010, Policies DM24 and DM27 of the Managing Development Document 2013 and the NPPF.

Architectural Detailing

- 8.55 The building would be predominantly finished in brickwork which is considered an appropriate choice of material that is durable, will stand the test of time and weather well. A white glazed ceramic cladding and a bronze coloured anodised aluminium cladding shall add visual interest and add contrast to the brick facades. The white cladding would be limited to the roof set back storey while the aluminium cladding would feature mostly on the east, west and south elevations, around the base of the office block. The brickwork would be accentuated by contrasting light coloured mortar. It is considered that the white ceramic bricks for the top storey would be acceptable as a lighter brick would soften its appearance within the street scene. A planning condition would secure further details in respect of the choice and handling of the finish external materials.
- 8.56 The windows and doors would be powder coated aluminium. Articulation and interest would be provided with bronzed coloured frame and soldier coursing to the window heads. Deep reveals to windows, brickwork feature panels, brickwork returns to recessed balconies and simple steel balcony railings in the same bronze to match windows frames would add to the overall finish of the building. The building would have a strong vertical emphasis supported by the vertical windows in a crissall type window frames. The soldier coursing and corbelling brick detailing and pattern would add some relief between the ground floor and upper floors.
- 8.57 The Urban Design Officer reviewed the materiality of this proposal and found it appropriate, subject to further details secured by planning condition. The Urban Design officer also noted that the buildings' facades would be composed of a subtly delineated two storey base, the three storey high core and set back top floor. Although there would be little symmetry or consistency between these sections, the scheme would possess an overall coherent architectural composition derived from the choice of materials, the heights of the openings, the glazing details and from the detailing to the balconies. The differing widths of the openings shall help to break down the long elevation and reduce the horizontality.
- 8.58 There is considered to be scope for further adjustments to the parapet details through use of patterned brickwork or a brick stringer much like at first floor level to subtly break it down further. The applicant has accepted this approach and as such further

refinements to the brick detailing shall be secured by conditioned. At ground floor level, the main residential entrance would be acceptable and would be clearly discernible from the bin store door. The office block would also appear in an acceptable contrast to the residential block which is supported. In terms of windows, the added window openings to the southern elevation of the residential building are welcomed, as this would break up and add visual interest to the otherwise blank façade. Further details would be required via a condition to ensure that these are non-openable windows. Obscured glazing and high level windows on the south elevation would be welcome as well; the obscure glazing can be dealt with by condition. The architectural detailing of the office block is considered acceptable and the handling of the glazing to street is considered a positive feature.

- 8.59 Overall, the proposed palette of materials and detailing of the elevations are considered appropriate.

Secured by Design

- 8.60 Policy 7.3 of the London Plan (MALP 2016) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. Policy DM23 (3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.
- 8.61 The proposal has been developed in accordance with the principles of Secured by Design. The scheme would deliver significant benefits in terms of safety and security by providing active frontages at front, around (Cornwood Drive) and to the rear of the site. The design, layout and landscape strategy of this scheme lend itself well to the aims of Secured by Design. At present, the site is vacant, unused, derelict and in a poor state of repair. The main and active frontage is along Jubilee Street. Cornwood Drive takes in a small part of the site which is boarded up and the rear (off Cornwood Drive) is an opened alley between the application site and the neighbouring estate. The rear of the building is currently accessed via Commercial Road and through a cut through a green area set behind the housing estate and the George PH. These areas are all highly accessible. The lack of activity on the application site limits the opportunities for natural surveillance of the street and surrounding areas, which in turn can encourage anti-social behaviour.
- 8.62 The site has therefore been designed to high security standards, at front, side and rear. The building on site would occupy almost the entire site with access to the rear via the side/rear elevation of the new building from Cornwood Drive. This would lead to the private entrances for 3 duplexes and their front gardens together with a private communal space and child play space. Cornwood Drive itself forms the north elevation of the building and would be an animated area compared to the existing situation with the private entrances to two 4 bedroom duplex units. The east/rear elevation would be separated from the rest of the estate and green space by a small fence/wall. The proposed scheme uses shared amenity space and children's play facilities to generate activity, foster a sense of neighbourhood and encourage territorial responsibility amongst residents. Passive surveillance is provided throughout the scheme through the overlooking to public spaces and the surrounding roads provided from upper floor windows and activity and animation generated in communal amenity spaces embedded within the site.

- 8.63 An integrated lighting strategy is proposed for the scheme. This strategy would employ the Secured by Design principles in order to create a landscape that is well lit, avoids dark loitering spaces and allows safe passage through the site after dark. Overspill lighting from upper level residential uses, alongside passive surveillance, will enhance the security of the streetscape and illuminate the shared amenity podiums.
- 8.64 The proposals have been assessed by the Metropolitan Police Designing Out Crime Officer, who raised no objections but have asked to be involved further in this proposal and recommended a necessary condition to achieve Secured by Design accreditation. A condition would be attached to the permission for secured by design standards to be met.

Housing

Affordable housing

- 8.65 In line with section 5 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.
- 8.66 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). Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.67 The Affordable Housing and Viability SPG was published in August 2017 which sets out a 'Threshold Approach' for schemes that meet or exceed 35% affordable housing provision without public subsidy can follow a "Fast Track Route". This means applicants are not required to submit viability information at the application stage, and applications are subject to review mechanisms only if an agreed level of progress on implementation has not been achieved within two years of consent being granted or as agreed with the LPA. Schemes that do not meet this threshold are required to follow 'Viability Tested Route', under which applicants must submit detailed viability information which will be scrutinised and treated transparently.
- 8.68 The 35% threshold would also take into account a range of affordable housing sizes including family sized units and local tenure mix policies. It is considered appropriate to use the "Threshold Approach" for this scheme. However, as this application was originally submitted in 2016, Viability Appraisal was submitted and scrutinised by an independent viability consultant, appointed by the Council. The review of the appraisal concluded that the proposed offer of 35% would maximise the affordable housing that can viably be achieved within this scheme.
- 8.69 In terms of the Council's preferred rent levels, new guidance has been adopted which is referred to in the adopted Housing Strategy 2017-2021 and would be inserted in the draft Local Plan. The new rent levels also form part of the Mayor of London's

Affordable Housing and Viability SPG 2017. In summary, the rent levels consist of the following for affordable rents:

- Tower Hamlets Living Rent which is inclusive of service charges
- London Affordable Rent which is exclusive of service charges;

- 8.70 In the rented tenure, the Council would typically wish to see a 50/50 split between two products: London Affordable Rent (LAR) and Tower Hamlets Living Rent (THLR). Values for LAR are close to the old Social Target rents and are not inclusive of service charges. THLR rents are inclusive rents, set at borough-wide levels, to represent an expenditure of one third of median local household incomes, currently established for 2017-18 as £31,645 p.a. The 50:50 split should be applied as closely as possible to all sizes of rented units and the different rents should be contained within the same cores as each other.
- 8.71 The affordable housing is being offered at a 75:25 split (by habitable rooms) between affordable-rented units and intermediate units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. The variance from policy, in the context of this scheme, is considered relatively minor and the tenure split is supported with the provision of two larger family affordable units at London Affordable Rent.
- 8.72 The applicant would be providing the affordable units under the London Affordable Rent and Tower Hamlets Living Rent levels as follows (35% affordable by habitable room, 9 units - 32 habitable rooms):
- 75% Affordable Rent (6 units):
 - 4 units at Tower Hamlets Living Rent (£211.09pw including service charge): 3x2bed and 1x 2bed
 - 2 x 4 bedroom units at London Affordable Rent (both of which are fully accessible w/c units adapted to meet M4(3)2B at £176.49pw excluding service charge
 - 25% Intermediate/Shared Ownership (3 units, 8 habitable rooms): 2X 2B/3P, 1X1B/2P,
- 8.73 Notwithstanding the slight skew towards more Tower Hamlets Living Rent units over London Affordable Rent, officers consider that the affordable housing provision would be consistent with the above mentioned viability criteria for the threshold approach to be applied.
- 8.74 Overall, it is considered that 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 as policy requires.

Housing mix

- 8.75 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families. Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes.

8.76 The proposed tenure mix for the scheme is set out in the table below.

Tenure mix/ unit	MARKET PROPOSED	POLICY TARGET	AFFORDABLE RENT PROPOSED	POLICY TARGET	INTERMEDIATE PROPOSED	POLICY TARGET
STUDIO	16%	0	0%	0	0%	0
1 BED	38%	50%	0%	30%	11%	25%
2 BED	16%	30%	44%	25%	22%	50%
3 BED	5%	20%	0%	30%	0%	25%
4 + BED	0%		22%	15%	0%	0%

Table 1: Tenure mix per unit

Affordable housing %	UNITS	UNIT %	HABITABLE ROOMS	HABITABLE ROOMS %
MARKET	28	76%	60	65.2%
AFFORDABLE RENT	6	16%	24	26.1%
INTERMEDIATE	3	8%	8	8.7%
TOTAL UNITS	37			
TOTAL HABITABLE ROOMS	32			
TOTAL ROOMS	92			

Table 2: Affordable Housing Provision

The development would provide an over provision of 2 bed affordable rented and 4 bed affordable rent against policy targets whilst all other unit types would fall under the policy targets. The scheme would not match the Council's Core Strategy targets in terms of housing mix, however officers note that this is a small scheme which would offer 35% affordable housing by habitable room. Furthermore, the scheme would also offer 2x4b wheelchair affordable rented units at London Living Rent and 4 homes at Tower Hamlets Living Rent inclusive of service charges (3x2bed and 1x2bed).

8.77 It is noted that this mix would have been designed to maximise the viability of the scheme in order to provide more affordable housing. It is considered that although there would be a divergence from the policy targets, with a 35% affordable housing provision on a small scheme, it is considered that overall, the housing mix would be acceptable.

Standard of residential accommodation

8.78 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."

8.79 All of the proposed units would meet or exceed the baseline internal floor space 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.

- 8.80 14 units would be double aspect, 21 single aspect (none facing north), and 2 triple aspect.

Inclusive Design and Wheelchair Adaptable/Accessible Homes

- 8.81 London Plan Policy 3.8 'Housing Choice', the Mayor's Accessible London SPG, and MDD Policy DM4 'Housing Standards and amenity space' require that 10% of new housing to be wheelchair accessible or easy adaptable for residents who are wheelchair users. London Plan Policy 3.8 'Housing choice' and Core Strategy Policy SP02 (6) requires all new housing to be built to Lifetime Home Standards. 13.44 On 14th March 2016, Minor Alterations to the London Plan (MALP) were published to bring the London Plan in line with the Government's national housing design standards. Accordingly, the requirement for all new dwellings to meet Lifetime Homes Standards and 10% to be wheelchair accessible or easily adaptable is now be interpreted as requiring 90% of new housing units to meet the Building Regulations optional requirement Part M4 (2) 'accessible and adaptable dwellings'; 10% of new housing within the market sales to meet the optional requirement M4(3)(2)(a) (adaptable); and 10% to meet the optional requirement M4(3)(2)(b) (accessible) within the rented affordable housing.
- 8.82 The scheme would provide for 3 wheelchair accessible homes out of the 37 units, which would amount to 10% of the total units by habitable rooms. Two of these wheelchair accessible units would be within the affordable rented tenure and 1 within the private tenure. The 2 affordable units would be four bedroom units and fully adapted to part M4(3)2b, to meet the identified needs of two individual families from the Borough 'Project 120' Team.
- 8.83 The 2 affordable rented units would have their own private entrances and are duplexes each with their own internal stairs and lift. These 2 four bed wheelchair units would be generously sized and also benefit from a small front garden and private terraces.
- 8.84 The detailed floor layouts have been assessed by the Occupational Therapists Team who are satisfied with the designs and have requested that final design details are conditioned. Two secured accessible parking spaces are proposed on Cornwood Drive on private land. The 2 accessible parking spaces would be secured for the development by legal agreement and would be integrated in place-making terms into the scheme via an approved landscape plan secured by planning condition.

Private, Communal and Child Play Space

- 8.85 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.
- 8.86 Private amenity space: 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.
- 8.87 Communal amenity space: For all developments of 10 units or more, 50sqm of communal amenity space for first 10 residential units plus 1sqm for every additional unit should be provided. As such, for 37 residential units, a total of 77sqm of communal amenity space is required across the development.

- 8.88 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 Tower Hamlets child yield calculator is used to project the number of children for the new development. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within short walking distances. The proposed scheme is anticipated to accommodate 15 children using the Council's child yield calculator, translating to a policy requirement of 156sqm.
- 8.89 The combined total space across the scheme to meet the policy requirement for both communal and child play space would therefore be 233sqm. Outdoor space would be provided on the ground floor to the rear of the development (160sqm) and on the roof at 5th floor level (95sqm) amounting to a total of 255sqm. This would be above the policy target in terms of provision of communal and child space and as such policy compliant in this regard.
- 8.90 Dedicated child play space would be provided within the ground floor amenity space and details of the child play equipment including overall landscape strategy be secured by way of condition.
- 8.91 The nearest public park lies approximately 220m walking distance to the north west of the application site and could cater for structured play and sports area for children over the age of 12.

Neighbours' Amenity

- 8.92 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 all 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.
- 8.93 More specifically, Policy DM25 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. 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 sun lighting 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.

Noise nuisance: Impact on the viability of the George Tavern

- 8.94 Government Guidance on noise advises that the potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by the new residents and be subject to enforcement action. In the case of an established business, Paragraph 182 of the NPPF states that planning policies and decision should aim to recognize that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. London Plan policy 7.15 states that *“Development proposals should seek to manage noise by mitigating and minimizing the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses”*.
- 8.95 The Mayor’s adopted Culture and Night-Time Economy SPG references the Agent of Change principle that is also detailed in emerging development plan policies both in new draft Local Plan and London Plan. The SPG states *“development proposals should seek to manage noise without placing unreasonable restrictions on development or add unduly to the costs or administrative burden of existing businesses. Furthermore “Cultural venues should remain viable and continue in their resent form, without the prospect of neighbour complaints, licensing restrictions or the threat of closure.”*
- 8.96 The George Public House (PH) or Tavern as it used to be known is one of Tower Hamlets most cherished, popular and long standing grass roots music venues. It operates seven days a week, from 4pm to 12am Sunday to Thursday and from 4pm to 3am, Friday and Saturday with regular live music events and movement of customers between the bar area and beer garden/smoking area. The PH lies to the south of the application site separated only by the previous Aylward Street which is now serves as the beer garden/smoking area to the pub.
- 8.97 In line with the above policies and the NPPF, it is recognised that the George Tavern should not have unreasonable restrictions put on them because of the proposed development. This view is shared by the Night Czar of London and the Music Venues Trust (MVT) which is a UK charity dedicated to preserving, improving and protecting grassroots music venues for the benefit of communities, venues and upcoming artists. In a study carried out by the Mayor’s office, it was revealed that 35% of London’s grassroots music venues have been lost since 2007. The Mayor and London’s Night Czar are leading the city-wide strategy to support and protect London’s important grassroots music venues. Alongside this, the new “Agent of Change” bill which has been making good progress since its introduction to Parliament in January 2018, is also seeking to safeguard the viability and longevity of such music venues. In simple words, the “Agent of Change” principle operates on the understanding that the person or business responsible for the change is responsible for managing the impact of the change. The Agent of Change principle puts the responsibility for noise management measures on the “agent of change” i.e. the incoming individual or business. Therefore, in this case, it is the developer who is responsible to ensure that the George PH does not suffer from the impact of having a residential building next to its existing and established business.

- 8.98 When the planning application was first submitted the owner of the Public House expressed deep concerns that noise complaints from the new residents of the proposed scheme would detrimentally impact on the viability of her business. This opinion was echoed in a large number of representations objecting to the proposal and providing written support to the George Tavern. The PH is a facility highly valued by the local community as well as by those living further afield. All the letters received from the local community mentioned this establishment and urged the Council to ensure that the George is not forced out of business because of the proposed development. The applicant submitted a Noise report by RBA Acoustics, when the application was first submitted in 2016. Following requests from the Night Czar, MVT, the landlady of the PH further tests were carried out last year on two occasions. It was agreed that a noise survey would seek to capture a number of elements, including noise from the pub itself, noise from the beer garden/smoking area, noise from people leaving the pub and noise from deliveries to the pub. As a result, the George PH were to supply suitable dates for the joint survey to be undertaken and the Council would (as a matter of course) get all the acoustic reports independently tested. Representatives of the various interested groups would then agree that the levels measured were representative of a reasonable worst case.
- 8.99 The results of these tests are summarised in RBA's report of 30 October 2017, on pages 4, 5 and 6. In summary, the following general design principles were proposed in order to protect the dwellings from external noise sources:
- Retaining the existing office building on Aylward/Jubilee Street to screen dwellings from noise
 - Increasing the height of the office building to further protect dwellings
 - Increasing the acoustic specification of the building
 - External wall construction will be enhanced to reduce the possibility of noise transfer through the building fabric.
 - High quality double glazing will be fitted throughout the residential scheme.
 - In addition, secondary glazing is proposed for the closest residential facades.
 - Mechanical ventilation is proposed for background ventilation.
 - Windows will be openable, however, comfort cooling will be provided in order to reduce reliance on opening windows and hence reducing possibility for complaints.
- 8.100 A further protection was also proposed by the applicant in the form of a Deed of Easement and conditions. The procedure has been successfully implemented in other parts of London notably for new developments neighbouring the Ministry of Sound venue. The applicant has accepted planning conditions on the development whereby prospective residents would be told about the noise from the George Tavern via marketing materials and leases, and another condition would require all noise mitigation measures to the new development would be kept in place in perpetuity and that no planning mechanism such as S73 should be used to alter stipulated noise mitigation measures.
- 8.101 An independent assessment on behalf of the Council was carried out by Temple Group who issued their initial review report on 01 January 2018. Further review reports were prepared following additional technical acoustic representations prepared by a noise consultant appointed by the George with support from MVT. The Council's independent consultants at the end of various iterations of noise reports prepared by the applicant and revised iterations of the appropriate control acoustics metrics (used to assess noise and limit noise experienced by future residential residents of the scheme, all controlled by planning condition) concluded the proposed

measures incorporated into the scheme for mitigation and management of the identified potential impacts would be practical, robust and grounded in established principles and methods. The draft Deed of Easement prepared sets out a series of measures that address the complaints in respect of the George taking into account the 'Agent of Change' principle through appropriate mitigation measures incorporated in the design, layout and construction of the scheme.

8.102 Noise mitigation measures to future residential occupants will be secured by way of condition to the said decision notice and would include:

- a. A scheme for the attenuation of externally generated noise submitted to and approved by the council. The scheme to include the sound attenuation of the building envelope, the acoustic performance of any ventilation system and the detailed layout of the building. The scheme to be designed to ensure that noise levels from sound emitted from the George Tavern premises at 373 Commercial Road, would not be experienced any higher than NR L10,5 min 20dB to be experienced within any of the habitable rooms with windows shut, together with provision of acoustically protected ventilation in an 'open' position to permit free flow of air and cooling to avoid overheating as defined by the relevant CIBSE guidance. The acoustic measures would be required to be implemented as approved prior to occupation of any of the dwellings and maintained thereafter.
- b. Noise from mechanical ventilation and cooling system to be below NR Leq, 5minute 25dB in any bedroom. The noise from the George would be below and therefore to a degree masked by this level.

8.103 Officers consider that the likely noise level emanating from the Public House and its beer garden have been more than adequately mitigated so the prospect of complaints from future residents of the development with respect to the activities associated with the Public House are limited. Critically, the noise complaints would unlikely to provide a basis for a reasonable ground to prohibit the George from operating as a music venue and in the manner it presently operates. The detailed acoustic design of the scheme (secured by planning condition) shall avoid the aforementioned planning conditions being breached, also avoid the risk of the scheme triggering a statutory noise nuisance complaint from future residents of the development and help avoid complaints from residents of the development that would reasonably trigger the venue's music licence being revoked. To conclude officers consider the scheme provides the necessary opportunity for the Public House/ music venue business to continue to flourish and prosper whilst simultaneously providing adequate amenity to future residents: such that both can co-exist in this urban locality.

Acoustic Measures – implications for future residents

8.104 With regard to the implications to the future residents of the development, the submitted noise assessment indicates that internal target noise levels can only be practically achieved with windows closed. The detailed design of the scheme will nevertheless be able to achieve good levels of ventilation and thermal comfort without recourse to opening windows which would thereby breach target noise levels.

8.105 The Council appointed independent expert noise consultants (Temple Group) to review the noise assessment and acoustic mitigation strategy submitted by the applicant and are satisfied subject to a series of noise protection measurements to serve future residential occupants secured by planning conditions (as above listed). The acoustic measures shall also provide adequate acoustic protection to future

residents from ambient noise resulting from road traffic or customers entering or leaving the George Public House.

- 8.106 In addition to the control measures secured by way of condition, the proposal would include noise mitigation in the design, layout and construction of the new scheme, including a buffer of offices between the residential parts and the George and upgrading the noise insulation within the proposed retained building envelope. The proposed mitigation measures would comply with the principles of national planning practice guidance to avoid conflicts between residents of new housing and existing businesses. This is regarded as a practical demonstration of good acoustic design incorporating the 'Agent of Change' principle.
- 8.107 In assessing the noise impact onto the future residents, consideration had been given to the urban nature of the location with an already robust noise environment from multiple noise sources (such as A12, a heavily trafficked road to the south of the site) other than the George.
- 8.108 In line of the above and subject to planning conditions, the proposal is not likely to give rise to potential noise complaints from future residents and in the improbable event that such complaints arise, it is considered that they would be highly unlikely to result in unreasonable restrictions being imposed on the George.

Overlooking and privacy, outlook and sense of enclosure

- 8.109 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 minimum 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.
- 8.110 The closest distance between habitable room windows within the development and existing flats is to the east of the site at approximately 11 meters. However, the 4 small windows in question appear to serve bathrooms and potentially small kitchens (with at least 2 of the windows obscured glazed) and as such the relationship is not considered to raise undue privacy or overlooking issues to main habitable rooms. With regard to potential overlooking from the 2 non-obscured existing windows to directly facing windows within the 3 proposed development the rooms within the application development are dual aspect rooms so there remain an opportunity for future occupier to draw blinds should there be deemed to be a privacy issues, whilst still maintaining good outlook and daylight from the other windows serving these rooms.
- 8.111 With respect to the west and north facing elevation the separation distance to habitable room windows opposite are approximately 15m and 13.5m (respectively) but these relationships exist across streets where there is an reduced expectation of privacy given their inherent public aspect. With regard to the south elevation the scheme is maintaining sections of the existing building and windows and as such introduces no new accentuated overlooking/privacy issues to upper floor habitable room windows facing that elevation from the George PH.

- 8.112 With regard to sense of enclosure the scheme, as set out previously in the report, seeks to respect surrounding building heights and benefits from three street frontages giving an open character to these edges. With regard to the 4th eastern edge the green amenity space of the development and the neighbouring green space minimise any issues of undue sense of enclosure.

Daylight, Sunlight and Overshadowing

- 8.113 DM25 and SP10 of the Local Plan seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 8.114 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'
- 8.115 **Daylighting** is the volume of natural light received by a room to provide satisfactory illumination of internal accommodation within 24 hours and the method of assessment is through applying the 25 degree rule, Vertical Sky Component (VSC) method and daylight factor.
- 8.116 Suitable daylight for habitable rooms is achieved when a **25 degree** vertical angle taken from the centre of the lowest window is kept unobstructed.
- 8.117 In cases where windows fail the 25 degree test a more detailed assessment is necessary. The BRE Handbook outlines a two-part test. The first part assesses the effect on the total amount of light reaching the window, the VSC, and the second part assesses the effect on the daylight distribution inside the room (the No-Sky Line/Contour, otherwise known as the no skyline test NSL test). The latter NSL test is applied where internal room layouts are known or can be reasonably estimated and where VSC figures would be reduced materially so that there is a better opportunity to understand the adverse impacts on daylighting conditions.
- 8.118 BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers as a result of development occurs when the VSC figure falls below 27 and is less than 0.8 times its former value. BRE Guidance also states that the amount of daylight a room needs depends on what is being used for.
- 8.119 **Sunlighting** is the amount of light received by a room directly from the sun (direct sunshine) and the primary method of assessment is through calculating the annual probable sunlight hours (APSH).
- 8.120 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 (APSH) 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%.
- 8.121 It can be helpful to categorise impacts that exceed the BRE guide's numerical guidelines. The following categories have been used to describe the magnitude of loss of both daylight and sunlight:
- 0-20% reduction – Negligible
 - 21-30% reduction – Minor loss
 - 31-40% reduction – Moderate loss
 - Above 40% reduction – Major loss

8.122 The application is supported by a daylight and sunlight assessment and overshadowing assessment by SLR and subsequent addendums to this assessment. The report assessed the windows to neighbouring properties that are most liable to be adversely affected by the proposed development.

Daylighting

8.123 Of all the windows tested and reported in the submitted Daylight Sunlight Assessment, the following appear to be materially affected by the proposed development:

- 367 Commercial Road: R1.2, R1.3, R1.4, R1.8
- The George Tavern: R6.1 through to R6.5.
- Stepneys Night Club: R7.1 through to R7.4
- Exmouth Estate: R8.1 through to R8.4

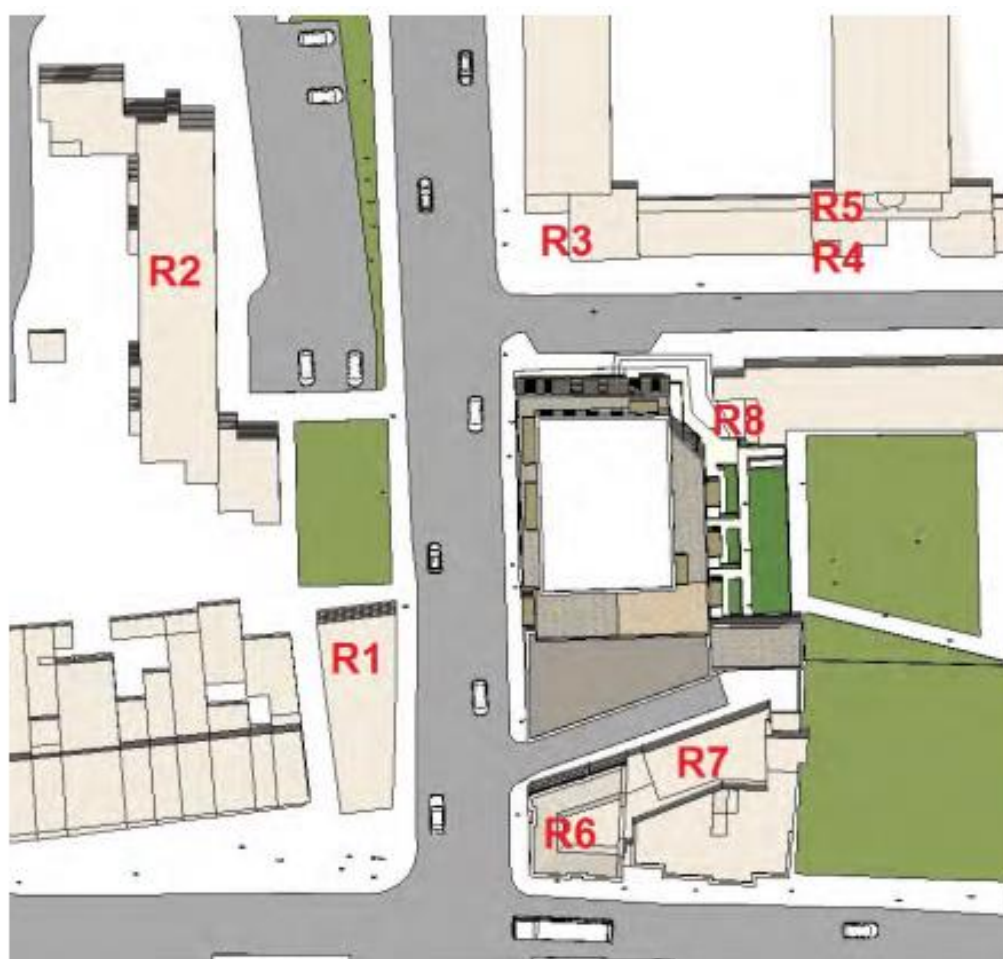


Figure 9: Receptor Locations

	Window no	Existing VSC	VSC post development	% change reduction	
367 Commercial Road	R1.2	32.4	24.8	23.46	study
	R1.3	32.7	24.1	26.30	bedroom
	R1.4	33	23.4	29.09	bedroom
The George	R6.2	13.3	8.3	37.59	Public House
	R6.3	26.9	16.8	37.55	habitable room
	R6.4	26.4	15.6	40.91	habitable room
	R6.5	36.5	27.3	25.21	habitable room
	R7.1	12.9	8.12	37.05	bathroom
	R7.2	12.7	8.01	36.93	bathroom
	R7.4	25.9	15	42.08	not known
	R7.3	16.4	11.6	29.27	bathroom
Stepneys Nights Club	R7.3	16.4	11.6	29.27	bathroom
Exmouth Estate	R8.1	5.5	0.17	96.91	Kitchen or bathroom
	R8.2	6.1	0.17	97.21	Kitchen or bathroom
	R8.3	26	8.63	66.81	Kitchen or bathroom
	R8.4	19.9	5.48	72.46	Kitchen or bathroom

Table 3: Existing windows identified that failed 25 degree rule and experience VSC loss greater than 20%

No 367 Commercial Road

- 8.124 The results show that three windows affecting 1 bedroom (two windows) and 1 study would experience reductions in VSC between 23% and 29.1% and as such experience minor adverse impacts. Given the affected rooms are a bedroom and a study and not main living spaces the impacts are considered on balance acceptable. The main habitable room, the living room, to the adversely affected flat benefits from a triple aspect and an additional daylight assessment shall be provided to this room in the updated committee report; including NSL testing given the window facing the development is set behind a deeply recessed balcony. A west facing window serving this main habitable living room will be entirely unaffected by the proposed development.

The George

- 8.125 With regard to the George PH there are 8 north facing windows directly facing the development of which 6 windows would experience more than negligible daylight impacts. On the ground floor 2 of these affected windows would experience 1 moderate adverse and 1 major adverse. 1 of these windows serves the main public bar area and would experience a VSC loss of 37.5% (moderate loss). However, this window has tinted obscured glazing and given the public bar area is served by large windows on 3 street frontages facing south, west and north the overall impacts to this non-habitable space are considered acceptable. It is considered that windows serving this public bar would be unaffected in daylight terms by the proposed development.

- 8.126 Of the 3 other affected windows, which are on the first floor, 2 serve (Windows R6.3 and 6.4) a large shared kitchen/dining room and these windows would experience reported moderate and major adverse impacts 37.5% and 41%, albeit these reported losses do not factor in any existing loss that is experienced from an evergreen external wall planter that already partially obscures daylight to this room. The use of the third affected room on the 2nd floor (R7.4) is unknown but is not understood to be a habitable room. The impact to this room would be a major adverse VSC loss of 42%. The residential accommodation to the public house serves one residential unit and is set over 2 upper floors. The residential unit as a whole benefits from a number of dual aspect rooms, including good natural day light from the south, west and east aspect, and in this context the reported impacts to habitable room windows are considered on balance acceptable, notwithstanding the reported significant impacts to the kitchen/dining room.
- 8.127 It is acknowledged there is a shortcoming in the prepared daylight/sunlight report as there are east facing windows within the George PH that do not directly face the proposed development, including two windows serving a landing and staircase that are used like other upper floor spaces for hired out by the Public House landlady for commercial fashion and photo shoots. As a previous Planning Inspector's decision acknowledged (APP/E5900/A/14/2211978RD) the quality of the natural light that penetrates the interior of the building is considered an important factor by those that hire the George Tavern for filming and photography. As these are not habitable rooms the BRE Handbook does not provide specific guidance on what levels of light should be received, however preliminary analysis by officers indicates that any detrimental impacts are not liable to be of a magnitude such that there would be harm overall to the attractiveness of the premises as a venue for film and photographic shoots. Notwithstanding this conclusion, taking a precautionary approach officers have instructed the applicant to provide additional information with respect to daylight/sunlight to these east facing windows and whether the development would breach 25 degree rule and what any associated VSC and sunlight impacts and these shall be set out in the committee update report.
- 8.128 Officers conclude that the overall degree of material deterioration of sunlight/daylight is consistent with Policy DM25 of the Council's Managing Development Document in regards to any impacts to habitable rooms within the George Public House.

Former Stepneys Night Club

- 8.129 The impacts on daylight to Stepneys Night Club are limited to a non-habitable room, specifically a bathroom. Given the impacts do not impinge upon a habitable room window and the site has been empty for some time and at some stage there is expectation the site will be redeveloped, the impacts are not considered to provide for a reason for refusal.

Exmouth Estate

- 8.130 Turning to Exmouth Estate, results show that four windows would experience VSC losses in excess of 70% and as such should be treated as major adverse impacts. However as all these 4 windows are understood to serve either bathrooms or small kitchens the reported daylight losses whilst significant are on balance considered acceptable. It is also noted that kitchens beneath 13sq.m not usually treated as habitable room windows.

Summary on daylight impacts

- 8.131 As Table 3 sets out there are 17 tested windows that would be more than negligibly adversely affected as assessed against BRE guidance. Of which 6 of these windows would be moderate adversely impacted and 4 major adversely affected. However it is important to note of these 10 moderate and major adversely affected windows only a maximum of two of these windows are understood to serve main habitable residential room spaces as opposed to serving kitchens or possibly bathrooms.
- 8.132 In assessing internal daylight and sunlight results, the urban location and site constraints are important considerations. The Mayor of London's Housing SPG emphasises the need to apply the guidelines with an appropriate degree of flexibility and sensitivity to higher-density housing development, given the need to optimise housing capacity. In an urbanised borough such as Tower Hamlets with pressure being placed to optimise the potential of development sites some daylight infringements below the BRE Guidelines are a regular occurrence and therefore it is fair and appropriate for the Council to apply a certain amount of flexibility when applying the recommendations, as set out in the BRE Guidance itself
- 8.133 However, as Members will be aware, one needs to make judgements as to the acceptability of daylight and sunlight infringements on a case by case basis, when balanced against other material planning considerations including the delivery of new homes and overall public benefits arising from scheme. In light of the above officers consider daylight impacts to neighbouring occupants are on balance broadly acceptable in this instance.

Sunlighting

- 8.134 The only neighbouring properties that need to be assessed for sunlight are those that have elevations facing the development that also face within 90 degree of due south. This would be Exmouth Estate. The 25 degree test has been applied to this property and the results indicate that this property would be unaffected by the development in terms of sunlighting conditions.

Overshadowing

- 8.135 The BRE target guidance seeks for outdoor spaces that serves as amenity space at least 50% of the area receives at least 2 hours direct sunlight on 21st March. A submitted sun-path analysis within the submitted daylight/ sunlight assessment indicates that the proposed communal amenity space at the ground floor would not meet the BRE guidance test with as shadow being cast over its entire footprint. However the report indicates the communal amenity space at 5th floor would benefit from over half the area benefiting from direct sunlight for at least two hours.
- 8.136 Given the good direct sunlight received by the rooftop amenity space and the overall benefits of the scheme of setting the new building away from Exmouth Estate to the east and establishing an otherwise attractive green amenity space to the development at ground level sheltered from the ambient noise and air pollution of the main streets the overshadowing in this instance is considered acceptable to future residents and as such consistent with the overall policy objectives of DM25 for providing good levels of amenity for future residential occupants of the development.
- 8.137 An existing community amenity space set to the east of the application site serving no 67 to 74 Cornwood Drive (part of the Exmouth Estate) would partially be experience overshadowing as a result of the development. However taking account

of existing overshadowing experienced from existing building on the application site that will be demolished and No 67 to 74 Cornwood Drive benefiting from a large area of open space that will continue to receive direct sunlight officers are satisfied the scheme raises no unacceptable issues in this respect.

Noise and Vibration as a result of the development

- 8.138 Paragraph 170 of the NPPF states that planning policies and decisions should aim to avoid noise, giving rise to significant adverse impacts on health and quality of life as a result of new development; they should also mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 8.139 Policy 7.15 of the London Plan (MALP 2016), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek, where possible to improve the amenity of existing and future residents and building occupants and aim to not create unacceptable level of noise during the construction and end phases of the development, as well as protect the amenity of the surrounding public realm with regard to noise as a result of new developments.
- 8.140 The proposal is for a mixed use development comprising of office and residential usage. Neither of these uses is alien in this location and surrounding areas. Commercial Road is home to mixed uses already and Jubilee Street is predominantly residential. The proposal would consist of B1 office which is not normally a noisy activity and would be maintained within controlled office hours; the residential element would also be a use that is itself no noisier than activities that take place along Commercial Road and road traffic noise. The applicant has submitted a noise assessment with the scheme. Officers have reviewed the details of the scheme and are satisfied that noise at both construction phases and at end phases can be consistent with protection of the neighbours' residential amenity, subject to appropriate planning conditions. Submission of full details of noise insulation measures including acoustic glazing would be a requirement for the residential element and office units.
- 8.141 To conclude, it is considered that as a result of the loss of the existing derelict building, noise levels and air quality should be significantly improved. The proposed residential dwellings and the development as a whole would not be a major or significant source of noise. Construction works are of a temporary nature and officers would as a matter of course, condition the working hours and noisy activities to be done within an acceptable time rather than early morning or late afternoon. Saturday working would be capped till 1pm and Sunday and public holidays would be non-construction days. Subject to conditions, it is considered that the proposed development would adequately protect future residents from undue noise disturbance, in accordance with Policy SP10 (4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

Air Quality

- 8.142 An Air Quality Assessment by SLR Consulting Ltd for Bluecroft – IPE Jubilee Limited accompanied the application. The Air Quality Assessment shows that the pollution levels at the development will be exceeding the annual objective for NO₂ in the opening year. Therefore mitigation is required to reduce the residential exposure. This would be conditioned.

- 8.143 The Information on the proposed boilers/heating plants was not available at the time of the assessment; therefore, the Air Quality Neutral Assessment for the building emissions has not been carried out or submitted. A condition is recommended that an Air Quality Neutral Assessment must be carried out once the relevant information is available to ensure that the development does not have a negative impact on the local air quality. The ventilation strategy has been reviewed and found acceptable.
- 8.144 Provided the above recommended conditions are complied with, the air quality is considered acceptable.

Transport, Access and Servicing

- 8.145 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. Policy SP09 (4) of the Council's adopted Core Strategy (2010) and Policy DM22 (2) of the Council's adopted Managing Development Document (2013) require developments located in areas of good public transport accessibility to be secured as 'car free'. Policy 6.13 of the London Plan (MALP 2016) also promotes 'car free' development in areas with good access to public transport, whilst still providing for disabled people.
- 8.146 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.
- 8.147 The site benefits from good access to public transport as has been detailed already in this report. The proposed development site has a Public Transport Accessibility Level (PTAL) of 6a, which is considered to be excellent.

Cycle Parking

- 8.148 The proposal would make provision of 67 cycle parking spaces of which 54 cycle parking spaces located internally and 10 Sheffield stands located outside the application site off Jubilee Street corner with Cornwood Drive. Separate short and long stay cycle parking is proposed for the office units.
- 8.149 The proposed cycle parking provision meets the London Plan standards and supported.

Car Parking

- 8.150 The development would be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits.
- 8.151 The development is required to allow for two accessible car parking spaces. Owing to the site constraints, these spaces would be provided on Cornwood Drive that is un-adopted highway under the ownership of Swan Housing. The applicant has received assurances the aforementioned land owner is willing to provide these parking spaces

for the scheme and the Section 106 legal agreement to this scheme would require the applicant secures these 2 spaces prior to commencement of development on the scheme.

Servicing and Refuse Storage

- 8.152 Residential development: Three bin store areas are proposed. Bin store A is located on Jubilee Street, serving 32 flats, Bin Store B serves the four bedroom duplexes on Cornwood Drive which have their own individual stores adjacent to the front doors, and Bin Store C serving the three duplexes to the rear. These units share the bin store which is located within 10m of the refuse vehicle collection point.
- 8.153 The size and bin's capacity accord with the London Plan and supported. The majority of the residents would travel less than 30m to carry refuse, however some flats on the upper floors would exceed this slightly. Whilst not ideal, given that all other requirements in terms of waste storage are met, this element alone does not constitute a reason for refusal and therefore, on balance and on this occasion, it is supported.
- 8.154 Commercial refuse: British Standards require that 50l of storage capacity per employee is provided on a weekly basis. The proposed B1 units are expected to generate no more than 100 employees at a given time, and as such the proposal is deemed to ensure adequate waste storage of 5000l per week, total volume of waste and recycling.
- 8.155 A designated refuse store is allocated at ground floor within the office building to store the waste bins. These would be collected daily off Jubilee Street. A waste collection strategy to detail the commercial bin's capacity, collection arrangements and waste collection operative would be conditioned as part of the approved development.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.156 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. 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) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions. From October 2016 the Managing Development Document Policy DM29 includes carbon reduction targets for new development and identifies that residential development should be zero carbon and that for non-residential developments the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations.
- 8.157 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).

- 8.158 This application was received in September 2016 and as such, policies require developments to minimise carbon dioxide emissions. The assessment of energy efficiency standards for this proposal has been based on the previous calculations.
- 8.159 The general principles of the proposed energy strategy are supported as carbon savings are being focused at the Be Lean stage with the use of high efficiency fabric and energy efficiency measures to reduce the energy demand by 29.1%. Additional CO2 emission reductions are proposed through the integration of PV array and ASHPs (to serve the office space). The anticipated CO2 emission reductions are 45.6% from the proposed measures.
- 8.160 Additional detail within the energy strategy should include identification on the plans where the proposed individual gas boilers will be located and also the location for the ASHPs to serve the office element. This information would be conditioned and must be submitted prior to commencement on site to ensure that the energy strategy is deliverable. The delivery of the CO2 savings should be secured through the submission of the as built energy calculations.
- 8.161 Based on current policy, the residential element would be subject to the zero carbon policy requirements and a contribution sought for any residual CO2 emissions following integration of energy efficiency measures and renewable energy technologies. The non-residential element would be subject to the 45% CO2 emission reduction requirements. However, as the proposals were submitted to the Council in September 2016 and the zero carbon requirements were set to be applicable for schemes submitted from October 2016 onwards, the Planning Obligations SPD, which includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects, is not considered applicable for this scheme.
- 8.162 Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require non-residential development to achieve BREEAM Excellent. The proposals identify that a BREEAM Excellent rating will be achieved for the office element of the development. This is supported and should be secured via a condition with the final BREEAM certificate submitted to the council.
- 8.163 To conclude, the overall approach to reducing carbon dioxide is supported by the Energy Officer and is in accordance with relevant policies. Subject to Conditions securing the energy and sustainability proposals, the development would be considered acceptable. Specifically, it is recommended these are secured via appropriate conditions:
- Submission of the as built energy calculations to demonstrate the anticipated 45% CO2 emission reductions are delivered
 - Details of the proposed individual boiler solution showing proposed locations within the dwellings
 - Location of the proposed ASHP
 - Roof plan showing PV array
 - BREEAM Final Certificate demonstrating the delivery of a BREEAM Excellent office development

Biodiversity

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

8.165 It is unlikely that there is any significant existing biodiversity value on the site. However, there are some shrubs remaining which therefore indicate that any vegetation clearance should take place outside the nesting season if possible, or surveys for nesting birds will be required immediately before clearance. This would be secured by a condition. The loss of shrubs (if they are currently there) would be a very minor adverse impact on biodiversity, easily mitigated within the new development. The proposals include green roofs with photovoltaics which if designed in line with best practice guidance published by Buglife, would be sufficient to ensure net gains for biodiversity, and will contribute to a LBAP target to create new open mosaic habitat. This would be conditioned.

8.166 The amenity areas include planting which should include a good diversity of nectar-rich flowers, chosen to provide nectar for as much of the year as possible; this would in turn contribute to a LBAP target to provide increased forage for bees and other pollinators. Other biodiversity enhancements which would be appropriate include nest boxes for birds such as swifts and house sparrows. A condition would be attached to request details of biodiversity enhancements to be agreed before commencement of works.

8.167 The enhancements discussed above would be secured by a condition.

Land Contamination

8.168 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.

Health Considerations

8.169 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.

8.170 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.

8.171 The application satisfies policy test in respect of air quality and the proposal would result in the delivery of much needed affordable housing. A proportion of housing (3)

on site would also be provided as wheelchair accessible or capable of easy adaptation.

Planning Obligations and CIL

8.172 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.

8.173 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.

8.174 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.

8.175 The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£12,472.00** towards employment, skills, training for the construction phase
- b) A contribution of **£5,469.75** towards the training and development of unemployed residents in Tower Hamlets
- c) **£2,500** monitoring fee (£500 per individual S.106 Heads of Terms)

Total £20,441.75

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

- f) Affordable housing 35% by habitable room (8 units, 32 habitable rooms) of which:
 - 75% Affordable Rent (6 units):
 - 4 units at Borough Tower Hamlets Living Rent (estimated £211.09pw including service charge): 3x2bed and 1x 2bed
 - 2 units at London Affordable Rent (both of which are fully accessible wheelchair accessible units to part M4(3)2B at £176.49pw excluding service charge): 2x4bed units
 - 25% Intermediate/Shared Ownership (2 units, 8 habitable rooms)
- g) Access to employment
 - 20% Local Procurement
 - 20% of the construction phase workforce will be local residents
- h) Car-permit free agreement;
- i) two disabled parking spaces
- j) Any other planning obligation(s) considered necessary by the Corporate Director of Place

Local Finance Considerations

8.177 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.

8.178 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.

8.179 Using the DCLG’s New Homes Bonus Calculator, this development is estimated to generate approximately £91,648 in the first year and a total payment £549,886 over 6 years.

8.180 The estimate of CIL liabilities are indicatively over £100,000 each and are not yet index linked. These would be confirmed following the granting of planning permission as the case.

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

Human Rights Considerations

8.182 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:

8.183 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”.

- 8.184 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.
- 8.185 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.
- 8.186 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.
- 8.187 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.

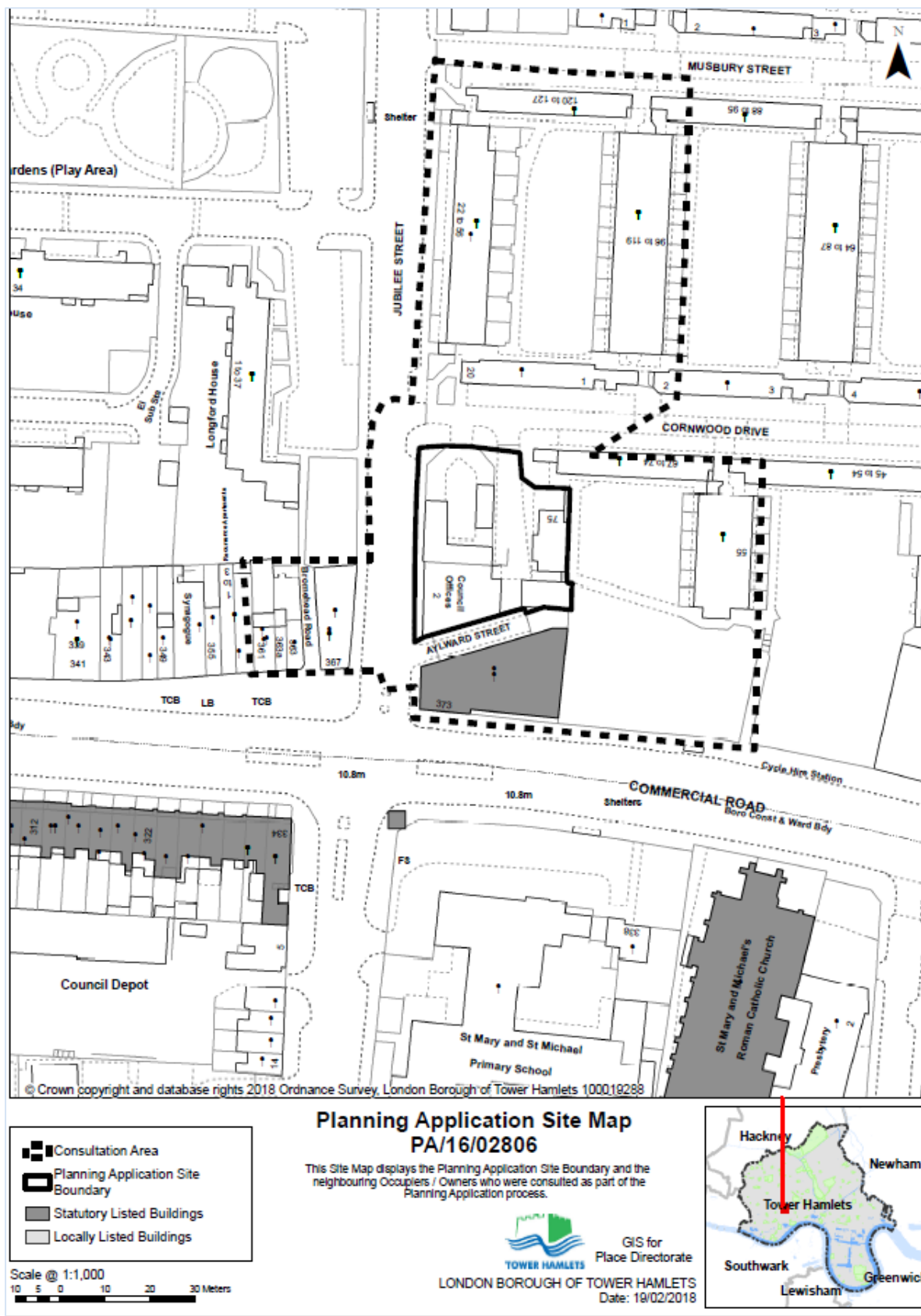
Equalities Act Considerations

- 8.188 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.
- 8.189 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 would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

9.0 CONCLUSION

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

Appendix 1 SITE MAP



Appendix 2:

Approved Drawings:

- PL(20)50D
- PL(20)50D
- PL(20)00G
- PL(20)01C
- PL(20)02C
- PL(20)03C
- PL(20)04C
- PL(20)05C
- PL(20)06C
- PL(20)20D
- PL(20)21D
- PL(20)22D
- PL(20)23C
- PL(20)24C
- PL(20)25C
- PL(20)30B
- PL(20)31B
- PL(20)32B
- PL(20)40C
- PL(20)41D
- PL(20)70
- PL(20)71
- PL(20)80
- PL(20)90
- PL(20)91
- PL(20)100
- PL(20)102
- PL(20)200A
- PL(20)201A
- PL(20)202A
- PL(20)203A
- 3078 001

Supporting Documents:

- Outline Construction Logistics Plan, of Caneparo Associates Limited, January 2018
- Cooling Options Report of XCO2, dated 3 November 2017
- Overheating Assessment of XCO2, dated 1 November 2017
- Plant noise assessment of RBA Acoustics, dated 21 November 2017
- Acoustic Assessment of RBA Acoustics, dated 30 October 2017
- Design and Access Statement, Addendum of Stock Wool, dated April 2017
- Daylight, Sunlight and Overshadowing Assessment of SLR, ref 410.06535.00001, dated September 2016
- Transport Statement, of Caneparo Associates, dated September 2016
- Planning Statement of CMA Planning, dated September 2016
- Built Heritage Statement of RPS, CgMs, dated September 2016
- Air Quality Assessment of SLR, ref 410.06535.00001, dated September 2016
- Energy Statement of XCO2, dated September 2016

- External Building Fabric Assessment, ref 7419/EBF, REV 1, of RBA Acoustics, dated September 2016
- Geo-Environmental Desk Study - Preliminary Risk Assessment Report of Jomas, ref P9631J922, dated September 2016
- Statement of Community Involvement, dated September 2016
- Sustainability Statement, of XCO2, dated September 2016
- Arboricultural Report, ref 01307, dated August 2016

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Appendix 3 Site photos and images of scheme



Existing office building, view from Jubilee Street looking north



View of 367 Commercial Road to the west of the site (looking north). Corner of Commercial Road with Jubilee Street



The George Tavern to the south of the site (corner of Commercial Road with Jubilee Street)



Cornwood Drive Residential development, east of the site



View of the Cornwood Drive Residential Estate, north of the site. Jubilee Street junction with Cornwood Drive



View towards the site, junction of Cornwood Drive (to the left) with Jubilee Street looking south



1-2 Cornwood Drive to the north of the site



CGI view from Commercial Road junction with Jubilee Street



CGI View from Commercial Road

Agenda Item 5

Committee: Development	Date: 13 February 2019	Classification: Unrestricted	
Report of: Corporate Director Place Originating Officer:		Title: Other Planning Matters Ref No: See reports attached for each item Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

2. FURTHER INFORMATION

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

3. PUBLIC SPEAKING

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

4. RECOMMENDATION

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

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

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See individual reports

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Development Committee	Date: 13 February 2019	Classification: Unrestricted
Report of: Director of Place Author: Paul Buckenham		Title: PLANNING APPEALS REPORT Wards: All

1. INTRODUCTION

- 1.1 This report summarises appeal decisions in Tower Hamlets made by the Planning Inspectorate (on behalf of the Secretary of State) over a 13 month period since the last report - from 1 December 2017 to 31 December 2018.

2. RECOMMENDATION

- 2.1 The Committee note the contents of this report.

3. BACKGROUND

- 3.1 Appeals to the Secretary of State can be made following a refusal of planning permission, listed building consent, advertisement consent and other related planning decisions. Relevant legislation is set out in the footnote below.¹
- 3.2 Most planning appeals are decided by independent Planning Inspectors appointed by the Secretary of State. The Secretary of State may intervene to recover an appeal and determine it themselves, although this tends to be rare. In these cases the Inspector's report acts as a recommendation rather than a decision.
- 3.3 An appeal can be dismissed and permission refused for all, some or even different reasons used by the Council. If an appeal is allowed, planning permission, or a related consent is granted.
- 3.4 Planning Inspectors (or the Secretary of State) have the same powers as local planning authorities to impose planning conditions and can also take into account proposed planning obligations contained in a Section 106 unilateral undertaking or agreement in coming to a decision.
- 3.5 There are three types of appeal procedure: written representations, informal hearings and public inquiries.
- 3.6 Written representations are the most common procedure and suitable for most types of minor or small scale major development, where the planning issues are straightforward and there is limited public interest. They are also usually the quickest route with the average time from start to decision currently 18 weeks (11 weeks for householder appeals).
- 3.7 Informal hearings take the form of a structured discussion, led by the Inspector and are suitable for smaller scale major development where there are several planning or legal issues that need to be explored in more detail and there is wider public interest in the case.

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

- 3.8 Public Inquiries are the most formal, with the parties having legal representation and cross examination of the planning and other expert witnesses. Inquiries tend to be reserved for the most complex cases and where there is substantial public interest.
- 3.9 Public Inquiries take longer with the current average time period being 51 weeks from start of the process to a decision. Inquiries are more adversarial in nature, with the appellant and the Council providing expert witnesses to give evidence for their cases. Witnesses are cross examined by barristers or other legal professionals at the inquiry.
- 3.10 The views of third parties, such as local residents are taken into account in appeals. The Council will send copies of correspondence received at the application stage to the Planning Inspectorate. Residents and statutory consultees who were notified at the application stage are notified of the appeal and have the chance to make further comments. Third parties can request to take part in hearings and public inquiries. In all cases the Inspector will carry out a site visit before making a decision.

4. WHY APPEAL DECISIONS ARE IMPORTANT

- 4.1 Appeal decisions are important for a number of reasons. There is a general presumption in the NPPF that planning permission should be granted for sustainable development, unless there is a clear conflict with the Development Plan or material considerations suggest otherwise.
- 4.2 Tower Hamlets (in common with most other planning authorities) grants more planning permissions than it refuses. The planning teams work with applicants proactively by providing pre-application advice and negotiating to improve the quality of proposals, ensuring they are compliant with the development plan and represent sustainable development.
- 4.3 When planning permission (or other consent) is refused, the reasons for refusal need to be clear, evidence based and linked to Development Plan policies, otherwise there is a risk that the decision could be overturned on appeal. If the Council is deemed to have acted unreasonably, there is also a risk of an award of costs against the Council irrespective of the appeal decision itself.
- 4.4 Appeal decisions can be helpful in testing the wording of current policies and indicate where future changes could be made to improve policies or prevent unintended consequences, for example when preparing a new local plan or supplementary planning document.
- 4.5 Whilst all planning decisions are made on the merits of the proposal, appeal decisions can also be helpful in understanding how to frame robust reasons for refusal taking into account the weight that Inspectors place on different planning policies and other material considerations.
- 4.6 When an appeal is dismissed and permission refused, it may be for all of the reasons in the Council's original decision, it may be for a selection of these or in rare cases for a different reason to that which the Council put forward.
- 4.7 Appeal decisions are part of the planning history of a site and hence are a material planning consideration when determining any subsequent applications on the same site. An appeal decision can also indicate how a development could be amended to make it acceptable. For example, the decisions on Corbridge Crescent highlighted the harm caused by a tall building in part of the scheme, but acknowledged that the other parts of the proposals had many merits.

4.8 Planning decisions always involve a careful balancing of the issues. Understanding where Inspectors place weight on different policies, material planning considerations and their interpretation of the NPPF can help to improve local decision making.

5. APPEAL DECISIONS OVERVIEW

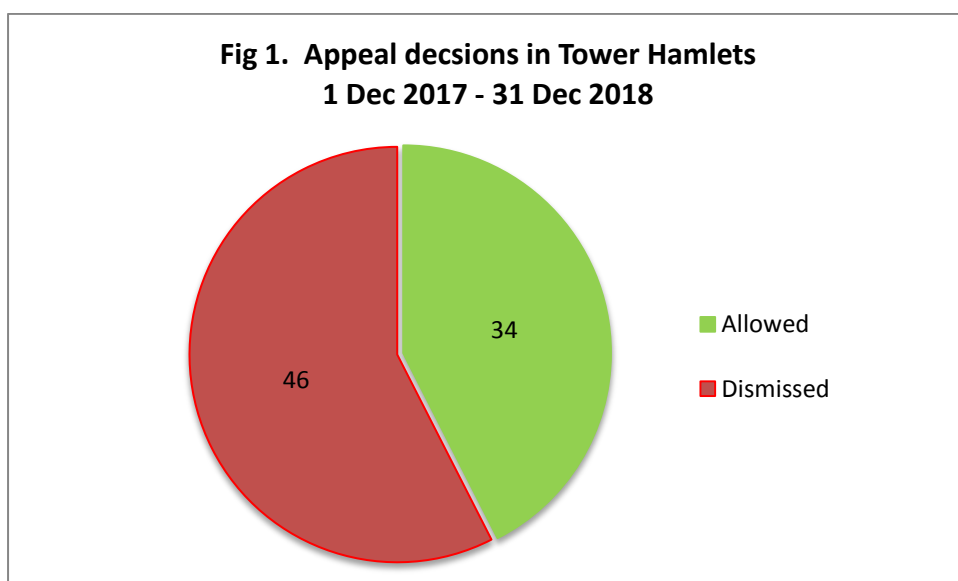
5.1 During the 13 month period (1 December 2017 – 31 December 2018) covered by this report, 80 appeal decisions have been received.

- 46 (58%) were dismissed
- 34 (42%) were allowed

5.2 This compares with 74% dismissed and 26% allowed over the previous review period.

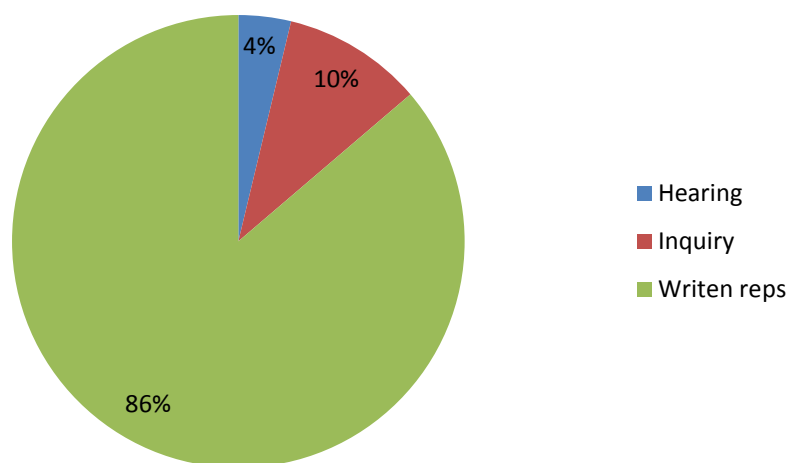
5.3 Whilst the number and proportion of appeals being allowed has increased Tower Hamlets tends to have less appeals than most London boroughs.

5.4 This headline figure indicates that the where the Council has refused permission, or would have been minded to, the decision was upheld on appeal in the majority of cases.



5.5 69 appeals were dealt with by written representations, 3 by informal hearing and 8 by public inquiry.

Fig. 2 Appeal decisions in Tower Hamlets by procedure



5.6 There have been an unusually high number of appeals dealt with by public inquiries during the last 12 months. The table below lists these appeals and the outcome where known.

Address	Inquiry Start Date	Recommendation	Decision	Appeal Decision
Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street, London E1W (PA/15/03561)	12/12/2017	Grant	Refuse	Dismissed
Site between Varden Street and Ashfield Street (Whitechapel Estate), London, E1 (PA/15/02959)	21/11/2017	Refuse	Refuse	Allowed
106 Commercial Street, London, E1 6LZ	15/05/2018	Grant	Refuse	Dismissed
225 Marsh Wall, E14 (PA/16/02808)	11 /09/2018	Grant	Refuse	Allowed
49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14 (PA/16/03518)	23/10/2018	Grant	Refuse	Allowed
Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD (PA/15/00837)	09/10/2018	Refuse (non-determination)	Non-determination	Awaited

Enterprise House, 21 Buckle Street, London, E1 8NN PA/16/03552	06/11/2018	Grant	Refuse	Allowed
2, 4 & 6 East Ferry Road, London, E14 3LA (ENF/16/00303)	13/12/2018	Enforce	Enforcement Notice	Allowed Notice quashed Permission granted
Unit 1, Block D, 14 Hertsmere Road, London, E14 4AF (ENF/16/00596)	04/04/2018	Enforce	Enforcement Notice	Allowed Notice quashed Permission granted
82 West India Dock Road (PA/16/01920)	02/04/2019	Refuse	Refuse	Appeal withdrawn
562 Mile End Road (PA/16/00943)	15/01/2019	Grant	Refuse	Awaited

- 5.7 There are 89 current appeals against decisions that have not yet been decided. These are listed in full in Appendix 2. The majority of these will be dealt with through written representation and are relatively small in scale or complexity. 53 of these cases relate to appeals against the refusal of “prior approval” for the siting of new telephone call boxes with advertisements submitted by a telecom’s operator, Maximus Networks.

Impact on resources

- 5.8 The Planning Service will always work hard to defend the Council’s planning decisions at appeal. Irrespective of how the decision was made or the original recommendation.
- 5.9 However, planning appeals can be resource intensive in terms of the draw on officer time in terms of preparing statements or proofs of evidence and coordinating the arrangements for hearings and inquiries.
- 5.10 Once an appeal has been accepted by the Planning Inspectorate, it will run to a strict timetable in terms of the requirements for the Council and the appellant. Failure to adhere to the timetable can present a risk of a successful costs award in favour of the appellant. Hence where resources are finite, dealing with an appeal can impact on the capacity of officers to deal with live applications or other planning case work.
- 5.11 However, given the recently high number of Public Inquiries we have carried out some local research into officer costs and time.
- 5.12 Other impacts on Council resources can arise from the need to appoint specialist expert witnesses, if the resource is not available in-house and the costs of appointing legal representation.

- 5.13 Public Inquiries are especially time consuming and resource intensive for the Council. They involve formal examination and cross examination of the planning and other expert witnesses. On average, a planning officer may spend up to 40 FTE days (8 weeks) preparing for, coordinating and appearing at a public inquiry. Other resources are involved in supporting the inquiry process.
- 5.14 There has been an unusually high concentration of public inquiries in Tower Hamlets arising from recent decisions to refuse planning permission. There are eleven inquiries (nine planning and two enforcement appeals) that have either taken place or are scheduled to take place between April 2017 and January 2019.
- 5.15 The total estimated cost (including commitments and officer time) for these ten inquiries is anticipated to be in the region of £950,000. This does not take into account any costs that may be awarded to the appellant. A full breakdown is attached with this report.

Award of costs

- 5.16 Either party in the appeal can apply for an award of costs and Inspectors now have the power to award costs even without receiving an application. The Inspector will make the costs decisions separately to the planning decision. Costs can be awarded against the Council if it has behaved unreasonably in a way that has resulted in the appellant incurring costs that could have otherwise have been avoided. This could be failure to properly defend reasons for refusal or not complying with the procedural requirements of the appeal process.
- 5.17 During the review period for this report, there has been only one successful, partial award of costs against the Council in respect of the enforcement appeal at 14 Hertsmere Road. This was in relation to e-mail correspondence which suggested that the Council had changed its position from the current shisha lounge use being ancillary to being a material change of use, albeit with no negative impacts on amenity. The Inspector's view was that it was unreasonable for the enforcement notice to have referred to the use (in addition to operational development) and that the Council could have invited a retrospective planning application.

6. BENCHMARKING AND PERFORMANCE

- 6.1 All appeal decisions are published on-line on the Planning Inspectorate website (<https://www.gov.uk/government/organisations/planning-inspectorate>) and the Council's on-line planning register (www.towerhamlets.gov.uk).
- 6.2 The Secretary of State takes into account the percentage of major decisions and non-major decisions that are subsequently overturned on appeal as an indicator of the quality of decisions made by planning authorities. This indicator is used alongside the speed of decisions making indicators in deciding whether to designate a poorly performing local planning authority.
- 6.3 The current criteria are 10% or more of all major decisions made by the authority subsequently overturned at appeal over a two year period and 10% or non-major decisions overturned at appeal over a two year period.
- 6.4 The latest data published by Ministry for Housing, Communities and Local Government (DCLG) covers appeal decisions on applications determined over a 24 month period to end of June 2017. Nine months are allowed after that for appeals to be made and decided.

- 6.5 This data shows that Tower Hamlets had only 2 of a total of 132 major decisions overturned at appeal. This is equivalent to 1.5%, ranking 7th out of 13 comparable inner London boroughs.
- 6.6 For the same period 34 out of a total of 2064 non-major decisions were overturned at appeal. This is equivalent to 1.6%, ranking fifth out of thirteen comparable inner London authorities.
- 6.7 In both cases Tower Hamlets is well below the designation criteria (10%), again demonstrating that the quality of decision making was generally good over this two year period.

Table 2 – Inner London authorities, major appeals

Local Authority	Total major planning decisions 24 months to end of June 2017	Total major appeal decisions	Major decisions overturned at appeal	Quality of decisions (% overturned at appeal)
City of London	33	0	0	0.0
Hackney	75	2	0	0.0
Lewisham	76	5	0	0.0
Southwark	127	3	0	0.0
Wandsworth	129	4	0	0.0
Lambeth	101	5	1	1.0
Tower Hamlets	132	6	2	1.5
Newham	90	8	2	2.2
Greenwich	86	4	2	2.3
Kensington and Chelsea	73	3	2	2.7
Islington	87	10	3	3.4
Hammersmith and Fulham	64	5	4	6.3
Camden	96	10	7	7.3

Source: MHCLG Table P152a: District Matters Planning Performance Table for Quality of decisions: June 2015 to June 2017 P (Experimental Statistics)

Table 3 - Inner London authorities, non-major appeals

Local Authority	Total non-major planning decisions 24 months to end of June 2017	Total non-major appeal decisions	Non-major decisions overturned at appeal	Quality of decisions (% overturned at appeal)
City of London	543	2	1	0.2
Southwark	3,596	120	30	0.8
Wandsworth	6,373	177	56	0.9
Camden	3,820	173	53	1.4
Tower Hamlets	2,064	115	34	1.6
Lewisham	3,695	260	64	1.7
Kensington and Chelsea	6,111	272	124	2.0
Hammersmith and Fulham	4,714	247	106	2.2
Hackney	2,965	178	68	2.3
Islington	3,018	218	70	2.3
Greenwich	2,844	220	71	2.5
Lambeth	4,623	296	116	2.5
Newham	2,424	216	66	2.7

Source: Table P154: District Matters Planning Performance Table for Quality of non-major decisions: July 2015 to June 2017 P (Experimental Statistics)

7. SUMMARY OF KEY APPEAL DECISIONS

- 7.1 This section provides a summary of some key Public Inquiry decisions and Inspector's comments which may be of interest to the Committee. These include a mix of appeals following delegated decisions and Committee decisions.

106 Commercial Street, London E1 6LZ (Time Out Markets Ltd.)

Proposed development: Conversion of building (class A1/B8) to fine dining food market (Class A3).
Public inquiry, commenced 15 May 2018 – 8 days
Appeal dismissed

- 7.2 For context, the site lies opposite Spitalfields Market and proposed a Time Out food market consisting of 17 'fine dining' restaurants set behind the entrance to 106 Commercial Street. The site was once a stable yards (now used for commercial/storage purposes) and is located in a landlocked position. The application was initially recommended for approval at officer level; however, this was overturned by committee and refused for the following three reasons:

- (a) Impact of the intensity of use (internally and externally), including the impact on the local street network;
- (b) Harm to heritage assets (Conservation Area and additional argument included during the course of the Inquiry in relation to setting of adjoining Listed Buildings) due to loss of slate roof and proposed acoustic roof using bituminous sheeting.

(c) Amenity impact to adjoining neighbours specifically as customers enter and exit the site

- 7.3 The Inspector dismissed the appeal mainly due to the impact of the proposal on the conservation area and the failure to preserve the conservation area (reason 2).
- 7.4 In terms of the heritage considerations, the roof form for the L shaped element of the site (i.e. above the stable yard block) was proposed by the appellant as a grey bituminous roof cap sheeting (or similar) and they argued this would be part of the ongoing sequence of change in this part of the CA. The Inspectorate gave weight to the importance of the (non-original) slate roof form which was regarded as being a material typical of the conservation area and typical of the Victorian era.
- 7.5 The Inspector also notes that there were previous changes to part of the roof form to corrugated steel and plastic roofing but this is viewed as two separate entities albeit mainly from private views from surrounding residential and commercial properties.
- 7.6 The Inspector argues that the roof materials are an intrinsic part of the CA as it exists now and its loss would erode the identity and significance of this part of the CA. This would have a negative impact on the significance of the CA as a heritage asset (see para 10 and 11). However, the Inspector did not feel that there would be harm to the significance of adjoining Listed buildings and would have a neutral impact on the setting of nearby listed buildings.(the council's argument was primarily in relation to the Grade II listed buildings in Wilkes St which had clear views of the roof form from all upper floor windows).
- 7.7 The Inspectorate gave significant weight to the public benefits of the proposal (re-use of the building, job creation and apprenticeships, regen benefits); however, the Inspector still felt that the identified public benefits did not outweigh the harm caused to the CA (removal of the slate roof) forming the main reason the appeal was dismissed.
- 7.8 With regards to the management of anti-social behaviour and the general operation of the site, the Inspector has put a lot of emphasis on other regimes to manage the potential operation of the site such as those through licensing controls (and the CIZ designation) and also planning condition such as restrictions on the use (i.e. to ensure it wasn't a drinking establishment) to manage anti-social behaviour and other disturbances on the streets.
- 7.9 With regards to impact on the highway/local street network the Inspectorate felt that 400+ patrons would not cause material harm to the local street network, in terms of fire safety or in terms of movement internally. Pedestrians would be comfortably accommodated within the public highway network and this could also be controlled by appropriate management regimes at the site.
- 7.10 Smokers congregating at the entrance would also be moved along by similar controls. Whilst there were no objections from TfL or LBTH highways, the council's consultant advanced arguments regarding the safety of the Hanbury Street/Lamb Street and Commercial Street junction which has no pedestrian crossing phase and suffers from a higher accident ration than the LBTH average. The Inspector notes that many of the accidents and near misses revolved around pedestrians, motorists or cyclists not paying attention. This was not justification for dismissing the appeals on these grounds.
- 7.11 In addition, the Inspectorate also felt there was sufficient capacity within the street network to accommodate deliveries (and therefore not required to undertake this within the site itself) and a centralised ordering system to manage deliveries with 'emergency' deliveries was appropriate. Deliveries are likely to occur between 4-7am despite the concern of residents with regard to noise at the Spitalfields Market site on the opposite side of Commercial Street.

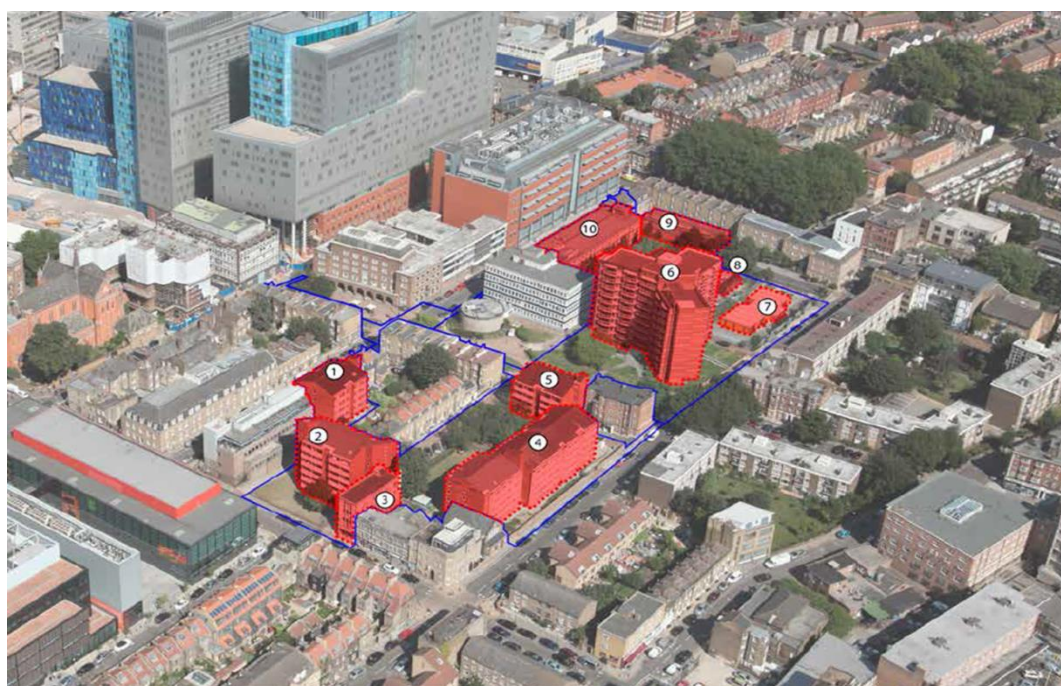
- 7.12 In terms of patrons arriving /leaving to the site the Inspector did not feel that all individuals would leave the site at closing time and this would be controlled by a form of dispersal/management strategy in place. The Inspector also notes the lack of control over the behaviour of patrons once they have left such establishments.
- 7.13 The Inspector also dismissed the proposal for a second reason (albeit to a lesser extent) regarding the location of the accessible toilet at second floor level with one lift on both design grounds (difficult those with buggies/small children) and has given due regard to the Public Sector Equality Duty in that its location is impractical and would result in significant adverse impact for those with mobility restrictions.

The Whitechapel Estate - site between Varden Street and Ashfield Street, London E1 2JH

Proposed development: Demolition of all existing buildings and redevelopment to provide 12 buildings ranging from ground plus 2 - 23 storeys (a maximum 94m AOD height), comprising 343 residential dwellings (class C3), 168 specialist accommodation units (Class C2), office floorspace (class B1), flexible office and non-residential institution floorspace (Class B1/D1), retail floorspace (class A1 - A3), car parking, cycle parking, hard and soft landscaping and other associated works.

Public inquiry commenced 21 November 2017 – 10 days

Appeal allowed.



- 7.14 The 1.27 hectare application site relates to a set of undistinguished post-war buildings designed to serve primarily as NHS staff accommodation and a hospital research laboratory located to the west and east of Philpot Street. The site was previously owned by London Hospital's charitable trust until it was sold in 2013 to GreenOak Real Estate.

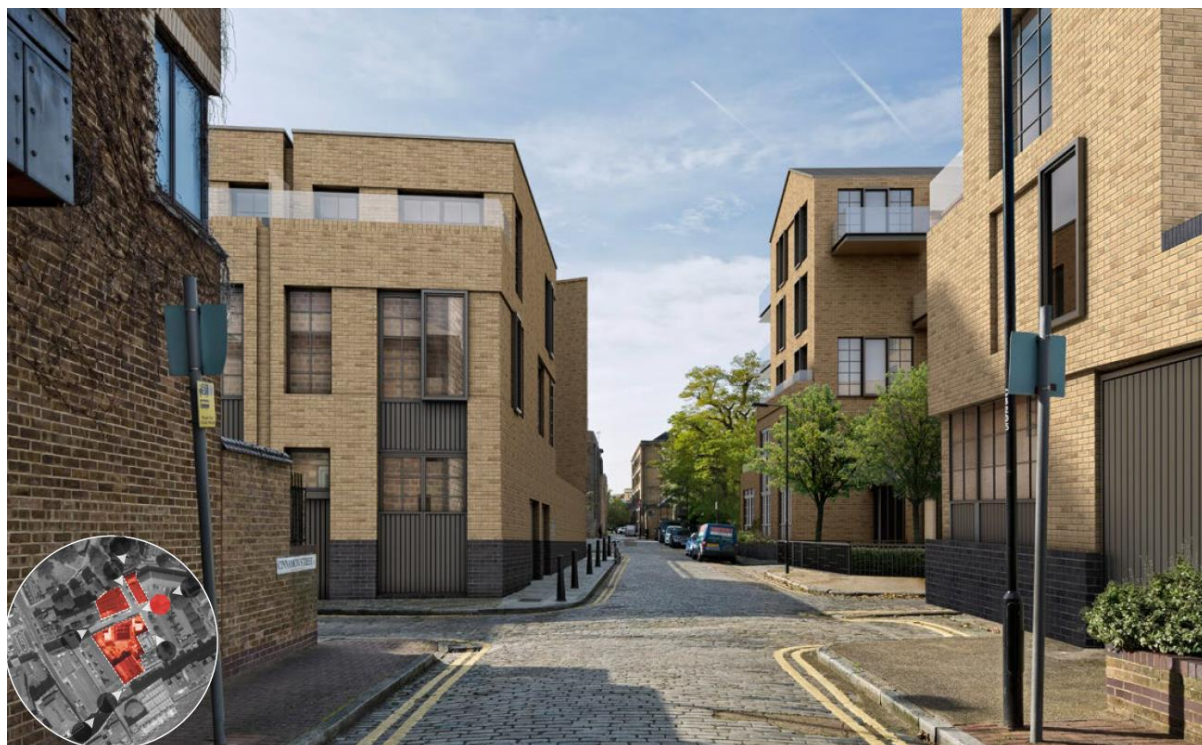
- 7.15 The residential led scheme would deliver 343 new homes to the site. 21% of the new homes (by habitable room) would be affordable, consisting of 57 affordable rented flats.
- 7.16** The scheme would also re-provide 168 short-term let specialist homes intended for staff, students and patients/visiting carers of Royal London Hospital and also for potential occupation by students and staff of Queen Mary University of London. A Section 106 agreement to the Appeal Decision secures the specialist accommodation at rents set below comparable market rents. In addition the scheme would deliver a small quantum of B1 and D1 space (circa 3,000sqm) and some flexible use (A1-A3) retail space (648sq.m). Proposal involves demolition of all existing buildings and erection of 12 new buildings (55,000sqm) ranging from 3 storeys to 23 storeys.
- 7.17 Strategic Development Committee refused the scheme in September 2016, as per the officer recommendation for reasons of over-development in terms of:
- (a) Urban design, including 2 tall 80m plus towers where the Whitechapel Vision envisaged only potentially one;
 - (b) Impacts upon the setting of surrounding designated and undesignated heritage assets (site is bound by 3 conservation areas to north, west and east);
 - (c) Amenity impacts to neighbouring residential properties;
 - (d) Quality of amenity for future residential occupants of the development.
- 7.18 The Inspector fundamentally rejected all the Council's concerns considered both the two tallest buildings to *"represent accomplished solutions, in the abstract, to the design of a tall building"* and *"would not appear unduly dominant, with "Building E benefiting greatly from the height proposed"*.
- 7.19 Aside from some misgiving surrounding height of the 10 storey Building D 1 to the adjoining listed terrace the Inspector in effect considered there was no harm to the setting of listed buildings, to the townscape or to three conservation areas from the proposal. The design of the scheme as a whole would provide a considerable improvement over the site as it currently exists and would achieve the policy objective of transformational change while having sufficient regard to the character and appearance of the wider area.
- 7.20 With regard to adverse daylight and sunlight impacts to neighbours the Inspector rejected the Council's concerns citing commentary in the Mayor of London's Housing SPG, the site being an inner London location, an Opportunity Area and a site identified as a site suitable for transformational change in the Whitechapel Vision SPD and therefore a reliance on a comparison with existing daylight conditions was not appropriate.
- 7.21 The Inspector noted that whilst the proposal would result in some significant individual reductions in daylight and sunlight levels, but that this is almost unavoidable in achieving the policy requirement for high density development in a confined urban setting. The BRE guidance is a starting point for considering daylight and sunlight impacts but the numerical values should not be applied rigidly. Inner city development is one of the examples where a different approach might be justified.

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

Proposed development: Partial demolition of the existing buildings and redevelopment of all three sites to create 41 residential units and a retail unit along Wapping High Street, together with associated hard and soft landscaping works and the provision of cycle parking across all three sites. Site A would contain the majority of the units, with 27 flats; Site B would contain 10 and Site C, the 4 town houses.

Public inquiry commenced 12 December 2017 – 6 days

Appeal dismissed.



7.21 The group of three sites straddle the boundary of Wapping Wall Conservation Area which had largely been regenerated and was now mainly in residential use, with converted warehouses the dominant feature.

7.22 Permission was refused by the Development Committee, against officer recommendation, for reasons relating to:

- (a) Detrimental impact upon the safety and free-flow of traffic in the surrounding street network due to the servicing requirements and vehicle movements generated by the proposal,
- (b) Design, scale, height, and profile, compared to the buildings to be demolished, would cause harm to the character and appearance of the Wapping Wall Conservation Area and would fail to preserve the character of this heritage asset.
- (c) Unacceptable adverse impact on the amenity of occupiers of nearby properties due to a detrimental reduction in daylight and sunlight.

- 7.23 The inspector found elements of the scheme would enhance the conservation area, including retaining and restoring the high street frontage facade, but decided the out of keeping five storey height and design of other parts would detract.
- 7.24 He did not agree that the gateway effect claimed by the appellant to be an enhancement and demolition of the existing buildings had not been justified. Concluding less than substantial harm to the significance of the conservation area, the inspector went on to balance this harm against the public benefits of the proposal.
- 7.25 The proposal would deliver 41 new homes, of which fourteen would be affordable, in an area of pressing need but the inspector found the weight to this limited by the fact the three sites individually could also contribute housing, albeit fewer than through comprehensive development. He also considered the other benefits claimed by the appellant, such as improving a derelict appearance and removing the potential for non-conforming uses, could also be achieved through separate developments.
- 7.26 In addition, he identified harm to the living conditions of neighbours from loss of light, which added weight to his decision that the public benefits of the proposals were not enough to outweigh heritage harm and satisfy the test of NPPF paragraph 134, and he dismissed the appeal.

Enterprise House, 21 Buckle Street, Aldgate

Proposed development: 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.
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Public inquiry commenced 6 November 2017 - 6 days

Appeal allowed.



7.27 Planning permission was refused by the Strategic Development Committee (against officer recommendation) for reasons relating to:

- (a) Harm to the amenities and living conditions of occupiers of neighbouring residential properties through loss of daylight and sunlight, excessive loss of outlook resulting from the overbearing nature of the development including an undue sense of enclosure.
- (b) The need for additional short stay accommodation to serve visitors and the borough's economy has not been adequately demonstrated given the strong pipeline supply of short stay accommodation,
- (c) Detrimental townscape impacts resulting from the proposed height, scale and mass of the and 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.

7.28 The inspector predominantly focused his attention on the impact of the height and mass of the building proposed on the living conditions of adjoining occupiers in surrounding flatted developments, compared to the existing five storey office block to be demolished. He also took note of the detailed pre-application discussions, following dismissal of an earlier scheme, which led to the officers' original recommendation of approval.

7.29 The site is within a mixed-use area of the City Fringe Opportunity Area and London's Central Activities Zone, an area designated for substantial growth and directly adjacent to an identified tall buildings cluster in the Local Plan.

7.30 A nearby group of three-storey listed buildings provide something of a contrast in scale, the site is set within a recently established context characterised by tall buildings of up to 28 storeys, high density and close proximity to each other. In this context the inspector felt the reduction in daylight and sunlight and loss of outlook that would be experienced by existing occupiers in surrounding flatted developments was unavoidable and whilst there would be an impact, this was acceptable.

7.31 Essentially, the inspector felt that residents living in such a "*thriving, accessible and rapidly changing hub*" couldn't expect to continue to benefit from wide outlooks and high levels of sunlight and daylight by virtue of the fact that their building had been erected, right up to a boundary, before others were developed.

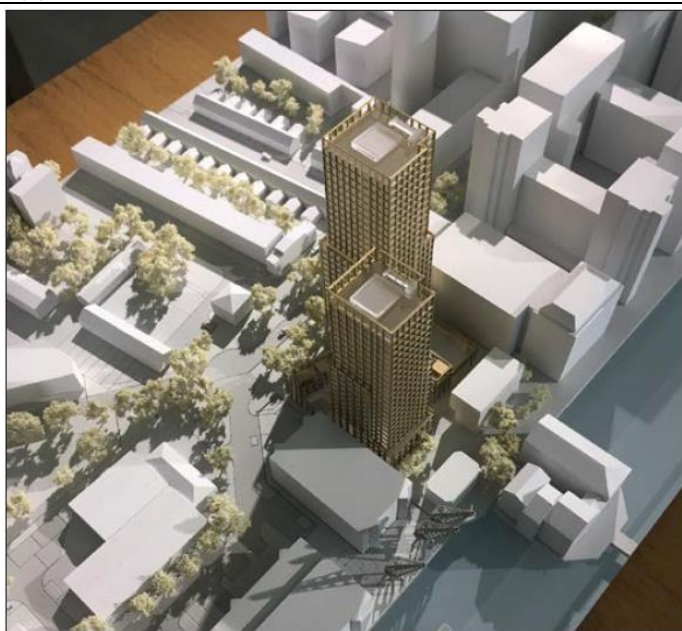
7.32 The Inspector also concluded that whilst there would be some impact on the surrounding heritage assets, the level of harm would be less than substantial and would be offset by the public benefits of the proposed development.

49-59 Millharbour, 2-4 Muirfield Crescent and 23-29 Pepper Street

Proposed development: Demolition of existing buildings and mixed use development comprising 319 apartments and 1,708 square metres of flexible non-residential floorspace in two towers 26 and 30 storeys high, replacing three and four-storey late 1980s buildings.

Public Inquiry 23 – 31 October 2018 (six days).

Appeal allowed.



7.33 Permission refused by SDC (against officer recommendation) for reasons relating to:

- (a) The excessive scale and height of the proposed development within its local context would not be proportionate to the site's position outside of the Canary Wharf major centre and would not maintain the transition in height between Canary Wharf and the lower rise buildings to the south.
- (b) The proposed scale, height and massing would result in a development that is overbearing, is unduly prominent in local views and detracts from the low-rise character of the area to the south. The proposed development therefore fails to respect the features that contribute to the area's character and local distinctiveness and demonstrates clear symptoms of over development and excessive density.

7.34 The site lies within the Isle of Dogs opportunity Area. Much of the area is already characterised by tall buildings, with more proposed. The main reason for refusal concerns the towers' height in the context of the policy requiring "stepping down" from those at Canary Wharf to existing three and four-storey residential development 400 metres from the appeal site.

7.35 The inspector felt that the stepping down effect would be achieved and that the proposal complied with existing and emerging policy guidance because the towers would still be less than half the height of the Canada Square development at Canary Wharf. He did not feel that the towers would loom over surrounding development, significantly detract from nearby occupiers' living conditions or cause unacceptable visual harm. Given the site location in the

Isle of Dogs Opportunity Area and the need for housing locally, he favoured the scheme overall.

- 7.36 The developer had offered 35% and then 40% affordable housing in the hope of securing a swifter permission and avoiding an appeal. This was despite the Council's independent review showing that 16% affordable housing was the maximum that could be sustained.
- 7.37 The Inspector did not agree with the council's arguments for a late-stage review of the scheme's affordable housing. This was not required by NPPG and was unlikely to be needed given the high-rise nature of the build and the probability that once started it would be unlikely that the scheme would be left unfinished for any length of time or take many years to complete. On the other side of the coin, he discounted the developers' concerns about the housing market in the context of Brexit, finding a lack of evidence on this issue.
- 7.38 The appeal was allowed with 16% affordable housing and no "late-stage" review mechanism.

225 Marsh Wall, E14

Proposed development: Demolition of existing building and erection of 49 storey building comprising 332 residential units, including 71 affordable homes, plus retail, restaurant and community facilities.

Public inquiry commenced 11 September 2018 - 5 days

Appeal allowed.



- 7.39 Permission was refused by SDC, against officer recommendation, for reasons relating to:

- (a) The excessive scale and height of the proposed development within its local context would not be proportionate to the site location outside of the Canary Wharf major centre and would not maintain the transition in height between Canary Wharf to the north and the lower rise buildings to the south and east.
- (b) The proposed scale, height and massing would result in a development that fails to present a human scale of development at street level, would be overbearing, unduly prominent in local views and would detract from the low-rise character of the area to the south and east.

7.40 The main issues were the tall building's impact on the local townscape and whether it would represent overdevelopment of the site. The council was particularly concerned about its impact on local views and views from Greenwich Park protected through the London View Management Framework.

7.41 Apart from the local and national policy context, the inspector referred to Historic England's Advice Note 4 on tall buildings and various supplementary planning documents. He found that the area was changing rapidly with many tall buildings under construction, including a 52-storey building immediately adjoining the site.

7.42 He noted that the site was included in an emerging opportunity area planning framework promoting comprehensive high-density residential-led mixed developments, as long as they respect existing character, but also lay in an area where development should provide a transition between higher-rise commercial areas and a lower-rise residential townscape.

7.43 In considering the scheme's impact on lower-rise development in Cubit Town, some 100 metres away, the inspector felt that the existing juxtaposition between traditional domestic-scale buildings and tall tower blocks was already a dramatic and distinctive characteristic of the area. In his view, the proposal would play a part in an irregular but progressive stepping down in height from the centre of Canary Wharf to the surrounding residential areas. It would not appear unduly prominent in local views and would be consistent with the area's character.

7.44 He was not concerned about overdevelopment, given that the building would still leave space on the site for significant public realm improvements. He held that it would not cause overshadowing, loss of privacy or sunlight, and would provide high-quality accommodation. He was satisfied that the scheme would have no impact on appreciation of the view from Greenwich Park and would make a positive contribution to the panorama by infilling a small gap and adding variety and interest to the skyline.

Enforcement Notice - 2, 4 and 6 East Ferry Road

Enforcement notice appeal: Unauthorised demolition of 3 Unlisted Victorian cottages within a conservation area with requirement to recreate with facsimile (replica).

Inquiry commenced 13 November 2018 – two days.
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Appeal allowed – notice quashed.



- 7.45 An enforcement notice was served following the unlawful demolition of a small terrace of three Victorian houses.
- 7.46 The first argument at the inquiry was that the Notice is defective because it does not clearly tell the appellants what to do. The Inspector dismissed that argument and concluded that the notices were clear but that the Council could have used the words “as similar as possible” rather than a facsimile (which means exact copy) of the original buildings.
- 7.47 The Council argued that as there are no planning applications for replacement buildings, there are no public benefits to weigh in the balance against the harm caused by the demolition of the Conservation Area Buildings, which represented the only surviving remnant of a large area of Victorian workers’ housing in Cubitt Town.
- 7.48 As no public benefits to weigh in the balance, the Inspector agreed that on a simple reading of NPPF paragraphs 193 to 196 decided appeal must be dismissed. However he decided that view to be simplistic with weight given to appellant’s argument that a proposed modern flatted scheme could sit comfortably on the site and would not be out of character with the surroundings. The poor structural condition of the former cottages and the fact that little of historic interest remained with the houses appearing as a remnant in a sea of modern housing was also given weight. The Inspector found that the significance of the conservation area seems to rest almost entirely on the section around Coldharbour.
- 7.49 The Inspector went on to place significant weight on the redevelopment potential of the site, noticing it’s location in an opportunity area and high growth area as identified in the Core Strategy. The indicative six storey scheme of 22 flats of which 35% would be affordable was cited as being demonstrative of what could come forward on the site.
- 7.50 He concluded that the potential future redevelopment of the site for a larger number of dwellings, including much needed affordable housing, would accord with the policy “ethos” for the area – even though no such plans have been submitted. These benefits would outweigh the harm to the conservation area arising from the demolition.

7.51 This is an unusual decision, as the Inspector has placed significant weight on the public benefits arising from the development potential of the site, without there being any firm plans to redevelop it. It is not normally appropriate to allow any demolition within a conservation area without being able to assess the impact of replacement development and link the demolition and re-building together. The policy framework for the area seems to have been paramount in his considerations, but this could set an unhelpful precedent and the Council is taking legal advice.

8. CONCLUSIONS

8.1 The Council's overall position on defending decisions to refuse planning permission at appeal remains good and there is no risk of hitting the government threshold for quality of decision making, based on decisions overturned at appeal.

8.2 However performance for the last 13 months has been affected by a number of high profile decisions arising from an unusually high number of public inquiries.

8.3 There are some themes that arise from decisions which should be considered in terms of future decision making and policy development.

8.4 The appeal decisions on 225 Marsh Wall and Glengall Quay demonstrate how the Council's long standing policy for managing building heights in the Isle of Dogs (i.e. the stepping down from 1 Canada Square, moving southwards) can be open to interpretation. The height of the tallest proposed tower at Glengall quay was still held to respect this principle, notwithstanding that it would be substantially taller than neighbouring buildings as it would be around one third of the height of 1 Canada Square. The Council is now looking at whether a Supplementary Planning Document to provide more guidance on the practical application of this policy (and its equivalent in the emerging Local Plan) would provide an additional tool for managing building heights.

8.5 Related to this is the importance of ensuring that the Council not only identifies conflict with policies but links this to identifiable planning harm. This was apparent in the Inspector's decision on Glengall Quay, where he says "It has not been shown why the jump up from 8 to 24 and 34 storeys, would lead to unacceptable harm." (Para. 21). Given the MPPF presumption in favour of sustainable development, whilst the starting point for decision-making is the Development Plan, it does not follow that non-compliance with certain policies should lead to a refusal in itself, unless unacceptable planning harm can be demonstrated.

8.6 Finally, two decisions highlight the flexibility that should be applied to the BRE daylight and sunlight guidance. The Inspectors dealing with the Whitechapel Estate and the Enterprise House appeals noted that the guidance should not be applied rigidly (as per the document itself). They set the level of daylight failures to surrounding properties within the overarching policy context for the schemes. Both were identified in adopted spatial planning documents as being in areas where substantial growth, transformation and consequently high densities were expected. Hence the consequence of balancing this with the amenity impacts lead to an acceptance of a greater level of impact on daylight than would have been in the case in areas not subject to the same expectations for growth – for example, the decision on Cinnamon Street and Clegg Street in Wapping.

8.7 The above is a summary of the key points only. Committee members are invited to read in full any appeal decisions that are of interest and officers will be pleased to provide further information, if necessary.

