

Committee: Development Committee	Date: 17 th October 2018	Classification: Unrestricted
Report of: Director of Place Case Officer: Rikki Weir		Title: Applications for Planning Permission Ref No: PA/16/02713 Ward: St Peter's

1.0 APPLICATION DETAILS

Location:	5 Hollybush Place, London E2 9QX
Existing Use:	Builders merchant (Sui Generis)
Proposal:	Demolition of existing buildings and redevelopment of the land to provide 55 residential units over two blocks comprising one 6 storey building (Building B) and one part 5 and part 7 storey building (Building A) and the provision of 1625 sqm (GIA) of commercial floorspace (Class B1) at lower ground and ground level, with raised podium and associated landscaping, access and cycle parking.
Drawings and documents	Refer to Appendix 2
Applicant/Owner:	Hollybush Partnership
Historic Building:	Nos 2 to 11 Paradise Row (Grade II listed)
Conservation Area:	Adjacent to Bethnal Green Gardens Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) in addition to the London Plan MALP (2016) as well as the National Planning Policy Framework (2018) and all other material considerations.
- 2.2 It is considered that the proposed buildings would be of an appropriate scale, form and composition in relation to the surrounding built context and townscape. The buildings would be of a high quality design, provide a positive and distinctive

contribution to the local site context and would not adversely impact upon either strategic or local views.

- 2.3 The density of the scheme is consistent with the site context. There would be no unduly detrimental impacts upon the amenities of neighbouring building occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure which would be indicative of overdevelopment
- 2.4 The quality of residential accommodation for future occupiers is good, consistent with relevant planning policy providing adequate levels of external private amenity space to individual units. The quantum of both communal amenity space and communal play space exceeds the policy requirements set out in the Local Plan and London Plan and would create external spaces that provide for a good quality living environment for future occupiers of the site.
- 2.5 The development would provide a suitable bedroom and tenure split, as assessed against policy compliant provision of affordable housing (36.3% by habitable room) based upon a 70:30 split between rented tenure and intermediate units. Taking into account the viability constraints of the site, the development is maximising the affordable housing potential of the scheme. The rented units would be delivered 50:50 between London Affordable Rent and Tower Hamlets Living Rent in accordance with the Council's current preferred social rent mix.
- 2.6 Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development. It is considered that that vehicular movements would be decreased as compared to existing, with the loss of the existing builders' merchants.
- 2.7 The scheme provides a set of landscaping and biodiversity features which, set alongside the energy strategy would ensure that the development is environmentally sustainable.
- 2.8 The scheme would be liable to both the Mayor's and the borough's community infrastructure levy. In addition, it would provide necessary and reasonable planning obligations towards local employment and training.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **APPROVE** planning permission subject to conditions and informatives:
 - Three year time limit
 - Compliance with approved plans and documents
 - Wheelchair adaptable and wheelchair accessible dwellings
 - Provision of approved cycle storage
 - Compliance with Energy Statement (with further details)
 - Hours of construction
 - Communal amenity/child play space to be completed prior to occupation
 - Delivery and Service Management Plan
 - Scheme of Highway Improvement Works
 - Secure by Design accreditation

- Full details of hard and soft landscaping, including boundary treatment, play equipment and lighting
- Details of noise and vibration mitigation measures
- Noise insulation
- Noise from plant
- Air quality emission standards for boilers and CHP
- Mechanical ventilation
- Details of biodiversity mitigation measures including green roof
- Car Permit Free
- Wheelchair accessible car parking
- Samples and details of all facing materials
- Details of piling, all below ground works and mitigation of ground borne noise
- Surface Water Drainage Scheme
- Restrictions on demolition and construction activities
- Potential land contamination
- Details of boundary treatments
- Water efficiency

Pre-Commencement Conditions:

- Construction and Environment Management Plan

3.2 Securing contributions as follows:

3.3 Financial contributions:

- A contribution of **£30,000** towards improvements to the allotment to facilitate better utilisation of their site
- A contribution of **£21,180** towards employment, skills, training for construction job opportunities
- A contribution of **£45,581** towards the training and development of unemployed residents
- A contribution of **£109,920** towards carbon off-setting to zero carbon
- A contribution of **£3,000** towards monitoring (£500 per s106 HoT's) compliance with the legal agreement.

Total - £210,181

3.4 Non-financial contributions:

- Affordable housing (17 residential units)
- Section 278 highways improvements
- Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
 - 2 construction phase apprenticeships
- Car-permit free agreement
- Any other contributions considered necessary by the Corporate Director Of Place

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

3.6 Informatives:

- Thames Water – Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site.
- Building Control
- S.278
- Fire & Emergency

5. Footway and Carriageway
6. CIL
7. Designing out Crime

3.7 Any other informatives considered necessary by the Corporate Director of Place.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1 The site is located at the east of Hollybush Gardens and at the end (north) of Hollybush Place, which abuts the railway viaduct. The site is to the north of Bethnal Green tube station, along Bethnal Green Road

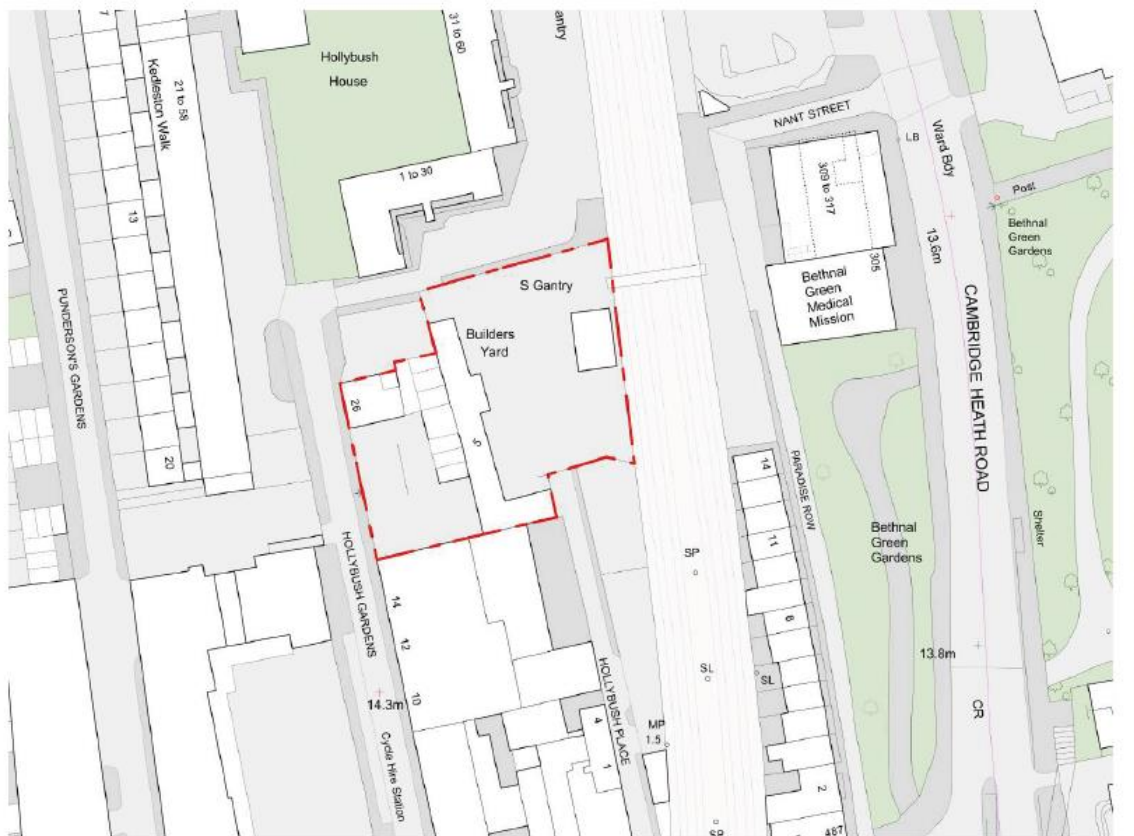


Figure 1: Site map

- 4.2 The site is currently occupied by buildings ranging up to two storeys with a number of other permanent structures. The site is utilised by Travis Perkins builders' merchants (Sui Generis use class). There are two access points into the site, one via Hollybush Place at the south-east corner and the other via Hollybush Gardens to the west, with the ability to drive through the site.
- 4.3 Hollybush Place is a narrow two-way street running north to south alongside the railway line and the railway arch entrances. The railway arches utilised by Travis Perkins, do not form part of the application site.
- 4.4 The site sits to the north of the Bethnal Green District Centre and to the west of the Bethnal Green Gardens Conservation area. The site abuts the railway line, on the other (east) side of which sits the row of Grade II listed terraced buildings (Nos 2-11

Paradise Row). The site sits within the Mayor of London's designated City Fringe Opportunity Area.

- 4.5 The area to the north and west of the site is predominantly residential, largely characterised by post-war flats and houses, with some large scale industrial buildings converted to residential use. Hollybush House to the north of the site is a five storey residential development. The surrounding neighbourhood also contains a mixture of commercial, leisure, retail and primary services mainly along Bethnal Green Road to the south. The industrial warehouse building to the south, BJ House, 10-14 Hollybush Gardens, is currently utilised as offices (B1).
- 4.6 The site benefits from excellent public transport accessibility (PTAL rating of 6a) and is in a highly sustainable location. Bethnal Green Underground Station is only 100m from the site, whilst Bethnal Green Overground Station and Cambridge Heath Overground Station are also within walking distance.

Proposal

- 4.7 The application proposal involves demolition of the existing builders' merchants buildings on site in order to create a mixed use redevelopment.
- 4.8.1 It is proposed to create 1625msq of flexible office (B1) workspace at basement and ground floor levels, with 55 residential units set above. The proposal comprises two blocks joined together by a ground floor level podium building. Building A is a part seven and part five storey building facing Hollybush Gardens to contain 20 residential units and Building B is a six storey building, adjacent to the railway containing 35 residential units.
- 4.9 The scheme would provide 5 intermediate units and 12 affordable/social rented residential units, which comprise a 36.3% affordable housing provision on site.
- 4.10 There would be two residential entrances to the site. For Building A on Hollybush Gardens, and for Building B at the end of Hollybush Place. The ground and lower ground floor commercial spaces have entrances on both Hollybush Gardens and through the site from Hollybush Place.



Figure 2: Existing site viewed from Hollybush Gardens

Amendments

- 4.11 During the course of the application the proposal has been amended, to include:
- Reduction in proposed residential units from 72 to 55;
 - Reduction in the bulk of Building A
 - Reduction in the height of Building B by one storey, decrease in massing and increased separation from the railway;
 - Increased number of accessible car parking bays;
 - Greater and improved detailing of the façade and choice of finish materials.
 - Removal of all single aspect units facing the railway.

Relevant Planning History

On Site

- 4.12 PA/84/00200: Change of use to builders merchants (as extension to 16-26 Hollybush Gardens). Permitted – 17/12/1984.
- 4.13 PA/80/00162: Rebuilding of covered storage area. Permitted 27/02/1980.
- 4.14 PA/79/00146: Alterations and improvements to existing office accommodation. Permitted – 28/01/1980.
- 4.15 PA/79/00147: Erection of a portakabin for use as a temporary office. Permitted – 11/09/1979.
- 4.16 PA/70/00124: Extension to provide additional office and storage accommodation and the retention of two storage sheds. Permitted – 31/7/1970.
- 4.13 PA/53/00139: The erection of extensions to builder's merchants premises. Permitted – 08/09/1953.

Neighbouring Sites

- 4.15 *BJ House, 10-14 Hollybush Gardens*

PA/17/01732: Retention and refurbishment of the existing warehouse building fronting Hollybush Gardens, and addition of a ground plus six storey extension to the rear of the site to provide office accommodation (Use Class B1) with flexible retail space at ground level (Use Class A1/A3). Permitted – 19/12/2017.

- 4.16 *Bethnal Green Mission Church, 305 Cambridge Heath Road*

PA/14/03166: Demolition of existing four storey building, comprising a church and ancillary uses. Erection of new six storey building and basement, comprising church & community facilities and other ancillary facilities, including one ancillary residential unit (“the Vicarage”) along with 14 open market residential units. Permitted – 01/10/2015.

4.17 313 Cambridge Heath Road

PA/14/01719: Proposed minor material amendment to planning permission dated 19/12/12, ref: PA/12/00623. The amendments include an increase in the number of guest rooms from 80 to 90, alterations to the shape and size of the rooms, relocation of rooms, revision to the size and positioning of the windows, installation of additional staircases, increase in floor height, replacement of railings with 1.1m high glass balustrade and construction in two tone brickwork. Permitted – 01/10/2014.

PA/13/02156: Application under s.73 of the Town and Country Planning Act for: a) a minor material amendment through a variation of condition no. 2 (approved plan numbers) to increase the building storey to 6 with the overall parapet height increased by 410mm, facade alterations and minor internal changes resulting in 91 apart-hotel rooms; and b) Variation of condition 23 (Use Class C1) to include apart-hotel to approved application ref: PA/12/00623, dated 19/12/2012. Permitted – 01/11/2013.

PA/12/00623: Demolition of existing 3 - storey building and re-development of site by construction of a new 5 - storey building with basement and lower ground floor levels to provide 80 bedroom hotel (Use Class C1) with associated rear servicing bay. Permitted – 19/12/2012.

5.0 POLICY FRAMEWORK

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

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

5.3 Government Planning Policy

National Planning Policy Framework (2018)

5.4 London Plan MALP (2016)

- 3.2 – Improving Health and Addressing Health Inequalities
- 3.3 – Increasing Housing Supply
- 3.4 – Optimising Housing Potential
- 3.5 – Quality and Design of Housing Developments
- 3.6 – Children and Young People’s Play and Informal Recreation Facilities
- 3.8 – Housing Choice
- 3.9 – Mixed and Balanced Communities
- 3.10 – Definition of Affordable Housing
- 3.11 – Affordable Housing Targets
- 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 – Affordable Housing Thresholds
- 4.2 – Offices
- 4.3 – Mixed Use Development and Offices
- 5.1 – Climate Change Mitigation
- 5.2 – Minimising Carbon Dioxide Emissions

- 5.3 – Sustainable Design and Construction
- 5.4A – Electricity and Gas
- 5.5 – Decentralised Energy Networks
- 5.6 – Decentralised Energy in Development Proposals
- 5.7 – Renewable Energy
- 5.9 – Overheating and Cooling
- 5.10 – Urban Greening
- 5.11 – Green Roofs and Development Site Environs
- 5.13 – Sustainable Drainage
- 5.14 – Water Quality and Wastewater Infrastructure
- 5.15 – Water Use and Supplies
- 5.17 – Waste Capacity
- 5.21 – Contaminated Land
- 6.3 – Assessing the Effects of Development on Transport Capacity
- 6.7 – Streets and surface transport
- 6.9 – Cycling
- 6.10 – Walking
- 6.13 – Parking
- 7.1 – Lifetime Neighbourhoods
- 7.2 – An Inclusive Environment
- 7.3 – Designing Out Crime
- 7.4 – Local Character
- 7.5 – Public Realm
- 7.6 – Architecture
- 7.13 – Safety, Security and Resilience to Emergency
- 7.14 – Improving Air Quality
- 7.15 – Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 7.1 – Biodiversity and Access to Nature
- 8.1 – Implementation
- 8.2 – Planning Obligations
- 8.3 – Community Infrastructure Levy

5.5 Core Strategy (2010)

- SP01 – Refocusing our Town Centres
- SP02 – Urban Living for Everyone
- SP05 – Dealing with Waste
- SP06 – Delivering Successful Employment Hubs
- SP09 – Creating Attractive and Safe Streets and Spaces
- SP10 – Creating Distinct and Durable Places
- SP11 – Working Towards a Zero-carbon Borough
- SP12 – Delivering Placemaking (Bethnal Green)
- SP13 – Planning Obligations

5.6 Managing Development Document (2013)

- DM0 – Delivering Sustainable Development
- DM3 – Delivering Homes
- DM4 – Housing Standards and Amenity Space
- DM9 – Improving Air Quality
- DM11 – Living Buildings and Biodiversity
- DM13 – Sustainable Drainage
- DM14 – Managing Waste
- 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 the Public Realm
 DM24 – Place-sensitive Design
 DM25 – Amenity
 DM26 – Building Heights
 DM27 – Heritage and the Historic Environment
 DM29 – Achieving a Zero-carbon Borough and Addressing Climate Change
 DM30 – Contaminated Land and Development and Storage of Hazardous Substances

5.7 Supplementary Planning Guidance/Documents

- Bethnal Green Gardens Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)
- Planning Obligations SPD, LBTH (2016)
- Development Viability SPD, LBTH (2017)
- Housing SPG, GLA (2016)
- Shaping Neighbourhoods: Character and Context SPG, GLA (2014)
- Shaping Neighbourhoods: Play and Informal Recreation SPG, GLA (2012)
- Sustainable Design and Construction SPG, GLA (2014)
- Affordable Housing and Viability SPG, GLA (2017)
- City Fringe Opportunity Area Planning Framework, GLA (2015)
- Tower Hamlets Air Quality Action Plan, LBTH (2003)
- Clear Zone Plan – 2010-2025, LBTH (2010)
- Tower Hamlets Partnership Community Plan, LBTH (2015)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)

5.8 Emerging Planning Policies

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

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

Draft New London Plan

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

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

CONSULTATION RESPONSE

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

- 6.1 The following were consulted regarding the application:

LBTH Transportation and Highways

- 6.2 Proposal should result in less vehicular movement throughout the area. There are no in principle concerns with regards to the proposal, subject to conditions related to a 'permit-free development', full details of cycle parking, changes to street parking layout and highways improvements, travel plan, deliveries and servicing plan, demolition and construction management plan.

LBTH Waste Policy

- 6.3 Full details of waste and recycling storage and a management plan would be conditioned, subject to approval.

LBTH Sustainable Development

- 6.4 The proposal sustainability mitigation measures would be acceptable and should be secured by condition along with further details. Initially raised concerns regarding the CHP which were alleviated after receiving further information.
- 6.5 A cost analysis of the proposals compared to a communal gas boiler is sought. Subject to approval, a condition would be added requiring a revisit to the energy strategy once detailed design has been completed and energy system contracts are looking to be finalised.

LBTH Biodiversity

- 6.6 Biodiverse roofs would be a significant biodiversity enhancement, and would contribute to a LBAP target for new open mosaic habitat. A green roof would also increase the efficiency of the photovoltaics proposed for one of the roofs. The applicant should be requested to include biodiverse roofs designed following the best practice guidance published by Buglife. Details of biodiversity enhancements should be subject to a condition.

LBTH Contaminated Land

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

Borough appointed Noise Consultant

- 6.8 The assessment satisfactorily deals with the vibration and noise expected on site subject to a vibration condition being attached to the permission.

LBTH Air Quality

- 6.9 The air quality assessment shows that the development will not result in any significant impacts on air quality. The Assessment 'assumes' that ultra Low NOx gas boilers (<40mg/Kwh) will be installed and no other energy generation is associated with the development, and has based the air quality neutral calculations on this assumption. Subject to approval, full details of boilers to be installed to be submitted.

LBTH Employment and Enterprise

- 6.10 No objections subject to financial contributions to support and/or provide training and skills need of local residents in accessing the job opportunities created through the construction phase of the development.

LBTH Sustainable Urban Drainage Systems (SUDs) Officer

- 6.11 The site is within Flood Zone 1 and has no significant risk of surface water flooding. The proposals are acceptable and comply with the London Plan Policy 5.13 and Local plan policy DM13. Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed 'SuDS report' has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the Drainage Report. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

LBTH Affordable Housing

- 6.12 Would prefer a more exact tenure mix in relation to Council targets but following amendments, it is considered that the mix is more policy compliant and that it meets the borough's requirements.

External Consultees

Network Rail

- 6.13 No objection.

Metropolitan Police Crime Prevention Design Officer

- 6.14 No objection to the scheme proceeding as outlined. Recommend that the scheme should by means of a condition achieve Secured by Design accreditation which would be formally acknowledged upon a final inspection once all works are complete.

LOCAL REPRESENTATIONS

- 7.1 A total of 322 neighbours letters were sent to neighbours and interested parties. A site notice was displayed outside the application site and the application was advertised in the press.
- 7.2 An amended proposal was received on 11 April 2017 and a further consultation was

undertaken with an additional site notice erected, press notice and neighbour letters sent. A further amended proposal was received on 10 August 2018 with an additional site notice erected, press notice and neighbour letters issued.

7.3 In addition, the freeholder has had held a consultation event with the residents and the current leaseholder.

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

No of individual responses: 11 letters in objection

2 letters in support

7.5 The issues raised by objectors can be summarised as follows:-

- Scheme increases the density of housing in the area, without adequate accommodation for the additional pressure put on local parking from visitors to the proposed flats;
- Blocks light to adjacent buildings which will create a sense of overdevelopment in the area;
- Will result in the loss of an active and viable employment use;
- Massing and overall size of the development is too large for this area;
- Will impact on the surrounding businesses, specifically in the arches along Hollybush Place;
- Will restrict or reduce the level of access currently received by those persons on Hollybush Place;
- Traffic, noise and dust will impact on those residents Hollybush Gardens and Hollybush Place
- Will impact on local services along with the preservation and maintenance of our cobbled roads;
- Will introduce balconies and terraces which will overlook surrounding properties, block our light and views and intrude on privacy;
- Will impact on the architectural heritage of the area being lost. The brick warehouses are characteristic of the area;
- Will affect the development on existing businesses and cause displacement.

The comments raised in support of the proposal can be summarised as follows:

- The area should become more densified to assist with housing and prices.

7.6 The loss of private views has also been raised in objection to the proposal. However impact of development on private views is not a material planning consideration. The proposal's impact on outlook is addressed in the amenity section.

7.7 Issues raised in local representations are as material, assessed in the following paragraphs.

MATERIAL PLANNING CONSIDERATIONS

8.0 The full planning application has been assessed against all relevant policies under the following considerations:

9.0	Sustainable Development Principles
10.0	Land Use
11.0	Design and Impact on Adjacent Conservation Area
12.0	Quality of Residential Accommodation
13.0	Housing
14.0	Impact on Neighbouring Amenity
15.0	Transport and Servicing
16.0	Environmental Considerations
17.0	Local Finance Considerations
18.0	Human Rights Considerations
19.0	Equalities Act Considerations
20.0	Conclusion

Sustainable Development Principles

- 9.0 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 9.1.1 Paragraph 7 of the NPPF highlights that the overarching objectives of sustainable development including widening the choice of high quality homes, improving the conditions in which people live and enjoy leisure and replacing poor design with better design. Furthermore, section 11 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.

Land Use

Provision of Residential Space

- 10.0 The NPPF attaches great importance to significantly boosting the supply of new housing. LBTHs Core Strategy Policy SP02 seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. Infill development which meets an identified need and contributes to creating sustainable communities is supported.
- 10.1 The London Plan sets a revised minimum 10 year housing target of 39,314 between 2015 – 2025 (3,931 per year) for Tower Hamlets. The development proposes re-use of an existing underutilised, brownfield site, making the best use of land. This approach accords with the core principles of the NPPF, which encourages the re-use of previously developed land.
- 10.2 London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) describe the pressing need for more homes in London and how development should optimise housing output.
- 10.3 A residential re-development of the site is considered to be acceptable in principle,

subject to compliance with all other policy considerations.

Loss of Builders' Merchant and Provision of Office Space

- 10.4 The site is located in a highly sustainable location just outside of Bethnal Green District Centre. The site is not located within a designated employment area or a site designated as local industrial land. The existing site is 789sqm of commercial and employment space, occupied by one operational business, Travis Perkins, a builders' merchant, stated to employ up to 10 staff.
- 10.5 The existing use of the site is as a builders' merchant (Sui Generis use class). As a Sui Generis use, this does not fall under a specific use class. Therefore the use is not specifically protected as employment or industrial land in relevant planning policy as described below.
- 10.6 Policy SP06 seeks to enhance existing employment land including non-designated employment floorspace and particularly flexible workspace in town centre, edge of centre and main street locations. Policy DM15 states that 'upgrading and redevelopment of employment sites outside of spatial policy area will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown that the site has been actively marketed or that the site is unsuitable for continued employment use due to its location, viability, accessibility and condition.
- 10.7 Part 2 of DM15 states that development which is likely to impact on or displace an 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. The supporting text to DM15 states that employment uses include all uses within the B use classes. Builders' merchants do not fall within B use classes B1 (offices), B2 (General industrial) or B8 (storage or distribution), although they involve a mix of these uses alongside elements of retail (A1) use. As a Sui Generis use, a builders' merchants will always require planning permission to change to or from another use.
- 10.8 The existing use is most closely related to either B8 use (storage and distribution) which has an employment density of 1 per 70 sqm or B1c use (light industrial) which would have an employment of 1 per 47sqm. Even at the highest ratio, the site would only have the ability to provide for up to 16 employees.
- 10.9 The applicant has undertaken discussions with Travis Perkins in order to try to accommodate their use within the completed development, and has explored offering several other locations such as 3-33 Caroline Street, Limehouse and Ailsa Street, E14 in Poplar which could be a temporary or permanent site opportunities, should the business wish to relocate back to the host site.
- 10.10 The applicant has sought to incorporate the business back into the site but has been unable to gain meaningful engagement from the leaseholder to come to an appropriate agreement to either, incorporate the builders' merchant into the scheme or find suitable replacement accommodation for the existing business that would be displaced. However officers are satisfied the applicant has made a best endeavours bid to secure one of these sought outcomes.
- 10.11 The London Plan seeks the optimisation of the use of land, particularly in areas of high accessibility. In addition, the site is located in a predominately built up residential area. It is therefore considered that the site is not best suited to this type of business

which is underutilising a site and that could provide both greater employment density and housing opportunities.

- 10.12 Part 3 of DM15 states that new employment floor space will need to provide a range of flexible units including units less than 250 square metres and less than 100 square metres to meet the needs of Small and Medium Enterprises (SMEs).
- 10.13 The proposal seeks to create 1625sqm of B1 (office) floorspace, ensuring there is a 205% provision of employment floorspace compared to the existing commercial floor space. The proposed commercial use at the ground and lower ground floor level would provide employment opportunities on site above the existing employment levels provision. The office floorspace is designed to provide a range of units including those under both the 250sqm and 100sqm policy thresholds with an ability to divide floorspace into different sized units for new business start-ups.
- 10.14 In terms of employment density within the B1 use class, in comparing the lowest ratio being B1a (corporate) of 1 job per 13sqm, this would provide up to 115 FTE jobs and the highest being finance, of 1 per 10 and could provide up to 149 FTE jobs. It is acknowledged that this is based on a generalised assessment, and the units could be split into smaller units to provide for many different users and may not reach the full number given the divisions.
- 10.15 The proposal will provide an improved employment space provision, which will deliver an uplift in employment floorspace and an increase in employment job density and will retain an employment use on-site, in accordance with DM15.
- 10.16 As such, in light of the above, and having regard to policies SP06 and SP07 which seek to support a range and mix of employment uses and spaces within the borough and the employment and skills training of local residents, the proposed loss of the active employment use would be considered to accord with Policies SP06, SP07 and DM15. This is particularly so when giving consideration to the priority given to the delivery of new dwellings (particularly on underused brownfield sites) that is advocated by the Development Plan and the NPPF, and the promotion of mixed used developments at the Edge of town centres, as places that support and assist the creation of sustainable communities, in line with Policy SP01.

Design and Heritage

- 11.0 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 state that *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”* and *“the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.
- 11.1 The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. These are considered in more detail below however, the emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation or enhancement of heritage assets should be given great weight in the consideration/determination of the application.
- 11.2 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 12

'Achieving Well-designed Places' and Chapter 16 *'Conserving and Enhancing the Historic Environment.'*

- 11.3 Chapter 12 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual and visually attractive buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 11.4 Paragraph 192 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.
- 11.5 Paragraph 189 of the NPPF provides that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. And Paragraph 190 provides that local authorities should assess the significance of any assets that may be affected. Paragraph 192 describes what should be taken into account in determining applications. In this case, the relevant designated heritage assets are the Bethnal Green Gardens Conservation Area and the listed terrace buildings on Paradise Row. The subject site is not listed and is not part of a Conservation Area. However, it is directly across the railway viaduct from a Grade II listed terrace on Paradise Row and it would sit within the background of the western-most part of the Bethnal Green Gardens Conservation Area.
- 11.6 The proposal consists of two blocks with an open podium level connecting them. Building A would front Hollybush Gardens at a scale of 4 to 7 storeys and Building B is adjacent to the railway at a height of 6 storeys (five with recessed top floor).

Bulk and Scale

- 11.7 Within the neighbouring Conservation Area, there is a generally a restrained scale combined with large areas of open space and, as such, the development will be seen in the backdrop of this. The 6 storey Building B would be viewed across the railway viaduct in the background to the recently completed 6 storey buildings on Cambridge Heath Road (Bethnal Green Mission Church and The East London Hotel). Building B is considered to sit comfortably amongst existing buildings across the railway viaduct, appearing sufficiently subservient in regards to bulk and scale when viewed from Cambridge Heath Road and from the Conservation Area and in respect of the view of the listed terrace on Paradise Row. Building A sits adjacent to an existing 4 storey converted warehouse (10-14 Hollybush Gardens) which has consent for an extension to 6 storeys plus plant. A 6 storey frontage of the converted warehouse City View House also sits on Hollybush Gardens in close proximity to Building A. It is considered that Building A, and the development overall, would sit comfortably within the prevailing pattern of built form in the locality.

- 11.8 The overall mass of the proposal has been well considered, the two buildings are separated by a generous courtyard area and ground floor podium building, centrally located within the site. This restrains the building footprint in each Building and reduces the overall perception of bulk.



Figure 3: Proposed Building A west elevation from Hollybush Gardens

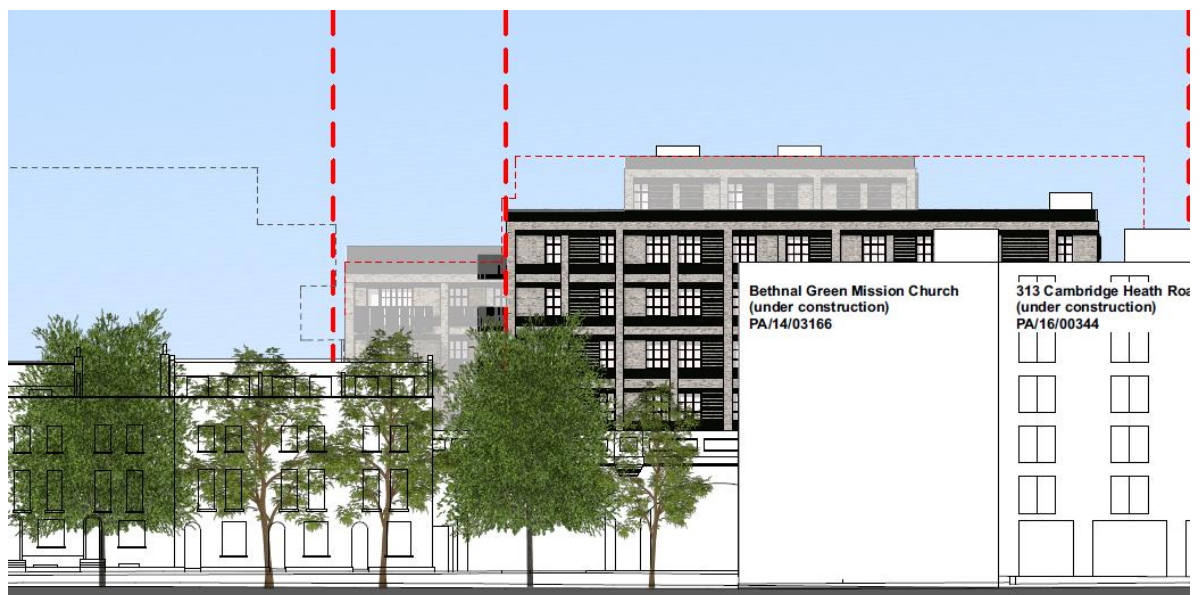


Figure 4: Proposed Building B view towards Paradise Row

Design and materials

- 11.9 The proposed materials palette of grey variations of brick, contrasting with white mortar, Crittal type aluminium window frames and white steel balustrades for balconies is acceptable and in keeping with surrounding styles. The majority of the proposed building will be in brick, presenting a robust and solid appearance, consistent with other buildings in the vicinity, and a contemporary warehouse vernacular. The use of well-crafted steel balustrading to proposed balconies will add interest and variety, with a brick soldier course located below the steel balustrades expressing each balcony area. The parapets to the main roofs are also expressed

using vertically aligned soldier coursing, which is successful in crowning the building. The design approach to the principal Hollybush Place elevation combines slightly recessed window bays within a brick-faced grid to the main building plane. This, combined, with the fenestration pattern and proportions is varied and presents a visually attractive frontage to Hollybush Place.

- 11.10 The north-western and south-western elevations have not been activated by windows in order not to prejudice the potential of neighbouring sites. Both elevations have been articulated using an inset brick grid that reflects the fenestration pattern to the principal west elevation. This adds visual interest to these elevations without dominating the building. Overall the proposed materials palette is considered to be high quality whilst being sensitive to and enhancing local character.



Figure 5: Building A treatment

- 11.11 To Hollybush Gardens, the ground floor of Block A would present as a combination of a residential entrance, a vehicular access gate, 2 entrance doors to workspace units and 2 sets of refuse store door/vents. This ground floor area would be activated by natural surveillance from windows of the residential entrance and workspace units. Large openings are present to this ground floor elevation, along with brick piers and a vertical soldier course of brick for signage areas. Building B benefits from an entrance towards Hollybush Place with substantial glazing at ground floor level.
- 11.12 The podium building links Building A and Building B in-between at ground and lower ground floor levels. At roof/first floor level of the podium building is an outdoor communal amenity space, child play space and landscaped circulation area for the residential units. At ground floor and lower ground floor levels are the commercial spaces and areas ancillary to the residential units (servicing and storage). Residential units are located from first floor upwards.

- 11.13 Workspaces are accessed through the podium building and the internal courtyard, apart from one workspace unit would which help to activate the Hollybush Gardens elevation. The commercial entrances to the podium building/internal courtyard are connected via a series of walkways around voids which allow light to lower ground floor employment space. This layout can appear intricate; however it works in regards to the constrained and mixed use nature of the site and it would give the development a distinctive character of its own.
- 11.14 Overall the proposed mixed use development is considered to be designed to a high quality standard, incorporating accepted principles of good design. The height, bulk, scale and massing of the development is considered to be appropriate to its local setting, and the design and materials used for buildings are high quality and help to enhance local character. Conditions requiring all external materials to be approved will be added, subject to approval. In regards to nearby designated heritage assets, it is considered that the development would preserve the character and appearance of the Bethnal Green Gardens Conservation Area and relevant nearby listed buildings pursuant of the Listed Building and Conservation Areas Act 1990.



Figure 6: View of podium building commercial entrance

Secure by Design

- 11.16 LP Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 11.17 In general, the proposed layout and mix of uses provides activity and natural surveillance at street level to Hollybush Gardens and Hollybush Place, substantially

increasing presence and activation of the site in comparison to the existing builders' merchants.

- 11.18 The Crime Prevention Officer at the Metropolitan Police had pointed out various minor amendments which would produce security improvements to the site. Subject to approval, a condition would be added for the scheme to achieve Secure by Design Accreditation.

Quality of Residential Accommodation

Internal space

- 12.0 The Mayor of London's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring they are "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 12.1 All 55 residential units comply with nationally described internal space standards in regards to minimum gross floor areas and floor to ceiling heights (minimum 2.5m height). Furthermore no floor would have more than 8 units per core, in accordance with the Housing SPG. 6 wheelchair accessible and adaptable units are proposed and these are sufficiently oversized for extra circulation space and comprise more than the required 10% of units. The wheelchair units within the affordable provision would be built as adapted units.
- 12.2 Approximately 80% of the flats would be dual aspect and all of the flats would have balcony at a size which would be policy compliant. This is a high percentage given the constrained nature of the site. The single aspect units are east or west facing with the majority being one bedroom flats, where it is difficult to provide further outlook. There are no north-facing single aspect units.
- 12.3 Owing to the high proportion of dual aspect units on the site, a good level of outlook is achieved across the residential units. East-facing windows of Building B face over the railway and have 35m separation to the 6 storey buildings on Cambridge Heath Road. Some west-facing windows of Building B look towards the rear of Building A at proximity of 14m to non-habitable room spaces and 16m to habitable room windows. However windows facing between the 2 buildings are generally set at an angle to each other (rather than face head on) to avoid undue overlooking or lack of privacy. The affordable rented units in Building B facing Building A also at benefit from outlook towards the south or longer views across the railway, or to the north, which helps to mitigate against the less than 18m separation distance between the two proposed buildings.
- 12.4 Building A has an 18.7m separation to Kendlestone Walk flats.
- 12.5 To conclude, the scheme provides reasonable separation distances between the two residential buildings with thoughtful internal layouts and placing of windows to help address the separation distance of 18m. The scheme also provides good levels of outlook to units through provision of dual aspect units and separation distances to other built development either complies with 18m separation distances as detailed above or broadly replicates separation distances that exist between buildings along

Hollybush Gardens and surrounding streets.

- 12.6 The applicant has submitted an independent daylight and sunlight analysis regarding daylight and sunlight for the proposed residential units. The assessment was carried out for 19 no. dwellings representing a thorough cross section of dwelling types. All habitable rooms within these dwellings have been included in the assessment. The consented scheme to the south was included in the first assessment as a worst-case approach. The analysis results indicated that all habitable rooms assessed satisfy the recommendations set out by BRE guidance in regards to average daylight factor (ADF) targets for relevant room types.
- 12.6 In regards to potential mutual overlooking and privacy concerns, some degree of overlooking may occur from the office extension scheme consented to the south if this is built out as it would contain a glazed flank wall looking into the development site. However it is considered that given these views would be oblique and the office development would be primarily occupied during daytime hours, the relationship is acceptable in terms of privacy to future residential occupants. Some limited mutual overlooking could take place for the south-western corner windows of Building A towards upper levels of City View House. However this tight relationship would be limited in scope and the dual aspect nature of the residential units would help to alleviate this impact. Furthermore, the relationship is consistent with that which exists between BJ House and City View House.
- 12.7 For the reasons above, it is considered that the proposed residential units would benefit from satisfactory internal space, outlook, light and would not be unduly impacted in regards to privacy.

Amenity and Child Play Space

- 12.8 Policy DM4 sets out that a minimum of 5sqm private open space is required to be provided for 1-2 person dwellings with an extra 1sqm needed for each additional occupant. Balconies should have a minimum width/depth of 1.5m. The proposal provides a policy compliant amount of private open space in the form of balconies to 52 of the 55 residential units. For the remaining 3 residential units, additional internal space equivalent to the open space requirement is provided. The GLA's Housing SPG states that additional internal space, rather than private open space, can be provided in exceptional circumstances, taking into account site constraints. Upon that basis it is considered that the private open space provision is policy compliant.
- 12.9 Policy DM4 requires communal amenity space of 50sqm for the first 10 units plus a further 1sqm for every additional unit thereafter. Therefore the communal amenity space requirement for this development is 95sqm. 187sqm communal amenity space would be provided – 196% provision in relation to the policy requirement. This space would be split between the Building A roof terrace, a Building B terrace and space on the roof of the podium building.
- 12.10 In regards to child play space, the development is predicted to contain 19 children (using the GLA calculator) and 185sqm of child play space is required, split across the different age groups and unit types, as set out in the GLA's Play and Informal Recreation SPG and outlined in the table below. 236sqm play space would be provided – 128% provision in relation to the policy requirement. This space would be split between the Building A roof terrace and space on the roof of the podium building.

	Play Space required (sqm)	Play space provided (sqm)
Under 5	92.5	102
5-11	57.4	97
12+	35.2	37
Total	185	236

Figure 7: Play space provision

- 12.11 The 'sun hours on the ground' assessment shows that the proposed amenity spaces would exceed minimum standards set out in the BRE guidelines and would therefore be well sunlit. All three amenity spaces would receive more than 2 hours of sunlight over at least 50% of their area.
- 12.12 The proposed amenity spaces are accessible, secure and are well overlooked by the proposed development and would be accessible to all residents from all residential tenures. More specific details, such as, in regards to planting and play equipment would be appropriately secured by condition, subject to approval. The condition would also ensure a minimum of 185sqm of child play space is provided. The roof top amenity space was increased significantly in size during the course of the application to make the space much more useable and suitable for children of different age groups
- 12.13 The amenity space provision for the residential units are considered to be well-designed and generous in area, and well exceeding minimum policy space requirements. The play space would be accessible for all tenants from both buildings and there would be fob security arrangements in place in regards to access to residential areas. In addition, the development is in close proximity to a number of large outdoor spaces, including Museum Gardens (157m walking distance), Bethnal Green Garden (157m walking distance), Bethnal Green Nature Reserve (140m walking distance) and Weavers Fields (320m walking distance), and so future building occupants would enjoy sufficient amenity space.

Noise to Future Building Occupants

- 12.14 Policy DM4 seeks to ensure that developments provide an acceptable standard of accommodation and Policy DM25 and Appendix 2 of the MDD provide more detail on noise and vibration. LP Policy 7.15 specifically states new noise sensitive development should be separated from major noise sources such as rail through distance, internal layout or screening, as opposed to solely through sound insulation. Furthermore, where it is not possible to achieve physical separation, then any potential adverse impacts should be controlled and mitigated through the application of good acoustic design principles. The applicant has provided some detail regarding mitigation measures against railway noise and vibration.
- 12.15 Some of the proposed units would sit adjacent to a train line at a minimum distance of 6m metres with the railway line operating through the night. In addition to noise, the vibration from the train line needs to be considered for the future amenity of the occupiers. The applicant has submitted a noise assessment which has been reviewed by the Council's independent noise consultants. The scheme has subsequently been amended so that no balconies are facing the railway. Some other schemes in the borough have been approved with similar separation distances, such as at 58-64 Three Colts Lane (3m) and at 27-29 and 33 Caroline Street (6.5m).
- 12.16 Various mitigation measures are proposed such as a high performance external wall

construction together with high performance window and ventilation systems. The Council's independent noise consultant has concluded that the proposed design would provide for suitable internal noise levels, dealing with both external noise sources from the railway and internal noise source for each storey of the development. If planning permission is granted a planning condition would be imposed for additional vibration testing prior to superstructure works, in order to confirm that vibration levels received from the railway have been adequately dealt with in the final built out detailed design.

Summary

- 12.17 Overall, taking into account internal space, private open space, communal amenity space, child play space, internal daylight and sunlight levels and potential future noise to building occupants, it is considered that the development would provide a high quality of residential accommodation.

Housing

Affordable Housing

- 13.0 In line with section 5 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.
- 13.1 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 13.2 The scheme would provide 55 units (36.3% affordable habitable rooms). In regards to a breakdown of the affordable housing provision, Policy SP02 requires an overall strategic tenure split of 70% affordable/social rent and 30% intermediate. The proposed affordable homes breakdown would be 70.2% affordable/social rent and 29.8% intermediate, in line with policy. The affordable housing mix is shown in the table below.

	Units	Unit Proportion (%)	Habitable rooms	Habitable rooms proportion (%)
Affordable Housing	17	31	57	36.3
Private Sale	38	69	100	63.7
Total	55	100	157	100

Figure 8: Affordable housing proportion

- 13.3 When the scheme was first submitted, the number of overall units proposed was 72 and the affordable provision was 29.2% by units and 34.9% by habitable rooms. Thus, even with the reduction in proposed homes from 72 to 55, a greater proportion

of affordable housing has been secured. Furthermore the affordable/social rent units would be split 50/50 between London Affordable Rent (excluding service charge) and Tower Hamlets Living Rent (including service charge).

Dwelling Mix

- 13.4 Policy DM3 states that development should provide a balance of housing types, including family homes in accordance with the breakdown of unit types set out within the most up-to-date housing needs assessment. The proposed tenure mix is shown below in relation to the Council's prescribed mix.

	1 bedroom required	1 bedroom proposed	2 bedroom required	2 bedroom proposed	3+ required	3+ proposed
Private sale	50	39.5	30	55.3	20	5.3
Intermediate rent	25	0	50	60	25	40
Affordable rent	30	25	25	33.3	45	41.7

Figure 9: Tenure mix

- 13.5 In regards to private sale units, there would be an overprovision of 2 bedroom units compared to 1 bedroom and family units. With intermediate units, no 1 bedroom flats are proposed; however the overprovision of 2 bedroom and family units is particularly welcomed. With regards to social/affordable rent units, these are broadly in line with the Council's prescribed mix.
- 13.6 It is considered that the tenure mix has been designed to maximise the viability of the scheme in order to provide an acceptable level of affordable housing. It is considered that although there is divergence from policy targets particularly in regards to the overprovision of 2 bedroom private units, having generally accorded with policy in the other tenures, it is considered that the housing mix is acceptable. It is considered that the provision of affordable housing has been maximised on site. The proposal meets relevant policy targets and the overall tenure mix on site would assist in the creation of a mixed and balanced community.

Viability

- 13.7 The Mayor of London's Affordable Housing and Viability SPG introduces a 'threshold approach', whereby schemes meeting or exceeding 35 per cent affordable housing without public subsidy, provide affordable housing on-site, meet the specified tenure mix, and meet other planning requirements and obligations to the satisfaction of the LPA and the Mayor where relevant, are not required to submit viability information and can proceed through the 'Fast Track Route'. Such schemes will be subject to an early viability review, but this is only triggered if an agreed level of progress is not made within two years of planning permission being granted (or a timeframe agreed by the LPA and set out within the S106 agreement).
- 13.8 Following amendments to the scheme throughout the application process, in order to achieve more than 35% affordable housing on-site and a tenure mix which is acceptable in regards to the Council's prescribed mix, officers consider that this scheme can proceed through the 'Fast Track Route'.

Density

13.9 LP Policy 3.4 and Policy SP02 seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.

13.10 The London Plan (policy 3.4 and table 3.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.

13.11 The site has a PTAL rating of 6a (excellent) and is defined as being within an urban area. The London Plan sets out density ranges in Table 3.2 and Policy 3.4, which states that:

"Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2."

13.12 The application site is 0.205 hectares, the number of units proposed is 55, the number of habitable rooms proposed is 157 and so the site proposes 2.86 habitable rooms per unit. LP Policy 3.4 suggests that a density of 70-260 units per hectare, or 200-700 habitable rooms per hectare, is appropriate. The density of the scheme would be 268 units per hectare and 765 habitable rooms per hectare. After taking into account the proportion of vertically mixed non-residential floor space, the density would be of the scheme would be slightly greater.

13.13 The proposed density is above what the London Plan density matrix specifies. However as the London Plan sets out density assessments are not advised to be applied mechanistically and are —rather to be treated as a guide. Schemes with densities prescribed with the density matrix may be unacceptable based on excessive impacts on neighbouring amenity, not being within the prevailing pattern of built development and being out of scale and character with surroundings.

13.14 Overall it is considered that the scheme would not constitute overdevelopment for the reasons as the scheme would:

- Comprise of buildings of a height, scale and massing within the prevailing pattern of local development;
- Preserve the setting of the Bethnal Green Gardens Conservation Area when viewed from within the conservation areas;
- Preserve the setting of nearby Grade II listed terraces in Paradise Row;
- Not result in excessive loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
- Provide a good mix of unit sizes within the scheme;
- Ensure a 'car-free' owing to the site's excellent accessibility to public transport with 2 disabled on-street car parking spaces provided. The development would not cause unacceptable traffic generation;
- Be liable for the Mayoral and Tower Hamlets Community Infrastructure Levy, which will ensure the development contributes appropriately to the improvements to local social and physical infrastructure;
- Ensure a high quality design, whilst developing an underutilised site close to conservation areas and replacing buildings that detracted from the quality of the built environment.

Summary

- 13.15 During the application process, alterations have been implemented to maximise the social/affordable family housing provision to the satisfaction of this Council. Overall it is considered that the type and amount of housing proposed on site would be acceptable and in line with relevant policy considerations.

Neighbouring Amenity

- 14.0 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution. The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development during the life and construction of the development.

Impact on Outlook, Privacy and Sense of Enclosure

- 14.1 In regards to properties on Hollybush Gardens, the south-western corner of Building A would be only 10.5m away from the north-eastern corner of City View House, a 6 storey building which appears to have residential units on upper floors. This separation distance would repeat the separation distance that already exists between City View House and BJ House and any privacy issues would be limited to 4 windows within City View House, which appear to be serve flats with dual aspect outlook, and as such, it is not considered to be out of character or unusual in its relationship to neighbouring developments located on Hollybush Gardens. In regards to the 4 storey residential block of flats at Kedleston Walk, the proposed building would be located 18.7m away, which is considered to be adequate separation in order to ensure that there would not be significant adverse impacts on outlook, privacy and sense of enclosure.
- 14.2 Hollybush House is a 5 storey residential block of flats and is situated between 17m and 18.4m from a flank wall of the proposed Building B. The development is also angled to the south-east of Hollybush House. Taking into consideration the separation distance and orientation of the development in regards to Hollybush House, it is considered that there would not be significant adverse impacts on outlook, privacy and sense of enclosure.
- 14.3 BJ House (10-14 Hollybush Gardens) is a 4 storey converted warehouse which is currently used as offices. This building would be directly adjacent to Building A; however there are no side windows for BJ House and the rear building line of Building A would be less deep than that of BJ House; as such, the relationship to this building and the scheme would be acceptable. The consented upward extension of BJ House (PA/17/01732) for office use would rise to 6 storeys plus plant level on top. The consented extension to BJ House would include some glazing to the flank, which would be set-in. Building A is proposed to rise above the eaves of the existing BJ House and would therefore impact on the consented glazed flank roof extension. It is considered that light and outlook would be adversely impacted to the neighbouring office and its flank glazing. However this building would be in use as offices which do not demand the same policy requirements for outlook and daylight as residential housing. Furthermore the offices at this level would be open plan and fully glazed on all sides and so they would be able to retain adequate workable light.

- 14.4 In conclusion, having regard to the heights of the two proposed buildings and their proximity to neighbouring buildings, overall it is not considered that the development would cause undue sense of enclosure, or impact on privacy or outlook.

Daylight and Sunlight

- 14.5 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.
- 14.6 A daylight and sunlight report was submitted by the applicant and an external consultant was appointed by the Council to independently review and assess the applicant's submitted daylight/sunlight report. The Council's daylight consultant broadly agreed with the report in regards to the methodology and criteria assessed.

Impact on Daylight

- 14.7 In regards to daylight standards, it is considered that 17-14 Paradise Walk and 10-14 Hollybush Gardens would be only negligibly impacted by the development. It is considered that City View House, 13-20 Kendleston Walk and Hollybush House would be more impacted by the proposed development.
- 14.8 In terms of City View House, results show that four windows would experience reductions in VSC of more than 20% from existing with two experiencing reductions of more than 20% (minor adverse) and two experiencing reductions of more than 30% (moderate adverse). However, the retained NSL levels are very good. The impact on this property is considered to be negligible to minor adverse.
- 14.9 In terms of 13-20 Kendleston Walk, the VSC results for this property show failures of VSC standards on first, second and third floors. These are generally reductions of between 20% and 30% but with four windows on the second floor experiencing reductions of more than 40% (major adverse) from existing. These are, however, windows set back behind recessed balconies. The NSL results are generally compliant, or close to being compliant, except for those windows set back behind the recessed balconies. As the results for the windows that are in the external elevations are either compliant or within a minor adverse range, it is appropriate to consider the impact on this property as minor adverse.
- 14.10 As 13-20 Kendleston Walk is a relatively low level development, the applicant provided alternative assessment criteria, namely a mirror image modelling. The reductions in daylight that result, deploying the alternative is mirror image analysis are smaller than the primary analysis although the retained levels of daylight are the same. The Council's daylight consultant considered the mirror image modelling appropriate in this instance. Under the primary assessment model and the alternative mirror image assessment the impacts were concluded to be minor adverse.
- 14.11 In regards to Hollybush House, only the windows facing south and east on the L-shaped block nearest the application site have been tested, as windows on the other sides of the building would not be adversely impacted. The VSC results for Hollybush House show that there would be failures of daylight standards on all floors for windows facing the development. There would be a number of windows experiencing reductions of more than 40% from existing. There are also a substantial number of failures assessed

against the NSL standard. From the initial assessment, it is considered that the impact on Hollybush House windows facing the proposed development would be major adverse; however further assessment and analysis is detailed below.

- 14.12 The impacts on daylight to Hollybush House windows are compounded by the presence of overhanging gallery access balconies to the side nearest the proposed Building B, which are self-obstructing. Windows have been analysed without necessarily taking account of impacts on whole residential units. With the benefit of looking over indicative floor plans and internal/external flat photos, it is considered that residential units at Hollybush House would generally benefit from, at least, dual aspect outlook. The main habitable room windows, which would be living rooms and primary bedrooms, of Hollybush House are mainly located towards the north, facing over the communal garden, to the other side, away from the proposed development.
- 14.13 Hollybush House windows facing towards the proposed development would generally serve; small kitchens (that are not treated as habitable rooms for the purpose of daylight/sunlight analysis); some secondary bedrooms; hallways; and bathroom/toilets. Furthermore, as previously mentioned, these windows are obstructed by overhanging gallery access balconies and so they would already have lower levels of internal light.
- 14.14 An alternative analysis has been submitted, assessing a mirror image scheme, modelled on a building of the same size and shape of Hollybush House, being located on the development site. The aim of the mirror analysis is to illustrate that any development on the application site would have a greater than average impact on Hollybush House, given the existing low level built form and underutilised nature of the application site. The alternative analysis considers the impacts on daylight to Hollybush House to be moderate adverse. Furthermore an analysis which removes the self-obstructing balconies shows the impacts on daylight to Hollybush House to be moderate adverse. The latter analysis indicates that the balconies to Hollybush House may unfairly restrict otherwise appropriate development on the application site.
- 14.15 Officers consider that the impacts on daylight to neighbouring sites would be acceptable, especially taking into consideration the results of the alternative analyses (mirror image, and removing self-obstructing balconies of Hollybush House), the main habitable room windows of Hollybush House mainly being located to the other sides away from the proposed development, the proportion of secondary and non-habitable room windows of Hollybush House which would face the proposed development, and the dual aspect nature of residential units within Hollybush House.

Impact on Sunlight

- 14.16 The only neighbouring properties that need to be assessed for sunlight are those that have elevations facing the development that also face within 90° of due south. These would be 10-14 Paradise Walk and Hollybush House. 10-14 Paradise Walk is located across the railway viaduct and passes the 25° test and so officers are satisfied that sunlight standards would be met for these properties.
- 14.17 In regards to Hollybush House, for the primary analysis, there are failures of daylight standards on the ground, first and second floors with two failures on the third floor and overall it is considered that there would be a moderate adverse impact on sunlight. However it is considered that the sunlight to this elevation is clearly restricted by the overhanging gallery access balconies, particularly for the annual sunlight results where the sun is higher for most of the day, and also restricted by the projecting west wing of Hollybush House which limits the afternoon sun that can be received in any case.

14.18 As with the daylight impacts on Hollybush House, it is considered that main habitable room windows (such as living rooms, which have a greater requirement for light as they would be used for more of the day) would not be located to the elevation facing the development site. Furthermore, taking into account the alternative analysis that omits the balcony walkways, there is substantial compliance with just three windows on the ground floor not complying. Taken overall, there would be a minor adverse impact. Furthermore the mirror image baseline analysis shows that a development of the same size as Hollybush House on the application site would result in minor to moderate adverse impacts, and so it is considered that a modern re-use of the application site would be likely to generate, at least, similar impacts.

14.19 For the reasons above, officers consider that the impacts on sunlight would be acceptable.

Overshadowing

14.20 The daylight and sunlight report includes an overshadowing assessment to neighbouring amenity areas. The impacts to amenity spaces are limited to two spaces used as allotments. There are no reported impacts onto communal playspace or general use open space. The first allotment area is to the west of Hollybush House. The second allotment area is to the north-west of the proposed Building B.

14.21 The first, larger amenity space to the west of Hollybush House will retain all of its area receiving at least two hours of sunlight on 21 March and the BRE standard is therefore met. The second, smaller allotment area currently only receives adequate sunlight to approximately 30% of its area, whereas the proposal would result in approximately 22% of its area receiving adequate sunlight and, as such, there would be a minor adverse impact to this space. Amendments to the scheme have significantly reduced the impacts on this amenity space.

14.22 The overall direct sunlight impacts to the two allotment spaces are limited and accounts need to be given to the fact the site is located in an inner London urban context and the application site is presently underutilised and contains only two storey buildings and open yard space.

14.23 However mindful of the impacts, during the course of the application process, officers have both secured amendments to the scheme in order to reduce the impact on the smaller allotment and also secured a £30,000 contribution to enable improvements to the allotment to mitigate the direct impacts of the development upon the allotment. The improvement could take form of better utilisation and rationalisation of the allotment land and an opportunity to build a communal building to serve the needs of the allotment group. This financial contribution will be secured by section 106 agreement, subject to approval.

14.24 With the mitigation measures proposed, officers consider on balance that the overshadowing impacts would be acceptable.

Summary

14.25 Officers have outlined any potential adverse impacts on neighbours and are satisfied that these have been mitigated and are not significant to warrant refusal, especially taking into consideration the public benefits of scheme, such as the provision of new housing and affordable housing. For the reasons above, it is considered that the proposed development would be acceptable in terms of its impact on neighbouring amenity and would comply with Policy DM25.

Transport and Servicing

- 15.0 According to paragraphs 108 and 110 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 15.1 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both corridor and local level are fully assessed. Development should not adversely affect safety on the transport network.
- 15.2 The site benefits from excellent public transport accessibility (PTAL 6a), therefore the proposed scheme is acceptable as a car-and-permit free agreement development, to prevent future occupants from parking on the existing road network – this would be secured by s106 agreement and condition. As such, the impact on the existing road network is considered to be minimal. This is in accordance with Policies SP09 and DM22.
- 15.3 In regards to accessible car parking bays, the London Plan specifies that the development should provide 8. 3 accessible spaces have been proposed and the Highways Officer has been satisfied based on proactive discussions throughout the process and the tight constraints of the site, with fitting in a loading bay and other servicing requirements, whilst also still maintaining vehicular access through the site.
- 15.4 It is considered that the replacement of the builders' merchants with the proposed mixed use development would result in less traffic using both Hollybush Gardens and Hollybush Place and remove many HGV movements from the junctions of these roads with Bethnal Green Road. This will help improve traffic flow and be beneficial to buses along Bethnal Green Road

Cycle Parking

- 15.5 The proposal provides secure cycle parking at lower ground floor level in Building A (residential), Building B (residential) and the podium building (commercial) – these can be accessed via lifts. Visitor cycle parking is also proposed at ground floor level in the courtyard. The minimum London Plan and Council policy requirements have been met. Subject to approval, a condition will be attached requiring further details of the proposed cycle stores.

Waste

- 15.6 LP Policy 5.17 requires all new developments to include suitable waste and recycling storage facilities. Policies SP05 and DM14 seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 15.7 Refuse and recycling is proposed to be stored in the ground floor with access from the street for Building A (residential, from Hollybush Gardens), for Building B (residential, from Hollybush Place) and for the commercial units (between commercial units 1 and 2, from the courtyard). It is also proposed to have a holding area along for refuse collection in the courtyard. It is proposed that all collections will take place along Hollybush Gardens and it is understood that this is how the waste for the two

residential developments at the north area are also collected.

- 15.8 Subject to approval, further information would be sought by condition to confirm the collection times and frequency and this will be way of waste management strategy.
- 15.9 The majority of the servicing from smaller vehicles can take place from within the site boundaries. The servicing from larger vehicles can take place on Hollybush Gardens as there is ability to turn within the area, at the estate to the north of the site and so the development should not pose a problem or result in the additional need for intricate vehicular movements.

Construction Management Plan

- 15.10 Policies SP09 and DM20 seek to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network. It is recommended that due to the restricted nature of the site and the number of other developments in the area a demolition and construction plan is required in order to ensure public safety and ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the surrounding highway network.

Highways Improvements

- 15.11 The applicant will be required to enter into a S278 agreement with the highway authorities and agree a scheme of highway improvement works, especially with regards to where the courtyard adjoins Hollybush Place. Changes are proposed to the existing layout of car parking spaces on street. The applicant has agreed to cover the full costs of these works and these would be secured through a S278 agreement, set out in the Section 106 agreement. The highways group welcomed the fact that the applicant engaged with the Council, as highway authority, early to provide an acceptable highways solution.

Environmental Considerations

Sustainability

- 16.0 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 16.1 The climate change policies as set out in Chapter 5 of the London Plan MALP (2016), Policies SP11 and DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 16.2 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
 - Supply Energy Efficiently (Be Clean)
 - Use Renewable Energy (Be Green)
- 16.3 The Managing Development Document Policy DM29 includes the target to achieve a

minimum 50% reduction in CO2 emissions above the Building Regulations 2010 (circa 45% reduction against Building Regulations 2013) through the cumulative steps of the Energy Hierarchy.

- 16.4 Policy DM 29 requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent.
- 16.5 The applicant has submitted an Energy Statement produced by XCO2 which sets out the design has sought to reduce CO2 emissions through energy efficiency measures a CHP (10kW_e) system and the integration of a PV array (33kW_p). The current proposals seek to minimise CO2 emissions at each stage of the energy hierarchy as follows:
- Be Lean – 0.6% reduction
 - Be Clean – 22.7% reduction
 - Be Green – 23.6% reduction
- 16.6 The cumulative CO2 savings from these measures are proposed to be in accordance with the aspirational Policy DM29 and deliver a 46.8% reduction on-site with the provision of the remaining carbon emissions offset through the carbon offsetting procedures. The CO2 figures are:
- Baseline – 111.7 Tonnes/CO₂/yr
 - Proposed design – 59.4 Tonnes/CO₂/yr
 - Carbon offsetting payment to zero carbon – 59.4 (Tonnes/CO₂/yr) x £1,800 = £106,920
- 16.7 In relation to the Be Clean proposals, the applicant is seeking to utilise a CHP led system is proposed to meet a portion of the heating demand. The current proposals have sought to implement energy efficiency measures, communal system and renewable energy technologies to deliver a 46.8% reduction in CO2 emission reductions. However, it is important for the applicant to demonstrate that the CHP is an appropriate system for this scale of development, which would be cost efficient for future residents. Subject to approval, a condition would be added requiring a revisit to the energy strategy once detailed design has been completed and energy system contracts are looking to be finalised. In addition, the plant room details, flue implications and a schematic of the energy system to demonstrate all elements of the development are linking to site wide system should be submitted via condition, subject to approval.
- 16.8 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 45% reduction in CO2 emissions. Whilst the proposals are demonstrating the development is policy DM29 compliant for CO2 emission reductions, it should be noted that use of electrical base systems has the potential to result in higher fuel bills for the residents.
- 16.9 Should the scheme be recommended for approval it is recommended that the proposals are secured through appropriate Conditions to deliver:
- Submission of 'As built' calculations to demonstrate the 45% reduction has been achieved;
 - Submission of PV array specification showing peak output (kW_p) the 609m²

- array;
- Submission of communal heating details including flue implications, plant room layout plan and pipe routing schematic showing all uses within the development are served by the system;
- Delivery of BREEAM Excellent Development unless otherwise agreed in writing with LBTH.

Air Quality

- 16.10 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 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.
- 16.11 In this case, the applicant has submitted an Air Quality Assessment, which has been reviewed by the Council's Air Quality Officer. The air quality assessment shows that the development will not result in any significant impacts on air quality. The development is car free, which is welcomed. The development meets the air quality neutral assessment requirements. The assessment shows that the air quality objectives will not be exceeded at the site in the opening year and is therefore suitable for residential use without mitigation. The Assessment 'assumes' that ultra-Low NOx gas boilers (<40mg/Kwh) will be installed and no other energy generation is associated with the development, and has based the air quality neutral calculations on this assumption. Subject to approval, details of the boilers to be installed are to be submitted for approval
- 16.12 Occupiers of the development will be restricted from applying for on-street parking permits (other than disabled occupiers). Conditions have been imposed to control the demolition and construction process.
- 16.13 Future residents and users of the proposed development would be appropriately protected from existing poor air quality in the Borough and the new development satisfactorily minimises further contributions to existing concentrations of particulates and NO2 in accordance with the aforementioned policies.

Biodiversity

- 16.14 Policy DM11 requires major developments to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP). The proposals include soft landscaping at first floor podium and 5th floor terrace levels, which will be a gain in vegetation. The indicative planting palette includes a good range of nectar-rich flowers, which will contribute to a LBAP target to create more forage for bees and other pollinating insects. Proposed climbing plants on the 5th floor terrace will provide further nectar, including night-scented plants which could benefit bats, and potential nest sites for birds such as sparrows, contributing to further LBAP targets.
- 16.15 The flat roofs would be suitable for biodiverse green roofs, though it is not clear if these are proposed. Biodiverse roofs would be a significant biodiversity enhancement, and would contribute to a LBAP target for new open mosaic habitat. A green roof would also increase the efficiency of the photovoltaics proposed for one of the roofs. The applicant should be requested to include biodiverse roofs designed

following the best practice guidance published by Buglife.

- 16.16 The application site consists entirely of existing buildings and hard surfaces. The existing buildings are within 60 metres of suitable bat foraging habitat in the small parks to the east, and 130 metres of Bethnal Green Nature Reserve to the north, where bats are regularly seen. They are 19th century brick buildings with pitched roofs, likely to have roof voids. The age and complexity of the buildings, and location close to known bat foraging areas, increase the likelihood of bats roosting.
- 16.17 The bat roost survey found no signs of bats, but did find that the Travis Perkins shop has low potential for roosting bats. A follow-up emergence survey is therefore recommended. This would be conditioned along with other general biodiversity improvements such as landscaping, bat boxes, green roofs and climbing plants.

LOCAL FINANCE CONSIDERATIONS

- 17.0 As noted above section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with a planning application a local planning authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and,
 - Any other material consideration.
- 17.1 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.
- 17.2 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor’s Community Infrastructure Levy and would attract a New Homes Bonus. These financial considerations are material considerations and weigh in favour of the application.
- 17.3 It is estimated that the development would be liable for Tower Hamlets CIL and Mayor of London CIL. In addition, a total of New Homes Bonus payment would be accrued as a result of the development.

HUMAN RIGHTS CONSIDERATIONS

- 18.0 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 18.1 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 18.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 18.3 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 18.4 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 18.5 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.

EQUALITIES ACT CONSIDERATIONS

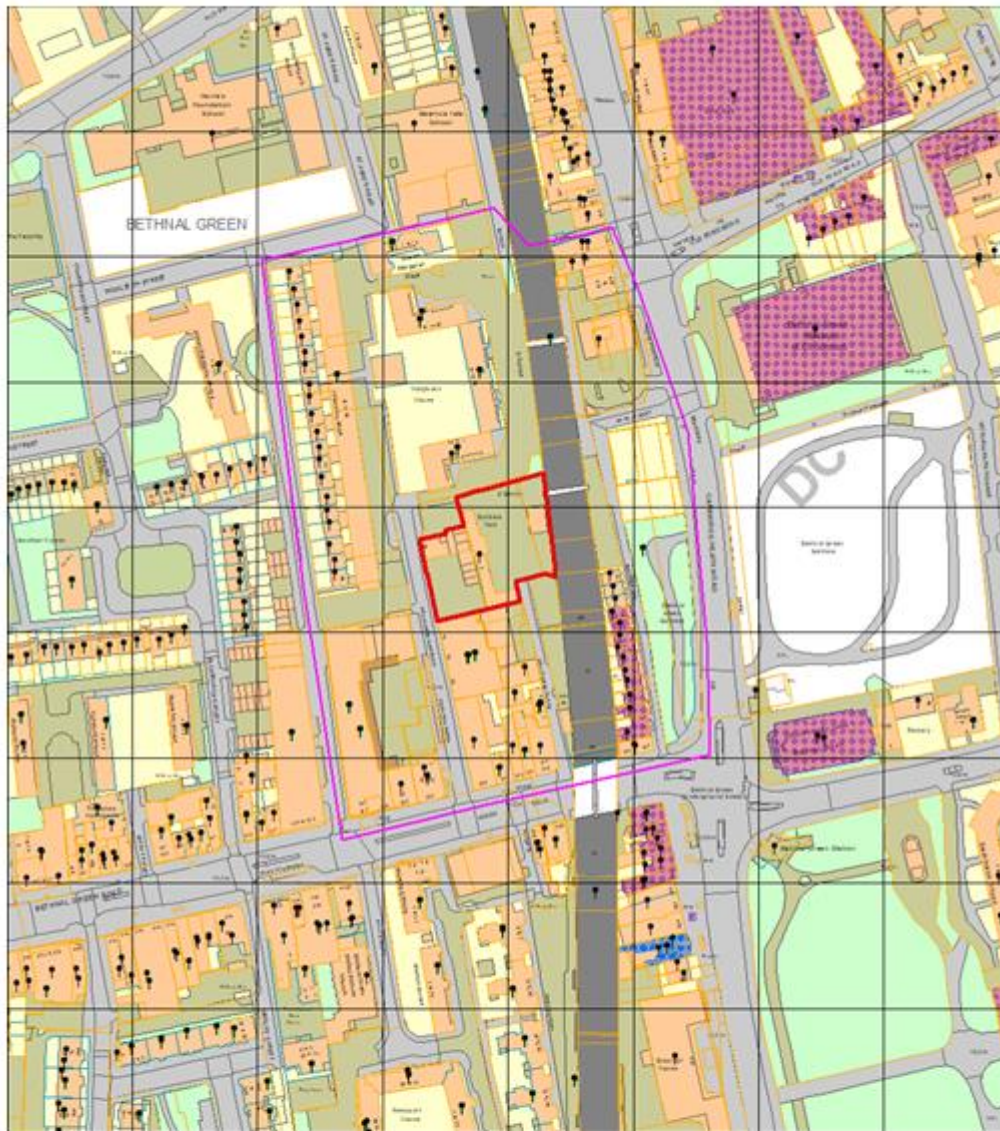
- 19.0 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 19.1 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.
- 19.2 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

CONCLUSION

- 20.0 All other relevant policies and considerations have been taken into account. Planning permission should be APPROVED subject to conditions and a legal agreement, for the reasons set out in this report.

APPENDIX 1: SITE MAP



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<ul style="list-style-type: none"> Planning Application Site Boundary Other Planning Applications Consultation Area Land Parcel Address Point Locally Listed Buildings Statutory Listed Buildings 	<p style="text-align: center;">Planning Applications Site Map PA/16/02713</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 TOWER HAMLETS London Borough of Tower Hamlets
	Scale : 50m grid squares	

Date: 03 October 2018

APPENDIX 2: List of documents and plans for approval

EXISTING DRAWINGS

PL01, PL02, PL03, PL04, PL05, PL06.

PROPOSED DRAWINGS

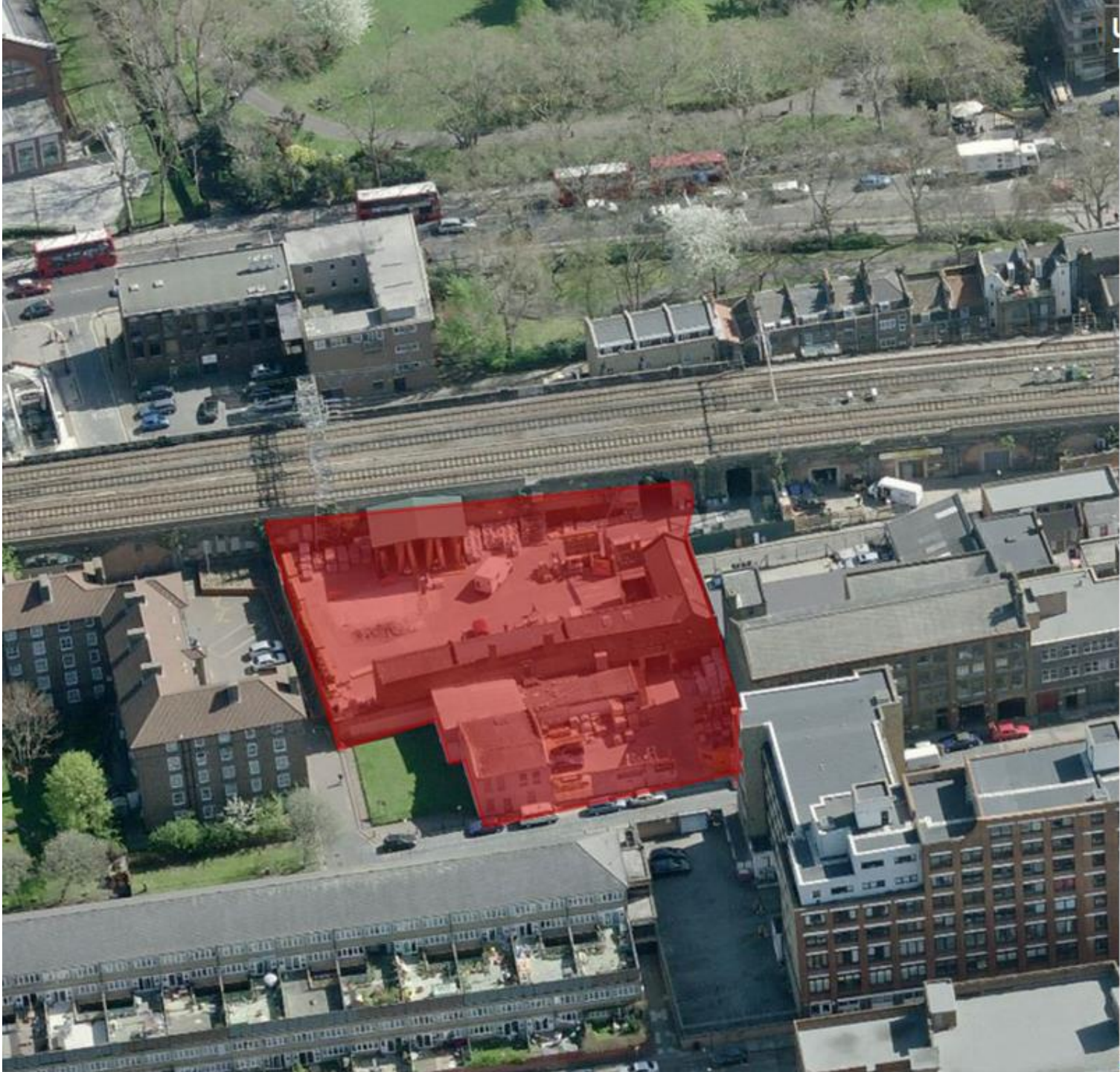
PL10_ C, PL11_D, PL12_F, PL13_G, PL14_F, PL15_F, PL16_F, PL17_C, PL_18, PL_21C, PL_22C, PL25, PL26, PL30_C, PL31_C, PL32_C, PL33_C, PL34_C, PL34_D, PL35_C, PL36_C, PL37_C, PL38_C, PL39_C, PL40_C, PL41_B, PL500, PL501.

DOCUMENTS

- Design & Access Statement (September 2016) prepared by Stockwool
- Appendix 2: Timber Yards and Builders Merchants (April 2017) prepared by Stockwool
- Appendix 3: Lower ground floor office space prepared by Stockwool
- Planning Statement (September 2016) prepared by RPS CgMS
- Addendum to Planning Statement (March 2017) prepared by RPS CgMS
- Heritage Statement (September 2016), prepared by Heritage Collective
- Additional Information prepared by Stockwool
- Affordable Housing Viability Statement (September 2016) prepared by James R Brown and Co Ltd
- Air Quality Report (September 2016) prepared by Aether
- Bat Roost Inspection (December 2016) prepared by Applied Ecology Ltd
- Contaminated Land Assessment (September 2016) prepared by SAS
- Drainage Strategy Report (August 2016) prepared by Heyne Tillett Steel
- Energy Statement (March 2017) prepared by XC02 Energy
- Framework Travel Plan (September 2016) prepared by WSP
- Landscape Design Statement (September 2016) prepared by Davis Landscape Architecture
- Post Submission Meeting Response (April 2018) prepared by Stockwool
- Railway Noise and Vibration Survey and Assessment (July 2017) prepared by AIRO
- Statement of Community Involvement (September 2016) prepared by Thorncliffe/You Shout
- Sustainability Statement (August 2016) prepared by XC02 Energy
- Schedule of Accommodation () Rev K
- Transport Assessment (August 2016) prepared by WSP
- Viability Report (April 2017) prepared by James R Brown and Co Ltd

APPENDIX 3: Existing site photos

Aerial photograph of site (Site shaded in red)
Photo looking east across site





View looking north on Hollybush Place



View looking north on Hollybush Gardens



View looking south from Hollybush House estate



View looking south from Hollybush Gardens

APPENDIX 4: Proposed images



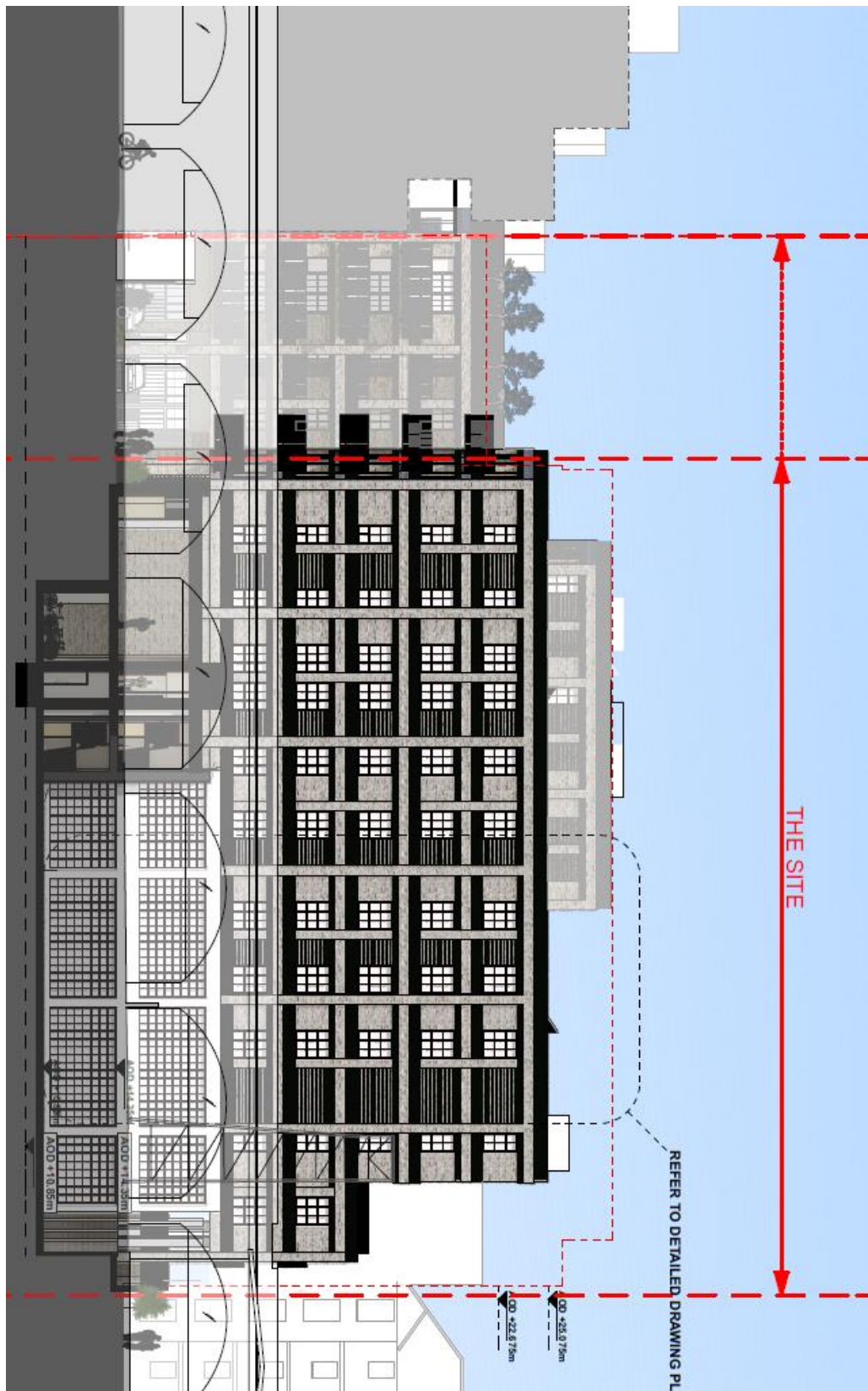
Roof of podium building play space



View from Hollybush Gardens



Rear of Building A



Building B fronting railway viaduct



View to main commercial entrance in courtyard

[illegible]