

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

1. **APPLICATION DETAILS**

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

2. EXECUTIVE SUMMARY

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

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

3 RECOMMENDATION

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

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

3.2 Financial Obligations:

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

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

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

Total: £398,624

3.3 Non-financial Obligations:

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

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

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

g) Access to employment, involving:-

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

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

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

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

k) Owner to enter into a Car Free Agreement

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

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

3.6 **Conditions**

Compliance Conditions

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

Pre-commencement

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

Pre-commencement excluding demolition phase

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

Prior to commencement of relevant works

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

Pre-Occupation

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

Post Completion

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

3. PROPOSAL AND LOCATION DETAILS

Site, Surroundings and Designations

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



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

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

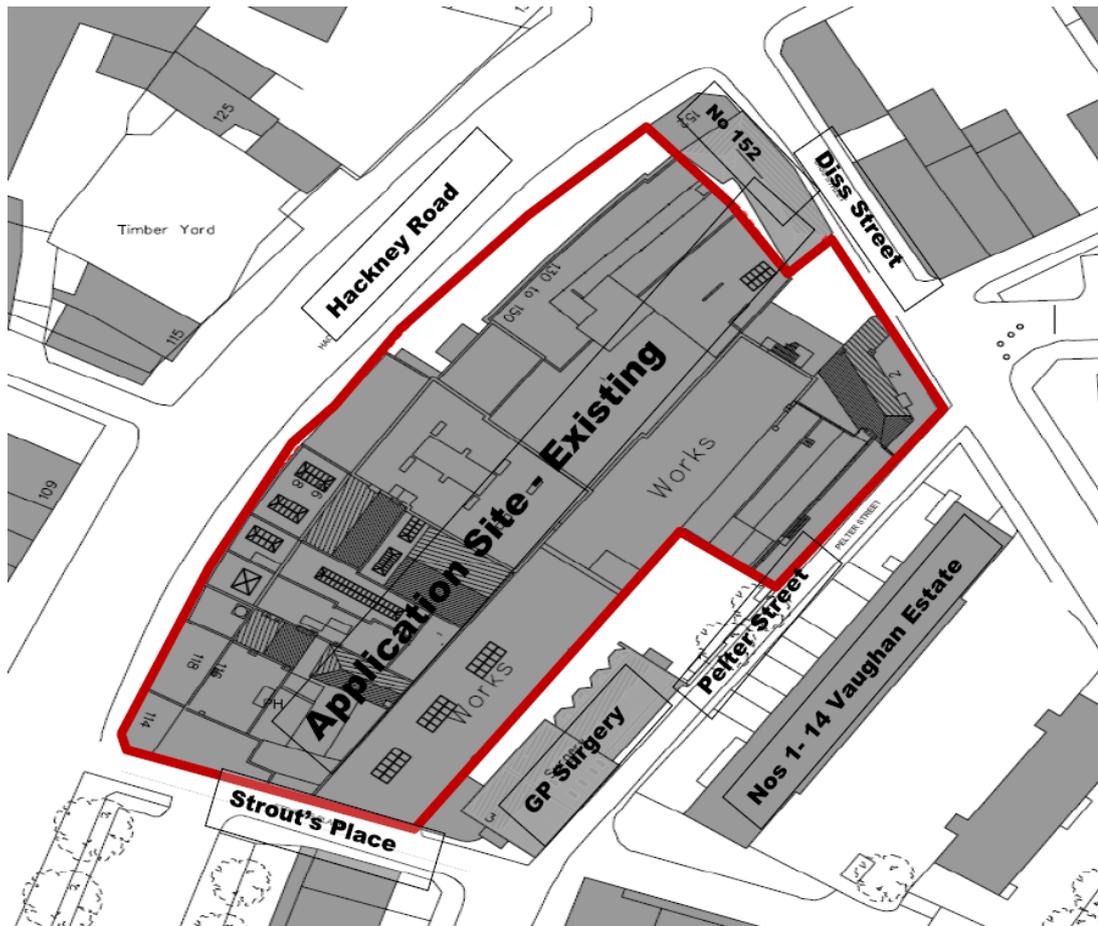


Figure 2: Location Plan - Site edged in thick outline.

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

PROPOSAL

3.9. The proposal involves:-

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



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

RELEVANT PLANNING HISTORY

On site

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

Neighbouring Sites

97-137 Hackney Road (opposite the site)

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

4. POLICY FRAMEWORK

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

- 2.9: Inner London
- 2.13: Opportunity Areas and Intensification Areas
- 2.18: Green Infrastructure
- 3.1: Ensuring Equal Life Chances for All
- 3.3: Increasing Housing Supply
- 3.4: Optimising Housing Supply
- 3.5: Quality and Design of Housing Developments
- 3.16: Protection and Enhancement of Social Infrastructure
- 4.1: Developing London's Economy
- 4.2: Offices
- 4.3: Mixed Use development and offices
- 4.7: Retail and Town Centre Development
- 4.8: Supporting a successful and diverse retail sector
- 4.9: Small Shops
- 4.10: New and Emerging Economic Sectors
- 5.1: Climate Change Mitigation
- 5.2: Minimising Carbon Dioxide Emissions
- 5.3: Sustainable Design and Construction
- 5.5: Decentralised Energy Networks
- 5.6: Decentralised Energy in Development Proposals
- 5.7: Renewable Energy
- 5.8: Innovative Energy Technologies
- 5.9: Overheating and Cooling
- 5.10: Urban Greening
- 5.11: Green Roofs and Development Site Environs
- 5.12: Flood Risk Management
- 5.13: Sustainable Drainage
- 5.14: Water Quality and Wastewater Infrastructure
- 5.15: Water Use and Supplies
- 5.17: Waste Capacity
- 5.18: Construction, Excavation and Demolition Waste
- 5.19: Hazardous Waste
- 5.21: Contaminated Land
- 6.3: Assessing the Effects of Development on Transport Capacity
- 6.9: Cycling
- 6.10: Walking
- 6.11: Congestion and traffic flow
- 6.12: Road Network Capacity
- 6.13: Parking
- 7.1: Lifetime Neighbourhood
- 7.2: An Inclusive Environment
- 7.3: Designing Out Crime
- 7.4: Local Character
- 7.5: Public Realm
- 7.6: Architecture
- 7.8: Heritage Assets and archaeology
- 7.9: Access to Nature and Biodiversity
- 7.14: Improving Air Quality
- 7.15: Reducing Noise and Enhancing Soundscapes
- 7.19: Biodiversity and Access to Nature
- 8.2: Planning Obligations
- 8.3: Community Infrastructure Levy

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

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

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

DM0: Delivering Sustainable Development
DM1: Development with the Town Centre Hierarchy
DM2: Local Shops
DM3: Delivering Homes
DM4: Housing Standards and Amenity Space
DM8: Community Infrastructure
DM9: Improving Air Quality
DM10: Delivering Open space
DM11: Living Buildings and Biodiversity
DM13: Sustainable Drainage
DM14: Managing Waste
DM15: Local Job Creation and Investment
DM16: Office Locations
DM20: Supporting a Sustainable Transport Network
DM21: Sustainable Transport of Freight
DM22: Parking
DM23: Streets and Public Realm
DM24: Place Sensitive Design
DM25: Amenity
DM27: Heritage and Historic Environment
DM29: Achieving A Zero-Carbon Borough and Addressing Climate Change
DM30: Contaminated Land

4.7 **LBTH Supplementary Planning Documents**

- Planning Obligations SPD (2016)

4.8 **Mayor of London Supplementary Planning Guidance**

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

4.9 **Other Relevant Documents**

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

5. CONSULTATION RESPONSES

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

5.2. The following were consulted regarding the application:

Internal Consultees

Highways and Transportation

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

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

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

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

Energy & Sustainability Officer

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

5.9. Licensing Team

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

External Consultees

London Borough of Hackney

- 5.13. No comments received.

CAMRA (Campaign for Real Ale)

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

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

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

Metropolitan Police Crime Prevention Design Officer

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

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

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

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

Friends of Joiners Arms

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

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

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

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

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

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

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

Mayor of London Night Time Czar

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

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

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

Public Consultation

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

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

6 MATERIAL PLANNING CONSIDERATIONS

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

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

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

7.0 LAND USE

Employment Use

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

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

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

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

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

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

Residential Use, Mix and Quality

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

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

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

Flexible Use A1-A4 Retail / B1 Space

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

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

Re-Provision of Public House (Use Class A4)

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

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

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

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

8.0 HERITAGE AND DESIGN

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

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

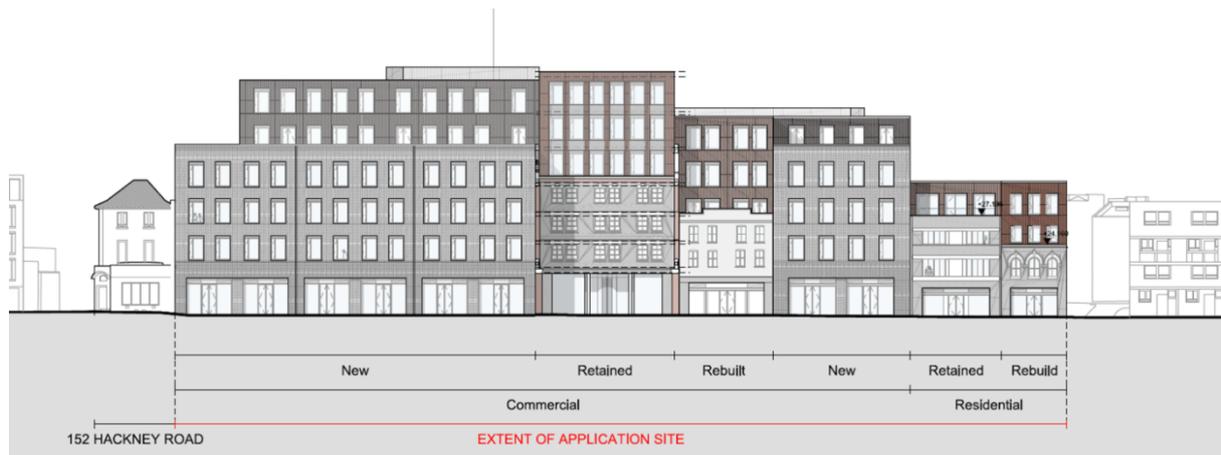


Figure 4: Proposed Hackney Road frontage to site



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

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



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

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



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

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

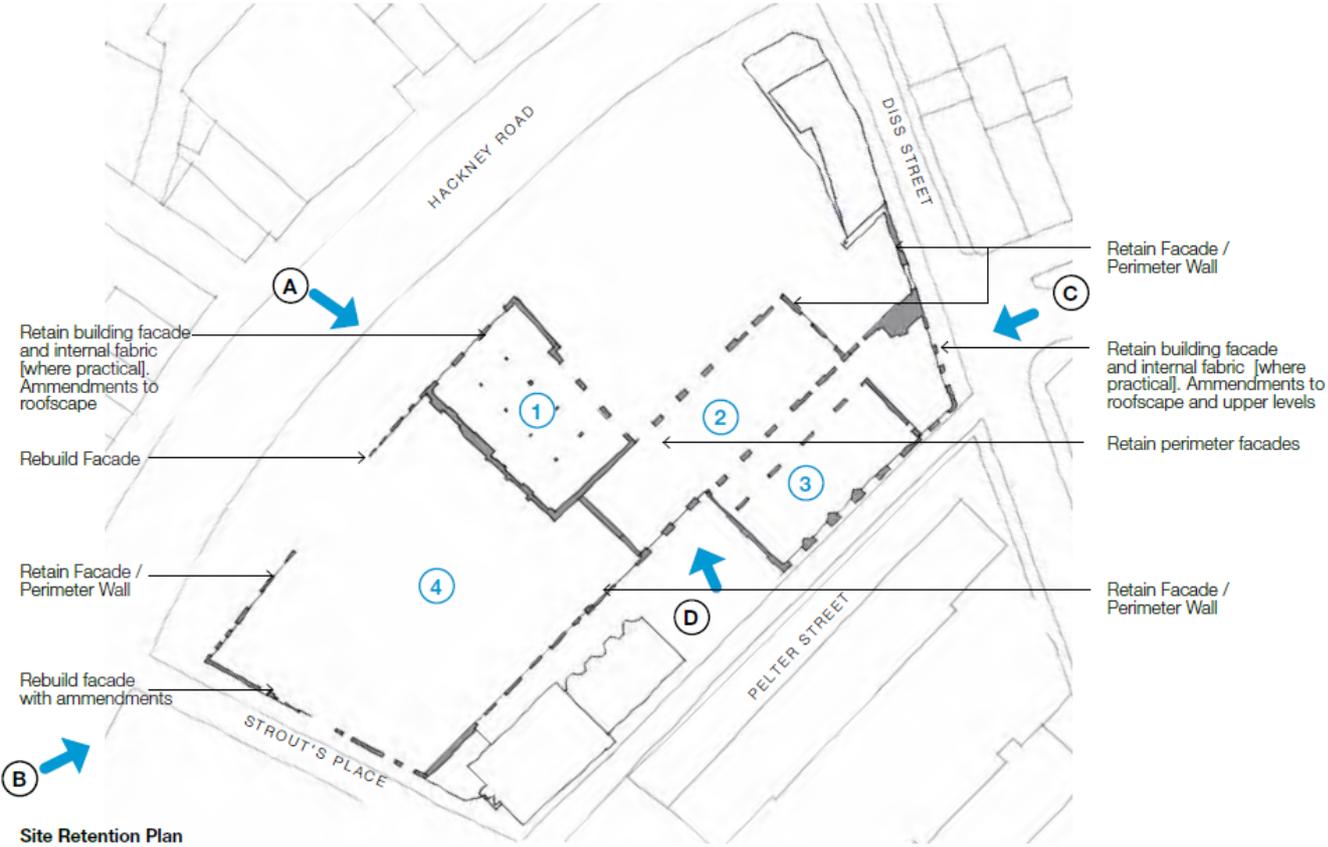


Figure 8: Site Building Retention Plan

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

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

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

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

9.0 AMENITY

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

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

Privacy/Overlooking

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

Sense of Enclosure/Outlook

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



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

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

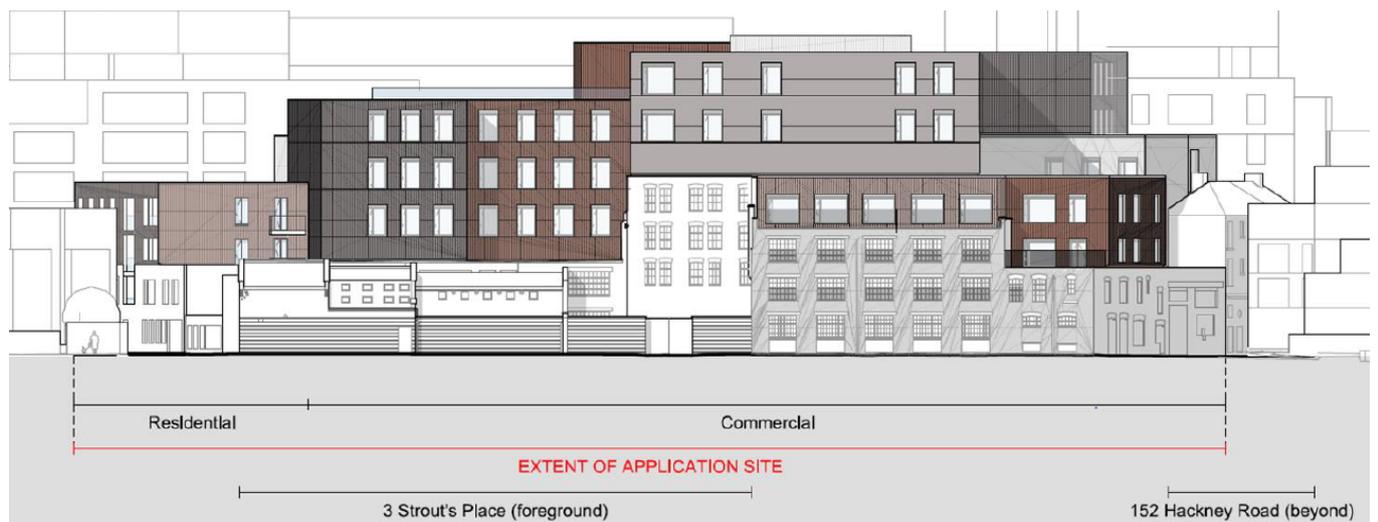


Figure 10: Proposed Pelter Street facing elevation

Daylight/sunlight

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

2-5 Cremer Street and 139 Hackney Road

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

160 Hackney Road and 5 Diss Street

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

18-46 Pelter Street

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

93-137 Hackney Road (Blocks 1 and 2)

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

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

No 1-14 Vaughan Estate

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

Noise

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

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

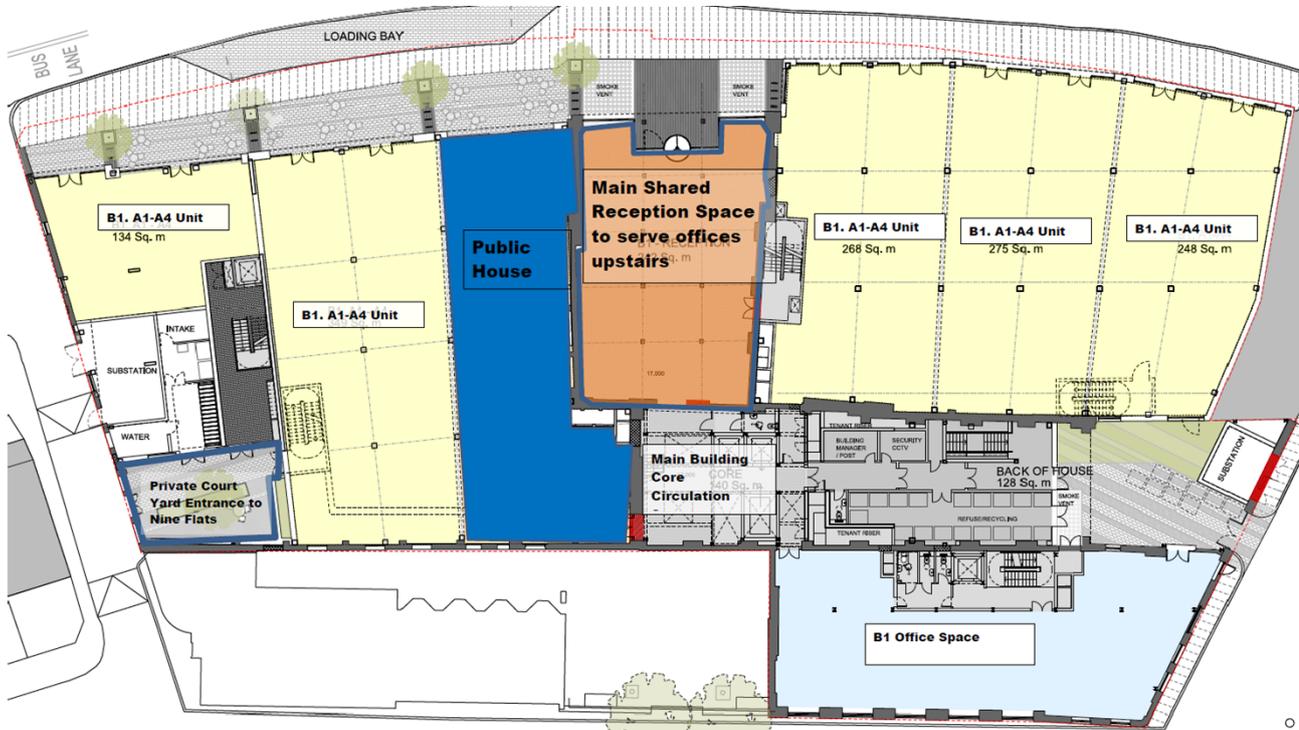


Figure 11: Proposed Ground Floorplan

The proposed scheme

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

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

11 TRANSPORT AND HIGHWAYS

Servicing and Delivery

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

Car & Cycle Parking

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

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

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

Refuse and Recyclables Storage

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

12 EQUALITIES

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

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

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

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

13 OTHER MATERIAL CONSIDERATIONS

Air Quality

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

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

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

Flood Risk & Water Resources

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

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

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

Land Contamination

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

Energy and Sustainability

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

Biodiversity

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

Human Rights Considerations

- 13.17 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning

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

- 13.18 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to be relevant including:
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public's interest (Convention Article 8); and
 - Peaceful enjoyment of possession (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole"
- 13.19 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 13.20 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 13.21 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.
- 13.22 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 13.23 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 13.24 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

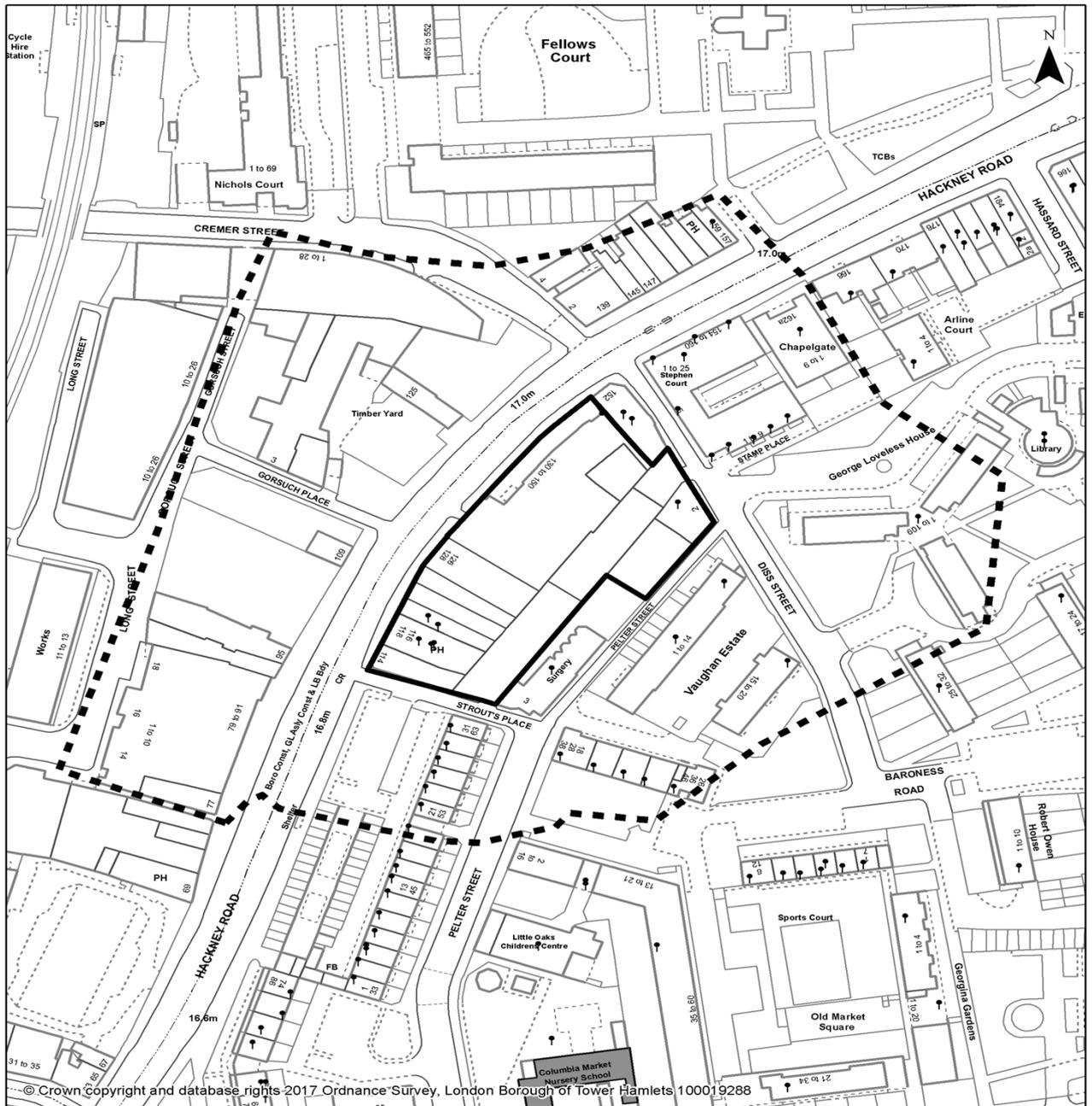
Financial Considerations

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

14 CONCLUSION

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

Site Location Map



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

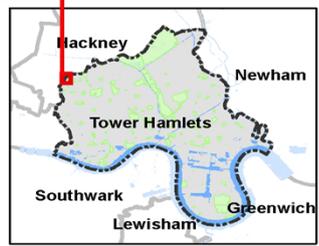
Scale @ 1:1,250
 10 5 0 10 20 30 Meters

Planning Application Site Map PA/17/00250

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



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



Appendix 1

Approved Drawings:

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

Documents

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