

Committee: Development	Date: 20 th December 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Applications for full planning permission and listed building consent
Case Officer: Richard Humphreys	Refs: PA/16/03657 & PA/16/03658
	Ward: Mile End

1. APPLICATION DETAILS

Location: 767-785 Commercial Road, E14 7HG

Existing Uses: Vacant land and buildings last used for Class B2 (General Industry) with ancillary offices and a motor vehicle tyre and exhaust centre.

Proposal: PA/16/03657 – Application for planning permission:

Demolition of 767 & 785 Commercial Road (behind retained facade). Mixed-use redevelopment to provide 2,558 m2 of Class B1(a) offices within 777-783 Commercial Road, 134-rooms of communal living accommodation and associated facilities (sui generis) at 769–775 & 785 Commercial Road and 252 m2 of Class B1(a) offices and 9 self-contained Class C3 residential flats at 767 Commercial Road.

PA/16/03658 - Connected application for listed building consent for works to 777-783 Commercial Road – Grade II.

**Drawings
and
documents**

Drawings:

FLA_01 - Site Location Plan
FLA_10 - Site Plan

Existing Drawings:

FLA_105A - Existing Site Plan
FLA_110 - Existing Basement Plan
FLA_111 - Existing Ground Floor Plan
FLA_112 - Existing First Floor Plan
FLA_113 - Existing Second Floor Plan
FLA_114 - Existing Roof Plan
FLA_120 - Existing External Elevations (West and East)
FLA_121 - Existing External Elevations (North and South)
FLA_122 - Existing Sections AA, BB and CC
FLA_123 - Existing Sections DD, EE and 1
FLA_124 - Existing Sections 2, 3, 4, 5, 6 and 7
FLA_125 - Existing Internal Elevations 1-15
FLA_126 - Existing Internal Elevations 3, 4, 5 and 6
FLA_127 - Existing Internal Elevations 16-28

FLA_128 - Existing Internal Elevations 29-38
FLA_129 - Existing External Elevations

Demolition Drawings:

Drawing No. FLA_151G - Proposed Basement Demolition
FLA_152F - Proposed Ground Floor Demolition
FLA_153F - Proposed First Floor Demolition
FLA_154E - Proposed Second Floor Demolition
FLA_155B - Proposed Roof Plan Demolition
FLA_160D - Proposed North and South Demolition
FLA_161C - Proposed West Demolition
FLA_162A - Proposed Sections AA and BB Demolition
FLA_163B - Proposed Sections CC, DD, EE and FF Demolition

Proposed Corner Site Drawings:

FLA_600E - Proposed Site Plan and Ground Floor Plan
FLA_601D - Proposed Basement, Ground, First and Second Floor P
FLA_602C - Proposed Third, Fourth, Fifth and Roof Plan
FLA_603C - Proposed Front, Rear and Side Elevations
FLA_604A - Proposed Street Elevation and Sections AA and BB
FLA_515 – Proposed Large Scale Strip Elevations Front and Rear (c
site)

Proposed West Site Drawings:

FLA_201H - Proposed Lower Ground and Ground Floor Plans
FLA_202H - Proposed First and Second Floor Plans
FLA_203G - Proposed Third and Fourth Floor Plans
FLA_204F - Proposed Roof Plan
FLA_211G - Proposed Elevations
FLA_212D - Proposed Sections
FLA_517 – Proposed Large Scale Strip Elevations Front and Rear (v

Proposed Central Site Drawings:

FLA_301F - Proposed Basement Plan
FLA_302F - Proposed Ground Floor Plan
FLA_303E - Proposed First Floor Plan
FLA_304E - Proposed Second Floor Plan
FLA_305C - Proposed Roof Plan
FLA_311D - Proposed North and South Elevations
FLA_312E - Proposed West Elevation
FLA_313D - Proposed Sections AA and BB
FLA_314D - Proposed Lightwell Sections CC, DD, EE and FF
FLA_315D - Proposed Sections GG and HH
FLA_316E - Proposed Sections JJ and KK

Proposed East Site Drawings:

FLA_401G - Proposed Basement and Ground Floor Plans
FLA_402G - Proposed First and Second Floor Plans
FLA_403G - Proposed Third and Fourth Floor Plans
FLA_404D - Proposed Roof Plan
FLA_405F - Proposed Front and Rear Elevations
FLA_406E - Proposed Sections AA, BB and CC
FLA_407E - Proposed Sections DD and EE
FLA_408C - Proposed Sections FF and GG

FLA_516 – Proposed Large Scale Strip Elevations Front and Rear (€

Proposed Combined Sites Drawings:

FLA_501D - Proposed Basement Plan

FLA_502D - Proposed Ground Floor Plan

FLA_503D - Proposed First Floor Plan

FLA_504D - Proposed Second Floor Plan –

FLA_505D - Proposed Third Floor Plan

FLA_506D - Proposed Fourth Floor Plan

FLA_507A - Proposed Fifth Floor Plan

FLA_510C - Proposed Streetscene Elevations

Documents

Planning Statement - Firstplan Ltd December 2016;

Design and Access Statement including Areas Schedule - BBP Partnership supplemented by the BBP Design Changes summary document, and additional areas schedule;

Bin Schedule BB Partnership 06.10.17

Viability Statement - Douglas Birt Consulting 24th October 2016;

Viability Assessment – Colliers 6th April 2018;

Viability Assessment Douglas Birt Consulting 18th April 2018;

Heritage Statement - Heritage Collective September 2016;

Transport Statement - EAS Transport Planning September 2016;

Residential Travel Plan - EAS Transport Planning September 2016;

Outline Structural Scheme Proposals - The Morton Partnership August 2016;

Flood Risk Assessment - Create Consulting Engineers June 2016;

Energy Statement and BREEAM Pre-assessment EB7 7th September 2016;

Bat Scoping Survey and subsequent Bat Survey Report - Tim Moya Associates;

Daylight, Sunlight and Overshadowing Report Neighbouring Residential Properties – BVP September 2016;

Contaminated Land Assessment - Create Consulting Engineers;

Air Quality Assessment - Create Consulting Engineers.

Additional / supplementary documentation:

Areas schedules comprising:

Overall proposed areas schedule,

Centre Site areas schedule,

Corner Site areas schedule,

East Site areas schedule,

East Site schedule of accommodation,

West Site areas schedule,

West Site schedule of accommodation,

Summary of Proposed HMO Accommodation;

Alternative Residential Viability Scheme BB Partnership October 2017;

Operational Management Plan prepared by Firstplan September 2017);

Scheme Design Changes summary document prepared by BBP;

Archaeological Assessment Archaeology Collective October 2017);

Supplementary Daylight and Sunlight Assessment relating to Canal Towpath BVP February 2017);
Daylight and Sunlight Addendum Report BVP July 2018;
Daylight and Sunlight Supplementary Letter BVP 11th October 2018

Visualisations document including the following rendered images:

East Courtyard;
West Courtyard;
Aerial;
Streetscene – looking east;
Streetscene – looking west;
Streetscene – canalside view;
Streetscene – bridge view;
Central Site – internal north facing;
Central Site – internal south facing;
East site – HMO internal view 1;
East Site – HMO internal view 2;
West Site – HMO internal view 1;
West Site – HMO internal view 2.

Applicant: Wild Orchid Properties Limited

Ownership: Wild Orchid Properties Limited

Historic Buildings: 777 - 783 Commercial Road listed Grade II.
The following listed buildings are in close proximity:

St Anne's Limehouse Parish Church (Grade I – Ecclesiastical Grade A)
St Anne's churchyard walls, gates, railings and War Memorial (Grade II)
Limehouse Town Hall and Library (Grade II)
Commercial Road Nos. 680, 795-805, 811, 815-821 (Grade II)

Conservation Area: 777 - 785 Commercial Road lie within St Anne's Church Conservation Area. Limehouse Cut Conservation Area abuts to the northwest.

2. EXECUTIVE SUMMARY

- 2.1 The following report concerns connected applications for planning permission and listed building consent for the restoration for Class B1 office use of three Grade II listed buildings within the St Anne's Church Conservation Area that are included within Historic England's Register of Buildings at Risk Grade A – *'Very Bad'*. The proposals also involve the redevelopment of the remainder of the application site to provide 134-rooms of communal shared living accommodation, nine self-contained residential flats and a small amount of offices.
- 2.2 Shared living accommodation is a relatively new form of housing and constitutes a large scale house in multiple-occupation (HMO), a sui-generis use i.e. a use not falling within any Class of the current Use Classes Order. These are not restricted to particular

groups by occupation or specific need such as students, nurses or people requiring temporary accommodation.

- 2.3 Except for a small recently vacated single storey tyre and exhaust fitting centre at 767 Commercial Road, the entire site and buildings have been largely vacant for over 20 years and it is now important that the listed buildings are returned to beneficial use, their restoration and future are secured, and the waste of the site ceases.
- 2.4 Following publicity of initial proposals, revised plans have been submitted with a 2nd round of consultation undertaken. The revisions have been assessed against the National Planning Policy Framework (NPPF) 2018 and Planning Practice Guidance (PPG), the London Plan 2016, Tower Hamlets Core Strategy 2010 and the Managing Development Document 2013, and other material considerations particularly the Mayor's 'Housing' SPG 2016 and the council's Conservation Area Appraisal and Management Guidelines for the St Anne's Church and Limehouse Cut Conservation Areas. Regard has also been given to emerging policy in the Draft London Plan August 2017 and the Draft Tower Hamlets Local Plan 2031.
- 2.5 Other than identifying the listed buildings within the St Anne's Church Conservation Area, the site is unallocated in the Local Plan Policies Map. The Limehouse Cut is annotated as part of the Blue Ribbon Network within the Lea Valley Regional Park. On the Emerging Local Plan Adopted Policies Map the site lies within the northern limit of the Limehouse Archaeological Priority Area.
- 2.6 In land use terms, the restoration of the listed buildings for business use is very welcomed. The proposed use would be a good fit with the layout of the listed buildings enabling the significant open spaces of the former Sailmakers warehouse and the adjoining large open galleried former workshop to be retained. Officers consider that the redevelopment of 767 Commercial Road by self-contained residential flats and offices is compliant with the development plan in this '*main street*' location. Other matters for consideration by the Committee are the need for large scale shared living accommodation and housing standards to be applied to such accommodation. On balance officers consider these are acceptable.
- 2.7 Submitted Viability Assessments for both the initial and revised scheme conclude that the development costs, particularly in restoring the listed buildings, mean the scheme cannot provide an affordable housing contribution. The council's Viability Consultant (GVA) initially concurred but advises that the revised scheme would generate £1.17 m excess profit and could afford 36% affordable housing (three units) in the western corner site at 767 Commercial Road where nine units of conventional Class C3 (dwellinghouses) are proposed.
- 2.8 The dwelling mix within the nine flats is on balance considered acceptable there being a minor departure from development plan policy with a slight under-provision of 1-bed and 3-bed accommodation and an over-provision of 2-bed units. The ratio between social rented and intermediate housing is policy compliant. Housing and private amenity space standards for the nine Class C3 flats would be met. Interior natural lighting would be satisfactory.
- 2.9 Officers consider the proposals would accord with policy regarding designated heritage assets. The details of the restoration and alterations to the listed buildings are considered to accord with their special architectural and historic interest. It is also considered that the new buildings would preserve the setting of adjoining listed buildings and be satisfactory in urban design terms. The character and appearance of both the St

Anne's Church Conservation Area and the adjoining Limehouse Cut Conservation Area would be both preserved and enhanced without adverse impact on strategic or important local views.

- 2.10 Subject to conditions, the works would not result in substantial harm to designated heritage assets and any harm caused would be less than substantial. It is also considered that this harm would be outweighed when balanced against the substantial public benefits associated with the restoration, preservation and sympathetic reuse of the listed buildings (including securing their optimum viable use), restoring long vacant and underutilised land to beneficial use by the provision of new employment floorspace, new housing, a new public access to the Limehouse Cut towpath and improved vehicular and pedestrian conditions on Commercial Road.
- 2.11 Daylight / sunlight and impacts on surrounding residential property would mostly be satisfactory and adequate privacy maintained. A number of the units on the lower floors within the adjoining courtyard of the St Anne's Row development would receive poor natural daylight. However, given the site circumstances, BRE guidelines, which are not mandatory, would be met in the majority of cases and on balance it is considered that outcomes would be satisfactory.
- 2.12 The site scores TfL PTAL 6 '*Excellent*' and there is adequate capacity on the public transport network to serve the development. The scheme would be '*car-free*' and not detrimentally impact on the surrounding highway network. Conditions on Commercial Road would be improved by the closure of five existing vehicular accesses to the main road. TfL as highway authority advises that transport matters, including parking, access and servicing are acceptable subject to conditions and a legal agreement.
- 2.13 In line with policy requirements, the proposals seek to implement energy efficiency measures by a CHP system and renewable energy technologies to deliver a 45.5% reduction in CO2 emissions.
- 2.14 Subject to conditions, the flood risk and drainage strategy, waste management, noise and vibration, air quality, biodiversity and site decontamination would be satisfactory.
- 2.15 In assessing the planning balance, there are significant public, economic and environmental benefits in favour of the proposals that should be taken into consideration including:
- Regenerating a prominent site which has sat vacant and derelict for over 20 years;
 - Restoring three dilapidated listed buildings at risk;
 - Creating a substantial amount of new employment floorspace in both the new block and within the restored listed buildings;
 - The provision of additional housing including nine new conventional flats;
 - A small affordable housing contribution;
 - New public access to the Limehouse Cut towpath;
 - Closure of vehicular access to Commercial Road.

3 RECOMMENDATIONS

PA/16/03657 – Planning permission

- 3.1 That the Committee resolves to **GRANT** planning permission subject to:

- a. The completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:

Financial contributions:

- £35,696.00 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase.
- £82,242.60 at end-use phase to support the training and development of unemployed residents in Tower Hamlets to access jobs within the B1 uses of the development.
- A carbon offsetting contribution should the development as built fail to deliver a 45.5% reduction in CO2 emissions.

Non-financial obligations:

- 6 construction phase apprenticeships.
- The shared living accommodation shall not be occupied until the Grade II listed buildings 777-783 Commercial Road have been restored and are available for sale or letting.
- The shared living accommodation shall be under single management, all its units shall be for rent with minimum tenancy lengths of no less than three months and shall be managed and operated in accordance with the Operational Management Plan prepared by Firstplan (dated September 2017).
- Delivery of 36% affordable housing within 767 Commercial Road comprising 1 intermediate rent unit and 2 rented units, one at London Affordable Rent the other at Tower Hamlets Living Rent.
- The pedestrian route to the Limehouse Cut towpath shall be maintained, cleansed and lit and made available for public access 24 hours a day except in emergency or at times to be agreed.
- Car free arrangements that prohibit residents and users of the development (other than Blue Badge Holders and those eligible for the council's permit transfer scheme) from purchasing on-street parking permits from the borough council.
- To remove the two 48 sheet poster panels at the western end of 767 Commercial Road and to cease to use the site for outdoor advertising.
- To participate in the Considerate Contractor Protocol.
- A section 106 Monitoring fee payable to the London Borough of Tower Hamlets at £500 per clause applicable to the borough.
- Any other planning obligation(s) considered necessary by the Corporate Director of Place.

- 3.2 That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above. If within three months of the Committee resolution the legal agreement has not been completed, the Corporate Director of Place is delegated power to refuse planning permission.

- b. That the Corporate Director of Place is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

Compliance

- 1 3 year time limit.
- 2 Compliance with plans.
- 3 Provision and retention of cycle parking spaces.
- 4 Development shall be undertaken in compliance with the submitted Air Quality Assessment with residential ventilation inlets located away from Commercial Road.
- 5 Development shall be undertaken in compliance with the Flood Risk Assessment (reference JJ/CS/P16-1054/02 Rev A, dated June 2016, by Create Consulting Engineers Limited) and the mitigation measures outlined within the FRA.
- 6 The communal living accommodation shall be operated in accordance with the Operational Management Plan prepared by Firstplan (dated September 2017).
- 7 All new external finishes and works of making good to the retained fabric at 777-783 Commercial Road shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this permission.

Pre-commencement

- 8 Development shall not begin until a condition survey of the wall to the Limehouse Cut, to include a scheme for any necessary remedial measures, has been submitted to and approved by the local planning authority. The agreed scheme shall be undertaken in accordance with an approved timetable and completed prior to occupation of the development with flood protection to be provided to a level of 6.20 m AOD.
- 9 Sample panels of all new facing brickwork at 767-785 Commercial Road showing the proposed brick types, colour, texture, face bond and pointing, together with samples of roofing materials, shall be provided on site and the specifications approved in writing by the local planning authority before the relevant parts of the works are begun. Work shall be carried out in accordance with such approved sample panels. The approved sample panels shall be retained on site until the work is completed.
- 10 External lighting.
- 11 Landscaping including rooftop (Green /brown roofs) and biodiversity measures (bat and bird boxes).
- 12 A 2 Stage Archaeological Scheme of Investigation.
- 13 Land decontamination.
- 14 Demolition and Construction Management Plan.
- 15 Drainage strategy.
- 16 Impact study on the existing water supply infrastructure to determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- 17 Piling method statement.
- 18 Design of all ground floor structures, foundations and basements and any other structures below ground level.
- 19 Precautionary Updated Bat Survey to be submitted and approved prior to the demolition of 785 Commercial Road.

- 20 Despite details shown on the submitted drawings, where the steps connect into the proposed new access to the towpath details of railings in lieu of a solid parapet,
- 21 Details to demonstrate that a CHP is a suitable technology for the development and will deliver CO2 savings to at least 45.5% and the submission of a Post Construction Verification Report to demonstrate that the savings have been achieved.
- 22 Submission and implementation of a Refuse storage and Waste Disposal Strategy.
- 23 Submission and implementation of details of the acoustic glazing and ventilation to all the proposed residential accommodation.

Pre-occupation

- 24 Secured by Design accreditation.
- 25 Service and Delivery Management Plan.
- 26 BREEAM Final Certificates to demonstrate that an '*Excellent*' rating has been delivered.

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

Informatives

- 1 Subject to a section106 agreement.
- 2 CIL.
- 3 Section 278 agreement required with Transport for London.
- 4 Thames Water - Groundwater Risk Management Permit.
- 5 Thames Water mains crossing and adjacent to the development site.
- 6 Flood Risk Activity Permit required from the Environment Agency for works or structures within 8 metres of the top of the bank of the Limehouse Cut.
- 7 New access onto the Limehouse Cut towpath will require an agreement with the Canal and Rivers Trust contact Jonathan.Young@canalrivertrust.org.uk

PA/16/03658 – Listed building consent

- 3.3 That the Committee resolves to **GRANT** listed building consent.
- 3.4 That the Corporate Director of Place is delegated power to impose conditions on the listed building consent to secure the following matters:

Conditions

1. 3 year time limit.
2. Compliance with plans.
3. The works of demolition or alteration by way of the partial demolition hereby approved shall not be commenced before contract(s) for the carrying out of the completion of the entire scheme of works for which consent is hereby granted, including the works contract, have been made and evidence of such contract(s) has been submitted to and accepted in writing by the local planning authority.
4. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

5. The new facing brickwork shall match the existing adjacent brickwork in respect of colour, texture, face bond and pointing, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.
6. Sample panels of all new facing brickwork showing the proposed brick types, colour, texture, face bond and pointing, together with samples of roofing materials, shall be provided on site and the specifications approved in writing by the local planning authority before the relevant parts of the works are begun. The relevant parts of the work shall be carried out in accordance with such approved sample panels. The approved sample panels shall be retained on site until the work is completed.
7. New joinery work shall match the existing joinery work adjacent in respect of materials, dimensions and profiles, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.
8. Details in respect of the following shall be submitted to and approved in writing by the council as local planning authority before the relevant work is begun. The relevant work shall be carried out in accordance with such approved details, samples of materials, schedule of works/specification, and method statement:
 - a. All new internal and external openings within listed fabric including re-opening of previously blocked openings,
 - b. Details of proposed new window openings within listed fabric including details of lintols and cills at a scale of 1:5,
 - c. Detail of proposed new and repaired staircases,
 - d. Details of the lift and service riser within the workshop at 779 – 783 Commercial Road at a scale of 1:5,
 - e. Details of new window frames at a scale of 1:5,
 - f. Method statement for repair of existing timber window frames,
 - g. Method statement for repair of existing cast iron window frames,
 - h. Details of internal and external doors at a scale of 1:5,
 - i. Details of the proposed replacement balustrade to the first floor workshop within. 779 – 783 Commercial Road,
 - j. Details of the blocking of existing external windows,
 - k. Details of salvage and relocation of historic features including cast iron windows, fire doors,
 - l. Details of joinery within the front offices of 777 Commercial Road at a scale of 1:5,
 - m. Details of restored/replacement cornices within the front offices at 777 Commercial Road at a scale of 1:5,
 - n. Details of new rooflights at a scale of 1:5,
9. No cleaning of masonry, other than a gentle surface clean using a nebulous water spray, is authorised by this consent without prior approval of details. Proposals for any alternative method shall be submitted to and approved by the local planning authority before the work is begun and the work shall be carried out in accordance with such approved proposals,
10. No repointing of brickwork is authorised by this consent without prior approval of details. Proposals shall be submitted to and approved by the local planning authority before the work is begun, and the work shall be carried out in accordance with such approved proposals.

4 SITE AND SURROUNDINGS

- 4.1 The application site measures approximately 0.31 hectares. It is bounded by Commercial Road to the south; Salmon Lane to the west, the Limehouse Cut canal and

towpath to the northwest and the recent St. Anne's Row residential development to the east straddling St Anne's Street.

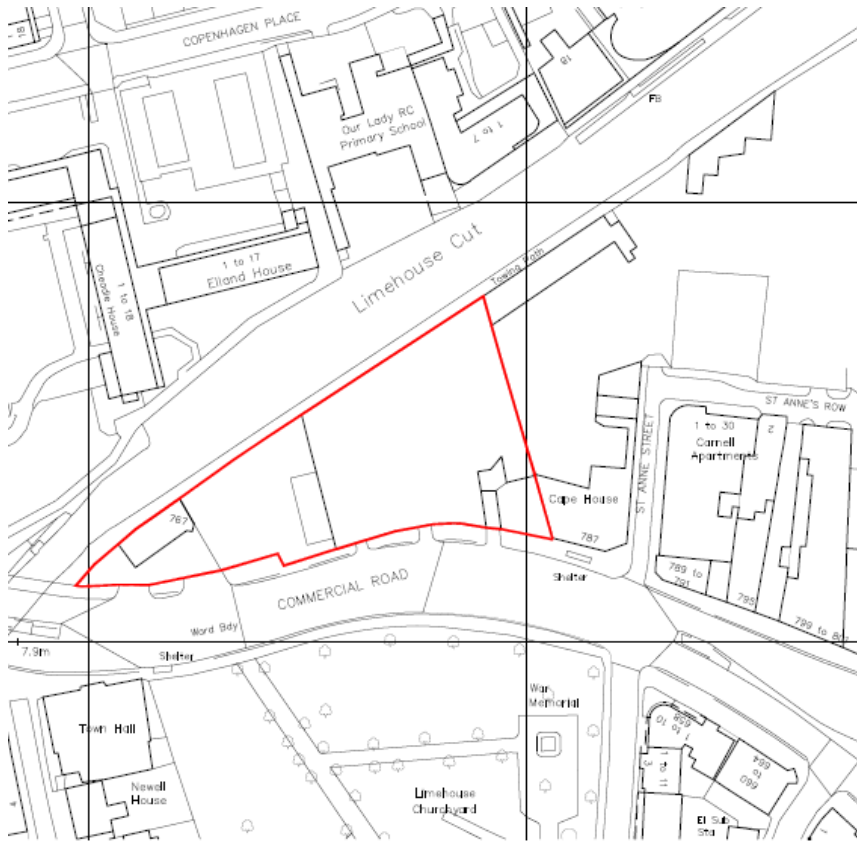


Figure 1 - Site location

4.2 The application site breaks down into five components shown in Figure 2 below:

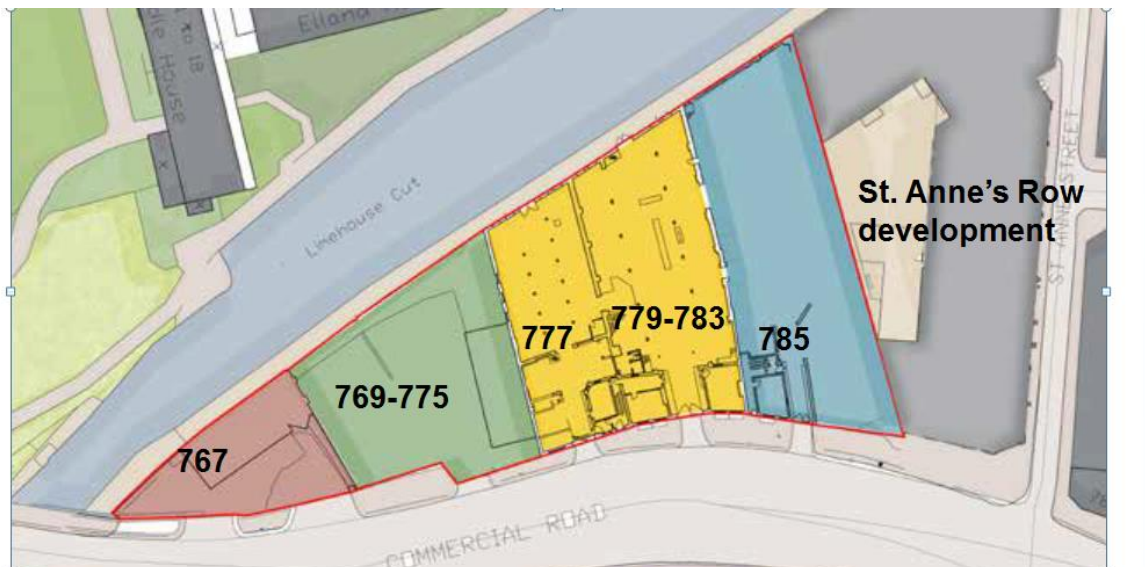


Figure 2 – Application site components

- **767 Commercial Road** - The western corner at the junction of Salmon Lane and Commercial Road. A single storey former car tyre and exhaust repair shop and two 48 sheet poster panels.

- **769 to 775 Commercial Road** – An empty site,
- **777 Commercial Road** – Circa 1869. Grade II listed. A vacant 2 and 3 storey plus basement building comprising front offices and a rear workshop,
- **779 to 783 Commercial Road** – Circa 1896- 97. Grade II listed. Vacant 2 to 3 storey plus basement buildings comprising front offices and a galleried rear workshop,
- **785 Commercial Road** – Circa 1876. Vacant 2 to 3 storey plus basement building with non-original 2nd floor front extension comprising front offices and a rear galleried workshop. Not listed.



Figure 3 – Former tyre depot 767 and vacant site 769-775 Commercial Road



Figure 4 – 777-785 Commercial Road

- 4.3 The Grade II listed 777–783 Commercial Road and unlisted 785 Commercial Road lie within the St. Anne’s Church Conservation Area. The Limehouse Cut Conservation Area adjoins the application site to the northwest. 767-775 Commercial Road adjoin but lie outside both Conservation Areas.



Figure 5 – Rear elevation of 777-785 Commercial Road facing Limehouse Cut

- 4.4 777 Commercial Road originally comprised a sailmakers warehouse and ship chandeliers later becoming an engineering workshop used in conjunction with 789-785. Except for the former tyre and exhaust centre at 767 Commercial Road, the site and buildings have largely been vacant since the mid-1990s although there is evidence of intermittent use for motor vehicle repairs. The listed buildings 777-783 Commercial Road are dilapidated and have been included within Historic England’s Buildings at Risk Register rated A ‘Very Bad’ for 16 years. This means there is an “*immediate risk of further rapid deterioration or loss of fabric, no solution agreed.*”
- 4.5 South of the application site across Commercial Road, St Anne’s Limehouse Parish Church is listed Grade 1 (Ecclesiastical Grade A). St Anne’s churchyard walls, gates, railings and a war memorial, Limehouse Town Hall and the Passmore Edwards Library are listed Grade II. East of St. Anne’s Street 680, 777-783, 795-805, 811 & 815-821 Commercial Road are listed Grade II.
- 4.6 The neighbouring St. Anne’s Row redevelopment has recently been completed to provide a 6-9 storey residential-led mixed-use scheme pursuant to planning permission granted in March 2012.
- 4.7 North of the Limehouse Cut, land uses are primarily residential with a mix of post-war local authority residential blocks (Elland, Cheadle, Aithan and Britley Houses), more modern flats and Our Lady RC Primary School.
- 4.8 Commercial Road, the A13, is part of the Transport for London Road Network (TLRN) and a ‘red route’ with bus lanes operating in both directions. Other roads in the locality

are borough roads. There are *'in and out'* vehicular accesses to 767 Commercial Road and three vehicular entrances from Commercial Road at 777-785.

- 4.9 The Limehouse Cut passes beneath Commercial Road at Britannia Bridge at the western end of the site. A flight of stairs provides access to the towpath from the southern side of Commercial Road but not on the northern side although there is pedestrian access to the towpath from St Anne Street.
- 4.10 Westferry DLR station is some 450 m to the south east. Limehouse DLR and National Rail stations are 550 m to the west. Bus routes 115, 135, D3 and 15 serve Commercial Road with routes D6, D7 and 277 available on Burdett Road to the east. The application site has a TfL public transport accessibility level PTAL 6a *'Excellent.'*
- 4.11 The site lies within the Environment Agency's Flood Zone 1 with a less than 1 in 1,000 annual probability of river or tidal flooding (<0.1%) *'Low Risk'*.
- 4.12 The site lies within a controlled parking zone.
- 4.13 The entire Borough of Tower Hamlets is an Air Quality Management Area.

5 PROPOSAL

- 5.1 **PA/16/03657.** Application for full planning permission for the following development:

Corner Site 767 - Commercial Road – demolition of former tyre and exhaust centre and erection of a 5-storey building (plus basement) to accommodate 252 m² of Class B1(a) offices at ground and basement, 9 no. self-contained Class C3 residential flats above (3 x 1 bedroom, 5 x 2 bedroom 1 x 3 bedroom) and construction of a new publicly accessible stepped access to the Limehouse Cut towpath.

West Site – 769 - 775 Commercial Road - erection of a stepped, 3-5 storey (plus lower ground floor) building to accommodate *'sui generis'* communal living accommodation incorporating 70 bedrooms (including 9 accessible units) with ancillary accommodation comprising a reception area, laundry, communal lounges, kitchens / dining rooms, workspaces and manager accommodation.

Central Site – 777 - 783 Commercial Road – restoration of the Grade II-listed buildings to provide 2,558 m² Class B1 (a) offices and ancillary uses.

East Site - 785 Commercial Road - demolition of the unlisted building retaining the ground and first floor facades, construction of a new second floor and a rear 3-4 storey building (plus lower ground floor) to accommodate *'sui generis'* communal living accommodation with 64 bedrooms (including 8 accessible units) with ancillary reception area, laundry facilities, communal lounges, kitchens / dining rooms, gym and manager's accommodation.

- 5.2 It is intended that both the East and West buildings would provide a total of 134 units (including 17 accessible units) of single occupancy purpose-built professionally-managed private shared living accommodation for rent incorporating:
 - Bedrooms each with an en-suite shower;
 - Shared kitchen/dining room facilities for residents on each floor;

- Shared laundry rooms at lower ground floor;
 - Resident's gym within the East Block;
 - Hot-water and heating via a communal system;
 - Communal workspaces and reception areas across ground floor level;
 - An on-site, live-in caretaker charged with cleaning, maintenance, coin collection from the laundry room, mail distribution & day-to-day management;
 - Both the East and West blocks constructed around central open courtyards to provide shared outdoor amenity spaces for residents;
 - Green roofs;
 - Dedicated, secure 24-hour cycle storage.
- 5.3 The majority of rooms would be let on 12-month assured shorthold tenancies with most occupiers expected to remain between 1-3 years. It is envisaged that the office space will be run as a co-working space.
- 5.4 A lay-by towards the western end of the site would provide delivery, pick-up and drop-off space from Commercial Road.
- 5.5 **PA/16/03658.** Connected application for listed building consent for works to 777 - 783 Commercial Road.
- 5.6 In February 2018, following 3rd party representations and officers assessment of the proposals, both applications were revised by amendments summarised as:

Corner Site - 767 Commercial Road

- Frame around open public area removed and an access stair introduced leading to the canal towpath.
- Exo Skeleton frame and elevations simplified.
- Elevational treatment to canal side revised to match the Commercial Road side.
- More glazing and openings introduced to the canal side façade at low level to provide an active frontage.
- Footprint reduced and servicing bay and public pavement depth modified as requested by TfL.
- Penthouse replaced by a communal winter garden and shared roof terrace.

West Site - 769 to 775 Commercial Road

- Layout of the central courtyard revised to provide a more open communal amenity space. HMO units at this level turned into a communal lounge and workspace opening onto the courtyard.
- Bike store moved from the courtyard to the basement.
- Units reduced from 72 to 70.
- Commercial Road and Limehouse Cut frontages redesigned.

Central Site - 777 and 779 to 783 Commercial Road

- Revisions mainly to 777 to retain more of the existing fabric.

East Site - 785 Commercial Road

- Central courtyard enlarged by reducing the footprint of the building.
- Commercial Road ground floor frontage made taller to align with the at St Anne's Row development. Base visually strengthened to '*ground*' it in the street context. Elevations to Commercial Road and Limehouse Cut refined.

5.7 Proposed elevations to Commercial Road and Limehouse Cut are illustrated below:



EXISTING

Figure 6 – Proposed south (Commercial Road) elevation



PROPOSED NORTH ELEVATION

Figure 7 – Proposed north (Limehouse Cut) elevation



Figure 8 - Proposed view along Commercial Road looking west



Figure 9 - Proposed view along Limehouse Cut looking west

6 PLANNING HISTORY

Application site

- 6.1 PA/05/2124, PA/05/2125 and PA/06/00233. Applications for planning permission, listed building consent and conservation area consent for development at 769-785 Commercial Road involving the demolition of 785 Commercial Road, the refurbishment and conversion of the existing main building and erection of 7 and 6-storey buildings to create 125 residential units, 5 live-work units and exhibition space. Withdrawn 2nd May 2006.
- 6.2 PA/06/2313 & 2314. Applications for planning permission & listed building consent for development at 769-785 Commercial Road involving the demolition of 785 Commercial Road, the refurbishment and conversion of the existing main building and the erection of two 6-storey buildings with associated parking to create 121 residential units (7 live work units, 40 studios, 45 one beds, 27 two beds and 9 three bedroom) together with offices and retail accommodation. Withdrawn 31st August 2007.

St Anne's Row site

- 6.3 PA/08/00042. Planning permission granted 17th July 2008 for the redevelopment on the adjoining site to the east by the construction of a 6-9 storey mixed use development to provide 233 residential units and 1,040 m² of Class A uses, 255 cycle stores, 60 underground car parking spaces and public open space. Permission renewed 26th March 2012 Ref. PA/11/01120. Constructed.

Pre-application advice

6.4 PF/12/0166. By letter dated 19th February 2013, officers advised on a proposal described as “*Conversion of existing grade II listed sailmakers lofts to mix of uses and development of residential on adjoining sites.*” Guidance provided may be summarised as:

- Support for an office-led, mixed use restoration of the listed warehouses;
- Development retaining only the façade of 779-783 not supported;
- Support for a residential-led redevelopment of the adjacent sites subject to detailed design and adequate daylight, sunlight and privacy to surrounding properties;
- Proposals should not result in any symptoms of overdevelopment;
- Residential mix should comply with Managing Development Document Policy DM3 ‘*Delivering homes.*’
- Discussion on affordable housing required;
- Design issues – layout, height, bulk & massing, setting of grade II listed buildings and impact on conservation areas;
- Requirement for private amenity space, communal amenity space and child play space.

6.5 PF/15/00157. Two pre-application meetings were held in September 2015 on proposals for the restoration of the listed buildings for office use and redevelopment of the East and West Sites for HMO use (house in multiple accommodation).. A site visit was held attended by English Heritage. By letter dated 6th January 2015, advice was provided that may be summarised as:

- The proposal would return long vacant buildings to active employment use and preserve and enhance the listed buildings.’
- The Local Plan is silent on HMOs. Whilst acknowledging such provision contributes to housing targets and housing stock diversity with some support in the London Plan, the quantum of single-tenure units of the same type would not be conducive to a mixed and balanced community conflicting with Core Strategy Policy 02 ‘*Urban living for everyone*’ and MDD Policies DM3 ‘*Delivering homes*’ & DM4 ‘*Housing standards and amenity space*’. Concern was expressed that HMOs in high concentrations can potentially impact the character of neighbourhoods due to transience, poor management and maintenance, increased parking pressure and refuse generation. Whilst the proposal would add diversity to the borough’s housing stock, officers could not support the HMO element then presented due to conflict with planning policy, the number of non-self-contained HMO units and lack of demonstrable need.
- Shared accommodation would not contribute to the borough’s need for affordable housing.
- The conversion of 777 – 783 into open plan office space with a strong industrial character was welcomed being a very good fit to the building.
- Concern over massing substantially taller than the listed buildings. The approach of stepping down in height to the listed buildings could undermine the objective of maintaining the listed buildings as the most important / prominent architectural frontage.
- The proposal should positively relate to the neighbouring development at St Anne’s Row.
- Development at the flanks of the listed building should provide historical townscape continuity with building frontages taken to the back edge of pavement.

- Materials should be robust appropriate alongside the listed buildings and within the Conservation Area. Brick recommended for widespread use not pre-formed panels.

7 LEGAL AND PLANNING POLICY FRAMEWORK & ALLOCATIONS

7.1 The general decision making framework can be found in Agenda Item 5. Under section 70 (1) of the Town & Country Planning Act 1990, the committee may grant planning permission, either unconditionally or subject to such conditions as they think fit; or they may refuse planning permission. Under section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the committee may grant or refuse the application for listed building consent and, if they grant consent, may grant it subject to conditions.

7.2 In determining the applications the Committee has the following main statutory duties to perform:

- To determine the application for planning permission in accordance with the development plan unless other material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004).
- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) of the Town & Country Planning Act 1990).
- In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990).
- To pay special attention to whether the development would preserve or enhance the character or appearance of the St Anne's Church and Limehouse Cut Conservation Areas (Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).
- In considering whether to grant listed building consent to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

The Development Plan

7.3 The Development Plan for Tower Hamlets comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010, the Managing Development Document 2013 and the Adopted Policies Map).

7.4 The following national, regional and local planning policies and supplementary planning documents are also relevant to the applications:

National policy

National Planning Policy Framework (NPPF) July 2018

Planning Policy Guidance (PPG)

Technical housing standards – nationally described space standard 2015

Regional policy

London Plan 2016

- 2.9 Inner London
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 4.1 Developing London's economy
- 4.2 Offices
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.19 Biodiversity and access to nature
- 7.24 Blue ribbon network

- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

Tower Hamlets Local Plan

Core Strategy 2010

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

Managing Development Document 2013

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM5 Specialist housing
- DM6 Student housing
- DM7 Short stay accommodation
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing waste
- DM15 Local job creation and investment
- DM16 Office locations
- DM20 Supporting a sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated land

Supplementary planning documents

Greater London Authority

- Homes for Londoners - Affordable Housing and Viability SPG 2017
- The Mayor's Housing SPG May 2016
- Accessible London: Achieving an Inclusive Environment 2014
- Sustainable Design and Construction SPG 2014

The Control of dust and emissions during construction and demolition 2014
 Shaping Neighbourhoods: Character and Context 2014
 London Planning Statement 2014
 Use of Planning Obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy 2013
 East London Green Grid Framework 2012
 The Mayor's Energy Strategy 2010
 The Mayor's Transport Strategy 2010
 The Mayor's Economic Strategy 2010

London Borough of Tower Hamlets

Development Viability SPD 2nd October 2017
 Planning Obligations SPD September 2016
 Community Infrastructure Levy (CIL) Regulation 123 List September 2016
 Limehouse Cut Conservation Area Character Appraisal and Management Guidelines August 2011
 St Anne's Church Conservation Area Character Appraisal and Management Guidelines November 2009
 East London HMO Guidance 2009

Other material considerations

Tower Hamlets Strategic Housing Market Assessment Update May 2017 (Opinion Research Services)
 Making the most of build to rent (Future of London 2017)
 Housing White Paper, '*Fixing our broken housing market*' February 2017

Historic England Guidance Notes

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

Building Research Establishment

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

Emerging policy

The Draft London Plan August 2018

- 7.5 The Mayor's new draft London Plan was updated in August 2018. The Examination in Public (EiP) is programmed for between November 2018 and March 2019 with adoption anticipated winter 2019/20. Policy H18 '*Large-scale purpose-built shared living*' is particularly relevant to the planning application – see Section 10 below.

The Tower Hamlets Local Plan 2031

- 7.6 The EiP into the new draft Local Plan ran during September / October 2018, with adoption anticipated during 2019. Policy D.H7 '*Housing with shared facilities (houses in multi occupation)*' is particularly relevant to the planning application – see Section 10 below.
- 7.7 Although both emerging plans currently carry limited weight, the NPPF (paragraph 48) provides that from the day of publication decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies; and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

7.8 Draft Local Plan Policy D.H7 should be afforded moderate weight as it is in conformity with the NPPF, the London Plan and the Mayor's Housing SPG, but received a small number of objections.

8 CONSULTATION

8.1 The following bodies have been consulted on both applications. Re-consultation was undertaken in February 2018 following amendments to the applications. Representations received are summarised below. The views of officers within the Directorate of Place are expressed within Section 10 of this report - MATERIAL PLANNING CONSIDERATIONS.

External consultees

Canal and Rivers Trust

8.2 Pleased that the listed warehouses are to be restored and brought back into use.

8.3 The Trust initially objected as the development failed to interact with, and had an overbearing impact on the Limehouse Cut and its towpath. Following consultation on the revised plans, the Trust, on balance, removes its objection and welcomes the principle of the new towpath access, the reduction in the perceived height of the development along its length, and the greater deference to the retained historic buildings.

8.4 Where the steps connect into the proposed new access to the towpath, poor visibility resulting from a solid parapet could pose a risk to towpath users. Steel railings, at least on the side wall of the flight of steps, could alleviate this issue. Also suggests that the stepped access should ideally accommodate bicycles, a wheeling ramp would be beneficial. It is suggested these issues could be addressed by a condition requiring further details of the towpath steps.

Officer comment: Bicycle access isn't possible due to insufficient room to provide a ramp. The level difference of 3.2 m between the towpath and ground level of the site would require a ramp 32 m long at a gradient 1 in 10 and 64 m long at 1 in 20.

8.5 The Trust considers the development would overshadow the Limehouse Cut contrary to Core Strategy Policy SP10 and MDD Policy DM25, and the ability of boaters to use solar panels when moored adjacent to the site. Consideration could be given to the installation of electricity bollards on the towpath.

8.6 Keen to discuss a CIL contribution to secure towpath

Transport for London (TfL)

8.7 Satisfied with the revisions. Footway width now acceptable. A section 278 agreement should deliver the changes including to the loading bay restrictions and bus lane.

- 8.8 'Car free' development welcomed. Cycle parking, both long and short stay, meets London Plan standards although there is concern about the use of two-tier stands. Details of showers and changing rooms should be provided. Concerned with potential impact on the TLRN during construction. Requests conditions to secure a Construction Logistics Plan and a Delivery and Servicing Plan.

Port of London Authority

- 8.9 No objection. The site is distant from the River Thames and outside of the PLA's jurisdiction. Pleased that the use of the River Bus has been included within the submitted Travel Plan and Transport Statement.

Historic England

- 8.10 No comments. The application should be determined in accordance with national and local policy guidance, and the council's specialist conservation advice.

Historic England Greater London Archaeological Advisory Service

- 8.11 The site lies in an area of archaeological interest with significance both in terms of its built fabric and its potential for buried remains. Requested the submission of an archaeological desk based assessment in order to inform advice. Following the submission of the requested assessment, expressed disappointment that it has not acknowledged the neighbouring St Anne's Wharf site that at the time of recent investigation produced Roman building evidence and post-mediaeval pipe making industry evidence.

Officer comment: A condition requiring the submission of an archaeological scheme of investigation is recommended.

Council for British Archaeology

- 8.12 No comments received.

Environment Agency

- 8.13 No objection in principle. A Flood Risk Activity Permit is required for works within 8 metres of the top of the bank of the Limehouse Cut. Site decontamination should be investigated. Recommends that any planning permission is conditioned to require:

- Development to be undertaken in accordance with the submitted Flood Risk Assessment.
- A condition survey of the wall to the Limehouse Cut to include a scheme for any necessary remedial measures to be undertaken in accordance with an agreed timetable and completed prior to occupation of the development with flood protection to be provided to a level of 6.20 m AOD.
- Prior to the commencement of development, the submission and approval of details of how a continuous, fit for purpose flood defence line will be maintained throughout the works.

Metropolitan Police Crime Prevention Design Advisor

- 8.14 No objections in principle. Minor revisions to access arrangements requested to comply with Secured by Design. Recommends planning permission is conditioned to require Secured by Design accreditation.

London Fire and Emergency Planning Authority

- 8.15 Pump appliance access and water supplies for the fire service appear adequate. Recommends that sprinklers are considered for new developments and major alterations to existing premises.

Natural England

- 8.16 No objection. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

Thames Water

- 8.17 Unable to determine the waste water infrastructure needs. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. If permission is granted requests conditions regarding:

- Approval of a drainage strategy
- Approval of an impact study on the existing water supply infrastructure to determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- Approval of a piling method statement
- Approval of detailed design of all of the ground floor structures, foundations and basements and for any other structures below ground level.

And Informatives:

- A Groundwater Risk Management Permit required from Thames Water to discharge groundwater into a public sewer.
- A Thames Water main crosses the development site which may need to be diverted at the Developer's cost. There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and require 24 hours access for maintenance purposes.

Officer comment: Connection to a water supply is a statutory right.

Internal consultees**Biodiversity officer**

- 8.18 Limehouse Cut is a Site of Metropolitan Importance for Nature Conservation. Increased buildings alongside the canal will have a minor adverse impact on its ecology through increased shading, but unlikely to be significant.
- 8.19 The bat surveys indicate that the existing buildings do not currently support bat roosts although bats could forage and travel along the canal.
- 8.20 The application site consists almost entirely of existing buildings and hard surfaces and there will be no significant adverse impacts on biodiversity apart from potential lighting.
- 8.21 MDD Policy DM11 requires developments to deliver net biodiversity gains. The proposals offer little if any green space. Biodiverse green roofs should be provided wherever possible. Consideration should be given to pulling the northern edge of the buildings back from the edge of the site, to create a green corridor alongside the tow-path. Other biodiversity enhancements could include bat boxes and nest boxes.

- 8.22 Recommended conditions to secure biodiversity mitigation and enhancement together with a precautionary updated bat survey if demolition (other than 767 Commercial Road) occurs after May 2018.

Environmental Health

- 8.23 Air quality: The Air Quality Assessment is accepted. Ventilation inlets for the residential areas must be located away from Commercial Road.
- 8.24 Contaminated Land: Recommends conditions to secure site investigation and the mitigation of any contamination.
- 8.25 Noise and vibration. No advice received.
- 8.26 Sunlight and daylight: No advice received.

Corporate Access Officer

- 8.27 No advice received.

Landscape Section

- 8.28 No advice received.

Enterprise and Employment

- 8.29 Requests employment/enterprise contributions at construction phase: The developer should use best endeavours to ensure that 20% of the construction phase workforce will be Tower Hamlets local residents. 20% of goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

Recommends:

- A £49,880 financial contribution to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase.
- A contribution of £79,970 at end-use phase to support the training and development of unemployed residents in Tower Hamlets to access either jobs within the B1 uses of the development or jobs or training within employment sectors relating to the final development
- 6 construction phase apprenticeships based on an estimated build cost of £30.753 million.
- Zero end-use apprenticeships.

Energy Efficiency Unit

- 8.30 The proposals seek to implement energy efficiency measures by a CHP system and renewable energy technologies to deliver a 45.5% reduction in CO2 emissions. The proposals are supported subject to planning permission being conditioned to secure the details of the proposed heat network and 'as built' calculations to demonstrate delivery of the CO2 savings. Also the submission of BREEAM Final Certificates demonstrating an 'Excellent' rating has been delivered.

Waste Management

- 8.31 The applicant has not provided sufficient information on the waste strategy. A full detailed waste strategy is required.

Transport and highways

- 8.32 Car parking: There should be a '*Permit Free*' agreement. The applicant should demonstrate where a person with disabilities can park conveniently in absence of on-site disabled bays.
- 8.33 Cycle parking: The number of spaces provided for the HMO is sufficient. The number of spaces for B1 uses does not meet London Plan requirement. Recommends spaces are distributed evenly across all sites. Concern about the cycle stands specified.
- 8.34 Servicing: Initially advised that the proposed loading bay would reduce the effective footway width below 2 m and could not be supported. Advised liaison with TfL as highway authority. **Officer comment:** TfL are satisfied with revised scheme.
- 8.35 Recommends the following conditions & section 106 Heads:
- '*Permit Free*' agreement prohibiting all future residents except Blue Badge holders from applying for parking permits,
 - Cycle storage facilities to be provided and retained for the life of the development,
 - A Demolition and Construction Plan to be approved prior to works commencing,
 - A Service and Delivery Management Plan to be approved prior to occupation.

9 LOCAL REPRESENTATION

Community engagement by the applicant

- 9.1 The application includes a Statement of Community Involvement that explains invitations to a public exhibition of the proposals held on site on Wednesday 31st July and Thursday 1st August 2016 were sent to local ward councillors and the local community.
- 9.2 Approximately 80 people attended the 2-day event including representatives from the Limehouse Community Forum and local councillors. 27 feedback questionnaires were completed and indicated the majority of people supported the proposals to restore and redevelop the site and were in favour of the proposed mix of uses.

Representations following LB Tower Hamlets statutory publicity

- 9.3 The application has been publicised by 2 rounds of site notices and advertisements in OurEastEnd. 458 neighbouring properties within the area shown on the map appended to this report have been notified and invited to comment.

Individual representations received			1
Objecting:	1	Supporting	0
No of petitions received:			2

- 9.4 The individual objection commented on the original plans. Material grounds of objection may be summarised as:
- This HMO development does not align with Government policy to build affordable housing, improve the quality of rented housing, help people to buy a home or provide housing for vulnerable people. This type of housing is not wanted. Affordable homes required - a room in an HMO is NOT a home.
 - 134 units in a residentially-packed area are excessive.

- Single-tenure units of the same type are not conducive to achieving a mixed and balanced community.
 - Whilst the proposal would add diversity to the borough's housing stock, HMOs in high concentrations can potentially impact on amenity and the character of neighbourhoods resulting from increased transience, poor management and maintenance, increased parking pressure and refuse generation.
 - This scale of development should include parking for visitors.
 - Whilst the architectural integrity of the listed building would be maintained, the buildings stepping out from it grow in height. To maintain their historical importance, the new buildings should be at the same height as the listed building.
 - The frame at the top of the building at 767 serves no purpose and would distract drivers on Commercial Road.
 - The new buildings are uninspired pre-fabricated boxes.
- 9.5 Objection has also been made by a stationary manufacturer in Hackney E8 saying an alternative solution should be proposed to accommodate small local businesses and housing for local people, and objecting to the ‘*art structure*’ on the corner site that does not compliment Limehouse Town Hall or the church opposite (Officer comment: now replaced). Consideration should be given to history and the conservation area including the timber framed sailmakers warehouse and the steel framed galleried engineering workshop.
- 9.6 No individual representations were received following the 2nd round of publicity on the revised scheme.
- 9.7 The two petitions, with 26 & 73 signatures opposing the applications, have been submitted by the Limehouse Town Hall Consortium Trust – see further below.
- 9.8 Representations have been received from the following organisations:
- East End Waterways Group (EEWG) – 1st consultation round**
- 9.9 EEWG made a detailed (21 page) objection to both applications as originally submitted highlighting that the Grade II listed 777 & 779-783 Commercial Road and the unlisted 785 make positive contributions to the character and appearance of the St Anne’s Church & Limehouse Cut Conservation Areas and are an important part of the setting of St Anne’s Church.
- 9.10 EEWG is pleased that, at long last, single space re-use is proposed for the former sailmaker’s warehouse and the galleried engineering workshop. However, considered that the significance of the buildings have not been fully appreciated; with too much historic fabric replaced not repaired; and that the cumulative loss would harm their significance that would not be outweighed by heritage-specific benefits.
- 9.11 After its three-storey façade and central vehicle passage, EEWG identify the north-projecting raised eastern part of the ground storey as the most significant key element of the listed buildings special architectural and historic interest, closely followed by the related two-storey, north-projecting part of the main west-east part of the building, and its associated elevated two-storey rear wing.
- 9.12 EEWG consider the proposed demolition of two of the listed building’s three most significant elements would constitute unnecessary substantial harm (Revised NPPF para. 195 and NPPG para. 017). Apart from the need for such harm to be outweighed by “*substantial public benefits*”, “*clear and convincing justification*” is required (NPPF

para. 194), whereas no proper justification has been provided for the demolitions; nor demolitions on the ground floor to create a bin store and a wide corridor.

9.13 EEWG categorise the following interventions to the galleried engineering workshop at 779-783 as *'less than substantial harm'*:

- New freestanding staircase,
- New balustrade to galleries with metal handrail and frame with open weld mesh panels – not wooden uprights and handrails,
- Loss of 10-ton electric traveller's cab,
- Removal or replacement of wooden staircase under west gallery,
- Proposed lift shaft and riser in the south-west corner,
- New upper metal-frame-glazed doors and lower *"fixed shut timber 'stable' doors"* in canal side loading doorway,
- Unnecessary new steel frame basement windows in existing openings (sic) on the towpath,
- Unacceptable that cast-iron window frames in the canalside elevation are *"to be retained if possible."*

9.14 EEWG also claim there would be *'less than substantial harm'* to the significance of the former sailmaker's warehouse:

- The building is likely to lose too much of its internal timber frame and floor-boarding. A detailed proposal for retention and replacement where necessary must be made,
- Concealment of the fenestrated west-side wall and views of the hipped roof,
- New upper metal-frame-glazed doors and lower *"fixed shut timber stable doors"* in ground and first-floor canal side loading doorways would seriously harm the significance of the canal side building,
- Unacceptable that cast-iron window frames in the canalside elevation are *"to be retained if possible"*,
- Unacceptable removal of existing doors from first-floor loading doorway with new glazed doors with new frameless glass balustrade, including in the reinstated opening to west of the first-floor loading doorway,
- Unacceptable removal of existing (non-original) window to east of ground-floor doorway and infill the opening.

9.15 EEWG is pleased by the proposed retention and rebuild of the upper 2nd floor of the unlisted three-storey 785 Commercial Road although details should be submitted. Objects to five corten-steel-clad *'beach huts'* on the fourth floor of the proposed canalside building at 785 as they would step up and detract from the pitched roofs on the two Grade II buildings to the west, especially the lantern roof over the galleried engineering workshop, harm the setting of the listed buildings and the Limehouse Cut Conservation Area. Would prefer the rear elevation to be in Staffordshire brick.

9.16 The open exoskeleton at the western end of the proposed building at 767 Commercial Road would harm the St Anne's Church & Limehouse Cut Conservation Areas and the settings of the listed town hall and the listed building on the other side of Newell Street
Officer comment: An originally proposed frame and public art feature has been reduced in size and simplified – see Figures 6 & 7 above (north and south elevations). The Applicant considers this is an interesting feature that will emphasise the corner building at a major 'node' road junction.

- 9.17 EEWG say national guidance (PPG para. 020) identifies three main heritage benefits which may be included as public benefits: sustaining or enhancing significance and the contribution of setting; reducing or removing risks; and securing the optimum viable use of a heritage asset in support of its long term conservation. EEWG comment:
- Single space re-use would sustain significance but significance would also be seriously harmed by extensive loss of historic fabric and non-sympathetic insertions.
 - Whilst the listed buildings would be removed from the ‘*at risk*’ register and “*saved from further deterioration*” this would be achieved at too high a cost in terms of lost or replaced historic fabric and failure to sustain or enhance significance.
 - Optimum viable use requires “*the least harm to the significance of the asset*” whereas the proposals would cause too much harm (lost or replaced historic fabric and failure to sustain or enhance significance) for optimum viable use to be secured.
 - Whilst the proposed reuse is “*sympathetic*”, the proposed development is not. The proposed new buildings fronting Commercial Road are not of sufficient quality to enhance the setting of the listed buildings and St Anne’s Church, and elements would cause harm to the St Anne’s Church Conservation Area.
 - The so-called heritage-specific benefits would themselves cause harm to the listed buildings and the two Conservation Areas. It cannot be claimed that they would outweigh the harm caused by the proposed development, especially as the harm is not “*relatively limited and contained*”.
- 9.18 EEWG remain concerned by the lack of a condition survey and the applicant’s assertion that historic fabric matters could be dealt with by condition. Conditions would be appropriate where there is convincing evidence of a conservation-led approach but the development is not conservation-led.
- 9.19 EEWG say that whilst heritage-specific benefits may be included as public benefits, they are usually in addition to more normal public benefits, such as social housing and the payment of a community infrastructure levy. As neither of these is being offered, the heritage-specific benefits would only result in the removal of the listed buildings from the ‘*at risk*’ register. Were social housing and CIL offered, this should not outweigh the harm to the significance to these unique listed buildings and the harm to two conservation areas. **Officer comment:** The development as a whole would attract CIL. Affordable housing is considered below.

Revised scheme (2nd publicity round)

- 9.20 EEWG are pleased to see:
- The retention of the existing window frames in the Commercial Road façade at 777-785,
 - The retention of the timber staircase on the west side of the galleried engineering workshop at 779-783,
 - The revisions revealing part of the west elevation of the former sailmaker’s warehouse at 777.
- 9.21 However, further revisions are required to more fully respect the significance of these unique buildings.
- 9.22 EEWG considers the L shaped service cross-wing at the front of 779-783 Commercial Road continues to be treated as a disposable heritage asset. The front façade would be disfigured by the unnecessary removal of the existing timber sliding door and its

replacement by a perforated metal door and associated interior alterations which would destroy the paired arrangement with the adjacent 'works' door (which is now being retained in its doorway rather than being replaced by a brick wall) and an open lobby that would attract anti-social behaviour.

9.23 EEWG appreciate the retention of the wall alongside the vehicle passage, and the splay corner, together with partial reuse of the stores. However:

- The east wall of the stores would be completely demolished. The southern part should be retained with its attached shelving; also the wall under the glazed screens on the south side of the stores.
- The floor within the adjacent protected lobby would be lower than the existing floor, and the narrow pavement alongside the vehicle passage curtailed. The existing floor level and the full length of the pavement should be retained.
- Wooden setts in the vehicle passage would be removed / buried by the proposed new ramp up to the former vehicle entrance and should be retained.
- Only the ground-storey splay wall would be retained. The first and second storeys should also be retained including all three window frames.
- The adjacent three-storey, west-east, load-bearing wall would be demolished to make way for the new staircase. The stair should be re-planned to fully occupy the space between the south-end wall of the sailmaker's warehouse and the three-storey, west-east wall.

9.24 EEWG also object to details of the proposed works to the former Sailmaker's warehouse 777 Commercial Road:

- The upperpart of the retained loading doors should not be glazed, nor the lower part concealed by an external metal balustrade.
- The large metal window frame to the right of the ground-floor entrance should not be removed.
- Although the existing loading doors in the canalside elevation are to be "*retained, repaired ...*", a tympanum should not be inserted under the segmental arch over each loading doorway, nor the doors glazed and provided with external metal balustrades. The existing doors should be fully conserved.
- There should be full conservation of the internal timber frame and floor-boarding, and its timber roof and trusses. The applicant should be required to provide a detailed and comprehensive timber conservation proposal for the entire building, including the reinstatement of the roof structure and the retention of the three loading doorways and their doors.

9.25 EEWG continue to object to the proposals for the galleried engineering workshop including the new '*feature stair*', the removal of a craning gate and new steel-framed windows (in the lantern's timber side walls) requesting that existing timber window frames are retained and double-glazed. Every effort should be made to keep the workshop in '*working order*' so that occupants and visitors may fully appreciate its interior.

9.26 Concerns remain about the existing match-boarding under the pitched roofs over the side galleries and under the hipped roof structures at the northern ends of the two pitched roofs and the central lantern and consider the applicant should provide a detailed and comprehensive timber conservation proposal. Also, a steel conservation proposal for the galleried engineering workshop and brick conservation proposals for all

the listed buildings are required to ensure that their brickwork and mortar joints are not damaged during cleaning, and appropriate mortars are used for re-pointing.

- 9.27 EEWG are pleased to note revisions to the proposed new buildings which acknowledge the importance of this site but continue to object to the corten-steel-clad '*beach huts*' on the fourth floor of the canalside building at 785 Commercial Road.

Greater London Industrial Archaeology Society (GLIAS)

- 9.28 GLIAS made a detailed objection to the original proposals and the revisions that echo EEWG representations.

Victorian Society

- 9.29 Responding to consultation on the initial proposals, the Society shared concerns over the unnecessary loss of historic fabric and unsympathetic alterations raised by both EEWG and GLIAS, particularly the replacement of the timber clerestory window frames with new steel Crittal type windows (drawings FLA_315 and FLA_316). Recommends that this should be a like-for-like replacement and the new windows should be timber, particularly as they are set in timber walls. No comments received on the revised plans.

Association for Industrial Archaeology

- 9.30 This is an extensive and complex site which includes the important survival of the Sailmaker's Warehouse as well as non-listed/curtilage listed buildings on Historic England's At Risk Register. It is essential that a new use is found. Whilst aspects of the buildings will be lost, pleased that the Commercial Road façades are to be retained. These together with the Sailmaker's warehouse will provide a visual link to the area's history. Also pleased that some internal features are to be retained. If this site as a whole is to be brought back into use, then the loss of certain parts can become acceptable. The Association supports the application but expects that any features which come to light during demolition/conversion are recorded.

London and Middlesex Archaeology Society (Historic Buildings)

- 9.31 No objection.

Limehouse Town Hall Consortium Trust (LTHCT)

- 9.32 The Trust, together with Stitches in Time and Locksley Tenants and Residents Association raised concerns about the original application summarised as:

1. Housing supply and the proposed mix of uses
2. Lack of affordable housing
3. Loss of employment floorspace

- 9.33 The Trust considers that the amended proposal does not adequately address the following concerns:

- Failure to address low-cost or affordable housing. The proposals do not demonstrate that they meet an identified housing need, nor contribute to the creation of mixed and balanced communities contrary to policy in the Draft London Plan and Tower Hamlets Draft Local Plan on purposes built HMO accommodation.
- The restoration of the Grade II listed buildings does not justify its negative impacts.

- 9.34 The Trust has submitted 2 petitions with 26 & 73 signatures objecting to both applications on the above grounds.

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the Committee must consider are:

- Principle of development and land use
- Affordable housing
- Class C3 housing tenure mix and inclusive design
- Housing quality
- Urban design and heritage assets
- Impact on surroundings
- Transport and highways
- Waste management
- Energy and sustainability
- Air quality
- Noise and vibration
- Contaminated land
- Archaeology
- Flood risk & Sustainable urban drainage
- Biodiversity
- Impact upon local infrastructure / facilities
- Local finance considerations
- Human rights
- Equalities

Principle of development and land use

London Plan 2016

10.2 Policy 3.3 '*Increasing housing supply*' confirms the pressing need for more homes in London to be achieved particularly by realising brownfield housing capacity and mixed-use redevelopment, especially of surplus commercial land.

10.3 Policy 3.7 encourages '*Large residential developments*' in areas with high PTALs. Policy 3.8 '*Housing choice*' states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. Policy 3.9 '*Mixed and balanced communities*' requires that communities mixed and balanced by tenure and household income should be promoted across London.

10.4 Policy 4.2 '*Offices*' states that the boroughs should support mixed use development and redevelopment of office provision to improve London's competitiveness enhancing its attractions for businesses of different types and sizes including small and medium sized enterprises.

10.5 Policy 7.24 '*Blue Ribbon Network*' prioritizes uses of land alongside London's waterways for water related purposes. Policy 7.30 '*London's canals*' says development along London's canal network should contribute to their accessibility and active water related uses.

Tower Hamlets Local Plan

10.6 The application site is undesignated on the Adopted Policies Map except that 777-785 Commercial Road are shown as listed buildings within St Anne's Church Conservation

Area. The Limehouse Cut is shown as part of the Lee Valley Regional Park and a Site of Importance for Nature Conservation.

Core Strategy 2010

- 10.7 Policy SP01 '*Refocusing on our town centres*' applies a town centre hierarchy for development within the borough. Part 5 promotes areas outside and at the edge of town centres as places that support sustainable communities including primarily residential use and supporting uses that are local in nature and scale.
- 10.8 Strategic Objective 7 seeks to deliver housing growth to meet general and specialised housing demand in line with London Plan housing targets. Strategic Objective 8 seeks to ensure that housing contributes to the creation of socially balanced and inclusive communities by offering housing choice reflecting the council's priorities for affordable and family homes.
- 10.9 Policy SP02 '*Urban living for everyone*' seeks to deliver new homes in-line with London Plan housing targets. Sub policy 7 supports the provision of the specialist housing needs but only refers to student accommodation and those that cater for the homeless, vulnerable and the elderly.
- 10.10 The application site lies within the '*Place of Limehouse*' that the Core Strategy identifies for Medium Growth (1,501-2500 residential units) to 2025.
- 10.11 Policy SP04 '*Creating a green and blue grid*' seeks to deliver a network of open spaces including by maximising opportunities for new publicly accessible open space. Policy SP12 '*Delivering placemaking*' seeks to ensure that the borough's '*places*' have a range and mix of high-quality publicly accessible green spaces.
- 10.12 Strategic Objective 16 supports the growth of existing and future businesses in accessible and appropriate locations. Policy SP06 '*Creating successful employment hubs*' seeks to maximise and deliver investment and job creation with a particular focus on the small and medium enterprise sector. The policy encourages flexible workspace in '*main street*' locations.
- 10.13 Core Strategy Annex 9 concerns '*Delivering Placemaking.*' Figure 53 '*Limehouse Vision Diagram*' seeks to deliver a better connected riverside place supported by new neighbourhood centres on and around Commercial Road. Limehouse will continue to see medium levels of growth with old industrial sites being redeveloped for mixed use. Priorities, include increasing employment by encouraging small and medium enterprises and promoting the regeneration of St Anne's Triangle as a mixed-use area, ensuring the protection and enhancement of historic buildings. A range of principles for development in Limehouse include ensuring development and regeneration promotes active frontages onto Commercial Road to reinforce the town centre.
- 10.14 The Core Strategy Housing Investment and Delivery Programme identifies Limehouse for Very High Growth delivering 1,000+ new homes between 2015 & 2020 and Medium Growth of 400 -1,000 units between 2020 and 2015.

Managing Development Document 2013 (MDD)

- 10.15 Policy DM3 '*Delivering homes*' seeks to maximise affordable housing. Policy DM4 provides standards for new housing including amenity space. Policy DM5 supports '*Specialist housing*' where it can be demonstrated there is a need. Policy DM10 '*Delivering open space*' requires development to provide or contribute to the delivery of an improved network of open spaces in accordance with the council's Green Grid and

Open Space Strategies. Policy DM15 '*Local job creation and investment*' supports the upgrading and redevelopment of employment sites. Development should not result in the loss of active and viable employment uses. Development of new employment floor space should provide a range of flexible units including units less than 250 m2 and less than 100 m2 to meet the needs of Small and Medium Enterprise (SMEs).

- 10.16 MDD Chapter 3 provides Site Allocations. The application site is not identified as a Site Allocation.

NPPF 2018

- 10.17 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed. (Paragraph 59)
- 10.18 The size, type and tenure of housing needed for different groups should be assessed and reflected in planning policies (Paragraph 61)
- 10.19 Small and medium sized sites can make an important contribution to meeting the housing requirement of an area. (Paragraph 68)
- 10.20 Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. (Paragraph 80)
- 10.21 Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance (Paragraph 184). Paragraph 192 requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Emerging Development Plan

Draft London Plan December 2017

- 10.22 Emerging Policy H18 provides that large-scale purpose-built shared living developments may provide a housing option for single person households who cannot or choose not to live in self-contained homes or HMOs. Proposals must meet all of the following criteria:
1. *it is of good quality design,*
 - 1A *it contributes towards mixed and inclusive communities,*
 2. *it is located in an area well-connected to local services and employment by walking, cycling and public transport, and its design does not contribute to car dependency,*
 3. *it is under single management,*
 4. *its units are all for rent with minimum tenancy lengths of no less than three months,*
 5. *communal facilities and services are provided that are sufficient to meet the requirements of the intended number of residents and include at least:*
 - a. *convenient access to a communal kitchen,*
 - b. *outside communal amenity space (roof terrace and/or garden),*
 - c. *internal communal amenity space (dining rooms, lounges),*

- d. *laundry and drying facilities,*
- e. *a concierge,*
- f. *community management,*
- g. *bedding and linen changing and/or room cleaning services.*
- 6. *the private units provide adequate functional living space and layout, and are demonstrably not C3 Use Class accommodation,*
- 7. *a management plan is provided with the application,*
- 8. *it delivers a cash in lieu contribution towards conventional C3 affordable housing. Boroughs should seek this contribution for the provision of new C3 off-site affordable housing as either an:*
 - a. *upfront cash in lieu payment to the local authority, or*
 - b. *in perpetuity annual payment to the local authority.*

Draft Tower Hamlets Local Plan 2031

10.23 Chapter 4 of the draft new Local Plan addresses '*Meeting housing needs*'. Policy D.H7 supports new '*Housing with shared facilities (houses in multi occupation)*' where they satisfy the following 5 criteria.

- a. *do not result in the loss of existing larger housing suitable for family occupation;*
- b. *can be secured as a long-term addition to the supply of low cost housing, or otherwise provides an appropriate amount of affordable housing;*
- c. *are located in an area of high transport accessibility;*
- d. *do not give rise to any significant amenity impact(s) on the surrounding neighbourhood; and*
- e. *comply with relevant standards and satisfies the housing space standards outlined in policy D.H3.*

The Mayor's 'Housing' SPG 2016

10.24 The Mayor's SPG provides guidance on implementing the London Plan's housing policies. Paragraph 3.4.1 refers to Houses in Multiple Occupation (HMOs) that are said to a strategically important housing resource. They provide flexible and relatively affordable accommodation through the private market playing a particularly important role in supporting labour market flexibility (especially for new entrants), reducing pressure on publicly provided affordable housing although their quality can be a concern. Paragraph 3.5.1 refers to '*New Housing Products*' noting that as housing need increases in London, new approaches to meeting need are emerging. Where these are of a high quality and well-designed, they can play an important role in meeting housing need and should be encouraged.

10.25 The SPG emphasises that in considering proposals for non-conventional housing (including large scale HMO's), local planning authorities should ensure seven provisos are met. These are set out and addressed under '*Assessment*' below.

Assessment

Restoration of 777-873 Commercial Road for office use

10.26 The three listed buildings were last used as an engineering workshop with ancillary offices—Class B2 (General industry). The proposed offices fall within Class B1 (Business). A change of use of a building from any use within Class B2 to a use within Class B1 amounts to '*permitted development*' and does not normally require planning permission from the local authority.

- 10.27 In this case, although there is evidence of intermittent use for motor vehicle repairs, the buildings have been vacant since the mid-1990s and it is arguable that the previous use has been abandoned with planning permission now required to reinstate the buildings to beneficial use.
- 10.28 MDD Policy DM15 '*Local job creation and investment*' supports the upgrading and redevelopment of employment sites. The proposals would restore the '*At Risk*' listed buildings to employment-generating use, make a positive contribution to the area's economy and are very welcomed. Importantly, the proposed use would be a good fit with the layout of the listed buildings enabling the significant spaces, including the open spaces of the former Sailmakers and the large open galleried space, to be retained.

Loss of employment use at 785 Commercial Road

- 10.29 MDD Policy DM15 indicates that the loss of active and viable employment uses should be resisted, unless the site has been actively marketed or is unsuitable for continued employment use. The building, along with 777-783, has been vacant since the 1990s and fallen into dereliction. Therefore, whilst the proposals would involve the demolition of part of the unlisted 785 Commercial Road, there would be no loss of any active or viable employment use.

Loss of employment use at 767 Commercial Road

- 10.30 The only recently active use at the entire site was the now closed tyre and exhaust centre at 767. This comprises an unsightly single storey building that detracts from the streetscape, the adjoining conservation areas, and significantly underutilised the site's potential. The proposals for this western part of the site would provide new employment with 252 m² of new office floorspace at ground and basement levels. This represents a substantial increase in both employment floorspace and potential jobs compared to the former use. Furthermore, this part of the development forms part of the enabling works to facilitate the restoration of the listed buildings that would contribute a further 2,518 m² of employment-related space on the wider site.

New Class C3 flats at 767 Commercial Road and new-build communal living HMO accommodation at 769 to 775 & 785 Commercial Road

- 10.31 Increased housing supply is a fundamental policy objective at national, regional and local levels. The proposed nine flats would provide new Class C3 housing in line with the council's objective to exceed London Plan housing targets and are welcomed.
- 10.32 The development plan recognises the importance of providing a choice of residential accommodation and tenure and no policies preclude the provision of shared living accommodation. As mentioned, the Mayor's '*Housing*' SPG in principle supports the proposed HMO accommodation. The following comments are made on the SPG's seven assessment criteria for non-conventional housing (including large scale HMO's):

- ***proposals demonstrate how they meet identified housing needs (Policy 3.8Ba)***

- 10.33 High quality purpose-built shared living accommodation is a relatively new concept to the London housing market that would add to and enhance housing diversity. Given the site's excellent public transport accessibility, it is considered that the proposed use would be acceptable in this location. The Applicant has provided a Housing Needs Assessment (prepared by Knight Frank Residential) that claims there is a need for this kind of living accommodation including in Limehouse. The Applicant also states:

“There are no comparable purpose-built shared living accommodation facilities of this nature in the surrounding area. The adjoining site at St Anne’s Row has been recently redeveloped to provide over 200 self-contained residential units. As such, it is considered that a proposal of this nature would complement this traditional residential development, enhancing the diversity of living accommodation available in this area, and thereby making a positive contribution towards a mixed and balanced community. It is anticipated that all occupants of the proposed communal living blocks will remain in situ on assured shorthold tenancies for total periods of between 1 and 3 years, with minimum tenancies of 6 months. The proposals will not therefore result in “increased levels of transience.”

10.34 The Applicant also identifies planning application (15/00515/FUL) approved in principle by the London Legacy Development Corporation (LLDC) for a similar, larger development in Stratford. This application has in principle support of the GLA that stated at Stage 1: *“the proposed ‘non-conventional’ shared housing use (sui generis) is supported in principle as it would increase housing supply and has the potential to relieve pressure within the private rental sector which London Plan Policy 3.8 supports”*. However, concern was expressed about housing space standards. At the time of writing, the Stratford application has not been formally referred to the Mayor at Stage 2 and housing standards are unresolved (see further in ‘Housing quality’ below).

10.35 The Tower Hamlets Strategic Housing Market Assessment Update 2017 evidences the growth in young person sharing households in the borough. It suggests that this need can be met through large-scale HMOs or through the continued sharing of family housing.

- ***proposals demonstrate how they contribute to the creation of mixed and balanced communities (Policy 3.9)***

10.36 There are no comparable residential schemes in the surrounding area. The Applicant contends the proposal would directly contribute towards the *“creation of mixed and balance communities”*; given the local predominance of traditional C3 residential flats.

- ***schemes contribute the maximum reasonable amount of affordable housing (Policy 3.12 and Policy 3.13).***

10.37 This proviso is not met due to the cost of restoring the listed building explained further in ‘Affordable housing’ below.

- ***schemes are of good quality and meet all relevant Housing Act and HMO standards and requirements.***

10.38 The development has been designed to exceed all of the standards set out within the East London HMO Guidance. Also see assessment of ‘Housing quality’ below.

- ***there are effective management arrangements and support services in place to reflect the needs of the schemes’ intended occupiers, ensure such schemes do not have a negative impact on the surrounding community and that adequate lettings policies are in place to manage the mix of occupants.***

10.39 The application includes an Operational Management Plan intended to ensure effective management arrangements and support services, to prevent negative impact on the surrounding community and ensure adequate lettings policies are in place to manage the mix of occupants. There would be on-site live-in managers and a team of other staff and support services for residents. If planning permission is granted, to ensure the proviso is met, operation of the Management Plan could be enforced by a legal agreement.

- ***the development is not used as a student accommodation, as a hotel, or as temporary homeless accommodation without first securing an appropriate planning permission;***

10.40 Such alternative uses are not proposed and would require further planning permission.

- ***such schemes are located only in areas of high public transport accessibility.***

10.41 The site scores TfL PTAL 6 (Excellent).

Summary

10.42 In land use terms, the restoration of the listed buildings to offices, and the provision of nine self-contained flats and offices at 767 Commercial Road are consistent with the development plan and national policy and would not compromise the functioning of the Blue Ribbon Network. It is considered that the proposed '*non-conventional*' shared housing use (*sui generis*) is supported in principle by the development plan as it would increase housing supply and has the potential to relieve pressure within the private rental sector.

Affordable housing

The London Plan 2016

10.43 Policy 3.8 '*Housing choice*' requires London borough's to address the provision of affordable housing as a strategic priority. Policy 3.11 '*Affordable housing targets*' requires boroughs to maximise affordable housing provision and set an overall target for the amount of affordable housing needed in their areas. Matters to be considered include the priority for family accommodation, the need to promote mixed and balanced communities and the viability of developments. The Mayor's '*Housing*' SPG and paragraph 4.18.7 of the Draft London Plan 2017 confirm that large scale purpose built shared living accommodation is required to contribute to affordable housing (by cash in lieu contributions) but is not considered suitable as a form of affordable housing itself.

Tower Hamlets Core Strategy 2010

10.44 Policy SP02 (3) sets an overall strategic target for affordable homes of 50% until 2025. This is to be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).

Tower Hamlets Managing Development Document 2013

10.45 Policy DM3 '*Delivering homes*' requires development to maximise affordable housing on-site.

NPPF 2018

- 10.46 Strategic policies should set out an overall strategy for the pattern scale and quality of development, and make sufficient provision for: a) housing (including affordable housing), employment, retail, leisure and other commercial development (Paragraph 20)
- 10.47 Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site. (Paragraph 62)
- 10.48 Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership unless inter alia this would significantly prejudice the ability to meet the identified affordable housing needs of specific groups (Paragraph 64). Officers advise that sui generis shared living accommodation does not cater for a specific group of people and the exception does not apply in this case.

Assessment

- 10.49 The Applicant initially claimed that it is not viable to provide any traditional affordable housing, primarily due to the substantial costs involved with the redevelopment of the site including the refurbishment and restoration of the Grade II 'At Risk' listed buildings suggesting that the scheme should be considered acceptable in the context of NPPF paragraph 202 that states:

"Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies"

- 10.50 The Applicant also notes that the London Plan recognises that shared living accommodation can provide a form of relatively affordable housing accommodation and considers this kind of use represents a preferable alternative to the provision of traditional housing on the site. Officers note that the NPPF defines affordable housing as:

"Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers."

- 10.51 Neither the NPPF nor the London Plan limits the requirement of affordable housing contributions to conventional C3 housing [dwellinghouses]. Therefore, affordable housing can also be sought on residential schemes that fall into other use classes (including sui-generis HMO uses as proposed).
- 10.52 The council's Viability Consultant (GVA) initially concurred that the development costs, particularly restoring the listed buildings, meant the scheme could not sustain an affordable housing contribution. GVA's appraisal of the revised scheme calculates the scheme would generate £1.17 m excess profit and could afford 36% affordable housing (three Class C3 units) in the western corner site at 767 Commercial Road. The applicant accepts GVA's assessment and has offered three affordable housing units at 767 Commercial Road.

- 10.53 The Appellant has also submitted an Alternative Residential Feasibility Scheme that substitutes conventional dwellings for the proposed large scale HMO. The viability of this residential alternative has also been assessed by GVA who advise:

“The scheme shows a development cost inclusive of finance and land of circa £41,395,000. When deducted from the Gross Development Value (GDV) of circa £49,790,000 this option produces a profit of circa £8,400,000 that equates to 16.87% on GDV and 20.29% on cost. This level of profit is below our profit threshold for the scheme ...”

- 10.54 Officers consider that in line with NPPF paragraph 202, the benefits of conserving and ensuring a viable future for the listed buildings outweigh the disbenefits of accepting a lower affordable housing contribution (36% within the Class C3 housing) than targeted by the Local Plan.

Class C3 housing tenure mix and inclusive design

London Plan 2016

- 10.55 Policy 3.8 ‘*Housing Choice*’ requires London boroughs to identify the range of needs likely to arise within their areas and ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types. The Plan, together with the Mayor’s ‘*Accessible London*’ SPG, requires 90% of new housing to meet Building Regulation requirement M4 (2) ‘*accessible and adaptable dwellings*,’ and 10% should meet requirement M4 (3) ‘*wheelchair user dwellings*’ i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 10.56 Policy 3.9 ‘*Mixed and balanced communities*’ says that communities mixed and balanced by tenure should be promoted across London.
- 10.57 Policy 3.11 ‘*Affordable Housing Targets*’ says that 60% of affordable housing provision should be for social and affordable rent and 40% intermediate rent or sale.

The Mayor’s ‘Housing’ SPG 2016

- 10.58 Standard 7 says that development proposals should demonstrate how the mix of dwelling types and sizes, and the mix of tenures, meet strategic and local need, and are appropriate to the location.

Tower Hamlets Core Strategy 2010

- 10.59 Policy SP02 ‘*Urban living for everyone*’ requires:
- A tenure split for affordable homes of 70% social rented & 30% intermediate,
 - A mix of small and large housing with mix of housing sizes on all new housing sites with a target that 30% should be family housing of three-bed plus,
 - Large family houses (4 bed+) will be sought including areas outside town centres where there is an existing residential community with good access to open space, services and infrastructure.

Tower Hamlets Managing Development Document 2013

- 10.60 Policy DM3 ‘*Delivering Homes*’ requires development to provide a balance of housing types, including family homes as follows:

Tenure	1 bed %	2 bed %	3 bed %	4 bed %
Market	50	30	20	
Intermediate	25	50	25	0
Social/Affordable rented	30	25	30	15

- 10.61 Policy DM4 '*Housing standards and amenity space*' require 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

NPPF 2018

- 10.62 Paragraph 61 requires local planning authorities to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Assessment

- 10.63 The Class C3 accommodation at 767 Commercial Road would comprise 3 x 1 bedroom, 5 x 2 bedroom & 1 x 3 bedroom. The Applicant is flexible about the dwelling mix within the affordable units. The following dwelling mix has been suggested.

		Affordable housing						Market housing		
		Social rented 66.6%			Intermediate 33.3%			Private sale		
Unit size	Total units in scheme	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0%	0%	0	0%	0%	0	0%	0%
1 bed	3	0	0%	30%	1	100%	25.0%	2	33%	50%
2 bed	5	1	50%	25%	0	0%	50.0%	4	67%	30%
3 bed	1	1	50%	30%	0	0%	25%	0	11%	20%
4 bed	0	0	0%	15%	0	0%		0	0%	
5 bed	0	0	0%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
TOTAL	9	2	100%	100%	1	100%	100%	6	100%	100%

Figure 10 - Proposed Class C3 dwelling mix & Core Strategy targets

- 10.64 Overall, there would be a slight under-provision of 1-bed and 3-bed+ family accommodation with an over-provision of 2-bed units. On balance, given the limited amount of accommodation, and the main road location, it is considered the dwelling mix would be satisfactory. The 33:66 ratio between social rented and intermediate housing is broadly policy compliant.
- 10.65 17 HMO units, 9 in the west building and 8 the east building would be wheelchair accessible. This exceeds 10% by of the accommodation and policy compliant. Within the Class C3 flats all units are wheelchair adaptable and again policy complaint. All the buildings on each site will have a level threshold and incorporate a lift large enough to accommodate wheelchair users.

Housing quality

Technical housing standards – nationally described space standard

- 10.66 The nationally described space standard deals with internal space within new Class C3 dwellings across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height of 2.3 m.
- 10.67 In the Government's Housing White Paper '*Fixing our broken housing market*' 2017 para 1.55 stated: '*We also want to make sure the standards do not rule out new approaches to meeting demand, building on the high quality compact living model of developers such as Pocket Homes. The Government will review the Nationally Described Space Standard to ensure greater local housing choice, while ensuring we avoid a race to the bottom in the size of homes on offer.*' Revised standards have not been published to date.

The London Plan 2016

- 10.68 Policy 3.5 '*Quality and design of housing developments*' requires new housing to be of the highest quality internally and externally. Table 3.3 '*Minimum space standards for new development*' adopts the national standard:

Number of bedrooms	Number of bed spaces	Minimum GIA (m2)			Built-in storage (m2)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37)*			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

Figure 11 - London Plan / National minimum space standards

- 10.69 A single bedroom should be at least 7.5 m2 and 2.15 m. wide, a double bedroom should be at least 11.5 m2 and 2.75 m. wide.
- 10.70 To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, the London Plan strongly encourages a minimum ceiling height of 2.5 m for at least 75% of the gross internal area.

Draft London Plan 2017

- 10.71 As mentioned, Draft London Plan 2017 Policy H18 says large-scale purpose-built shared living accommodation should provide adequate functional living space and layout. Paragraph 4.18.6 says: '*There are currently no minimum space standards for communal living and private areas of this type of accommodation*' adding: '*If deemed necessary, the Mayor will produce planning guidance, including space standards, for this form of accommodation*'. Paragraph 4.18.7 acknowledges such accommodation '*does not meet minimum housing space standards.*'

The Mayor's 'Housing' SPG 2016

- 10.72 Standard 26 requires a minimum of 5 m2 of private outdoor space for 1-2 person dwellings and an extra 1 m2 for each additional occupant. Standard 27 requires balconies and other private external spaces to have minimum depth and width of 1.5 m.

- 10.73 Standard 29 says developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or which contain three or more bedrooms should be avoided.
- 10.74 Standard 31 encourages a 2.5 m. floor to ceiling height.
- 10.75 Standard 32 says all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.
- 10.76 Failure to meet one standard need not necessarily lead to conflict with the London Plan, but a combination of failures would cause concern. In most cases, departures from the standards require clear and robust justification.

Tower Hamlets Core Strategy 2010

- 10.77 Policy SP02 (6) '*Urban living for everyone*' requires all housing to be high quality, well-designed and sustainable.

Tower Hamlets Managing Development Document 2013

- 10.78 Policy DM4 '*Housing standards and amenity space*' requires all new developments to meet the London Plan's internal space standards. Private outdoor space should accord with the Mayor's '*Housing*' SPG.
- 10.79 Policy DM25 '*Amenity*' seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments and also requires the protection of neighbouring resident's privacy stipulating that a distance of 18 m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.

Draft Tower Hamlets Local Plan 2031

- 10.80 Policy D.H7 supports new '*Housing with shared facilities (houses in multi occupation)*' where they satisfy a suite of criteria including where they '*comply with relevant standards and satisfies the housing space standards outlined in policy D.H3.*' Policy D.H3 refers to London Plan requirements for residential accommodation derived from the national space standard (Class C3)

East London HMO Guidance 2009

- 10.81 This Guidance is intended for Houses in Multiple Occupation (HMOs) in the London Boroughs of Barking & Dagenham, Hackney, Havering, Newham, Redbridge, Tower Hamlets and Waltham Forest and has been adopted by the Applicant for the proposed shared living accommodation. The Guidance provides minimum floor areas as follows:

Number of occupiers	Room size for sleeping kitchen facilities in a separate room
One	8.5 m2
Two	13 m2

- 10.82 A communal living room should be at least 13 m2 for three people, plus 1 m2 for every additional person. If dining facilities are combined with the living room, the room should be at least 14 m2 for three people, plus 1 m2 for every additional person. Kitchen facilities should be no more than one floor away from the letting. Where this is not practicable, a dining area of a size suitable for the number of occupiers should be provided on the same floor as, and close to, the kitchen.

Number of sharers	Kitchen size
Up to 3	5.5m ²
4-7	7.5m ²
6-7	9.5m ²
8-10	11.5m ²

- 10.83 Rooms should have a minimum floor to ceiling height of at least 2 m over 75% of the floor area.

BRE Handbook 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'

- 10.84 The BRE provides advice on daylight and sunlight within proposed residential accommodation. It provides advice on room depth and the no sky line within rooms but adopts British Standard 8206 as the main criteria that recommends minimum Average Daylight Factor (ADF) values for rooms within new residential dwellings:

>2% for kitchens;
>1.5% for living rooms; and
>1% for bedrooms

- 10.85 For calculating sunlight, the BRE guidelines advise that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south. If the window can receive more than one quarter (25%) of Annual probable sunlight hours (APSH) with at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should receive enough sunlight. BRE also confirm that north facing rooms are appropriate when "*there is some compensating factor such as an appealing view to the north*".

Assessment

767 Commercial Road

- 10.86 All nine self-contained Class C3 residential flats within 767 Commercial Road would meet or exceed minimum national and London Plan spaces standards including floor to ceiling heights (2.5 m) and private amenity space in the form of balconies. All units would be dual aspect with southerly facing living rooms. Interior daylight and sunlight would meet BRE Guidelines.

Shared living accommodation

- 10.87 Within the shared living accommodation the bedrooms would all exceed East London HMO standards, with en-suite bathrooms. Within the HMO west block, the smallest unit would be 13.9 m², the largest 24.3 m² and the average size would be approximately 16 m². Within the east block the smallest unit would be 16 m², the largest 42 m² and the average size would be approximately 20 m². All the bedrooms would exceed the London Plan and national housing standard of 11.5 m² for double bedrooms despite being for single occupancy. Floor to ceiling height would be 2.5 m in all units.
- 10.88 Shared cooking and other facilities would also exceed minimum HMO standards and there would be on-site communal outdoor amenity space, a gymnasium, and laundry, lounge and reception areas. The accommodation would be professionally run, with live-in, on-site manager's accommodation in both blocks comprising self-contained studio accommodation. The lower ground manager's flat within 769-775 Commercial Road would measure 44.5 m² and exceed the national or London Plan standard for a 1 person unit. The 1st floor manager's flat within 785 Commercial Road would be 53.5 m² and also compliant.

- 10.89 The East London HMO guidance is however an environmental health document, rather than planning standards. They are minimum requirements for private rented HMO accommodation not design standards for new shared living developments and do not provide guidance on issues such as amenity space or daylight/sunlight.
- 10.90 The proposal involves a substantially larger / better quality of accommodation than that of the Stratford Collective scheme where bedroom sizes vary from 7.5 m² for a single person unit to 11.5 m² for two person units. At Commercial Road, the HMO units are all single occupancy and are all a minimum of 13 m², with the majority ranging up to 18 m² (this is the actual bedroom and does not include the en-suite bathrooms), approximately double the size of the rooms proposed at Stratford and meet the national and London Plan minima.
- 10.91 Within the West Site of the 79 habitable rooms from below ground to the fourth floor level 76 (96.20%) would satisfy BRE's recommendation for ADF. Within the East Site, 72 of the 76 habitable rooms (96.27%) would satisfy BRE's recommendation for ADF. 81 rooms would face south and 74 would face north. With the great majority of the north facing rooms enjoying the view of the canal, and with adequate sunlight availability to the south facing rooms, the proposal is considered to accord with BRE guidelines.
- 10.92 It is recommended that a condition is applied to any planning permission requiring the submission and implementation of details of the acoustic glazing and ventilation to all the proposed residential accommodation.

Urban design and heritage assets

- 10.93 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act provide statutory tests for the assessment of planning applications affecting listed buildings and conservation areas. Section 66(1) relates to applications that affect a listed building or its setting. It requires the decision maker to: "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". Section 72(1) relates to applications affecting a conservation area. It states that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
- 10.94 The special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas also applies to development adjoining a conservation area. This applies to the Limehouse Cut Conservation Area.
- 10.95 Considerable importance and weight is required to be given to the desirability of preserving a listed building and/or its setting, and to the desirability of preserving or enhancing the character or appearance of conservation areas when carrying out any balancing exercise in which any harm to the significance of listed buildings or conservation areas is to be weighed against public benefits. A finding that harm would be caused to a listed building or its setting or to a conservation area gives rise to a strong presumption against planning permission or listed building consent being granted.
- 10.96 The implementation of the 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 of the heritage assets should be given “*special regard / attention*” and therefore considerable weight and importance.

London Plan 2016

- 10.97 Policy 7.4 ‘*Local Character*’ requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place and be informed by the surrounding historic environment. Policy 7.6 ‘*Architecture*’ seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and for development to optimise the potential of the site.
- 10.98 Policy 7.8 ‘*Heritage assets and archaeology*’ requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

Tower Hamlets Core Strategy 2010

- 10.99 Policy SP04 within ‘*Creating a green and blue grid*’ says the council will work with relevant agencies to deliver a network of high quality, usable and accessible waterspaces, by measures that include improving their accessibility and ensuring that new development responds positively and sensitively to the setting of waterspaces.
- 10.100 Policy SP10 ‘*Creating distinct and durable places*’ seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings.

Tower Hamlets Managing Development Document 2013

- 10.101 Policy DM24 ‘*Place-sensitive design*’ requires developments to be built to the highest quality standards. This includes being sensitive to and enhancing the local character and setting and use of high quality materials.
- 10.102 Policy DM27 deals specifically with ‘*Heritage and the historic environment.*’ DM27 (1) requires development to protect and enhance the borough’s heritage assets, their setting and significance. DM27 (2) says that development within a heritage asset should not adversely impact on character, fabric or identity. Scale, form, details and materials should be appropriate to the local context and should better reveal the significance of the heritage asset.

NPPF 2018

- 10.103 Paragraph 124 confirms that the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development.
- 10.104 Paragraph 127 requires planning decisions to ensure that developments:
- Function well and add to the overall quality of the area,
 - Establish a strong sense of place,
 - Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - Are visually attractive as a result of good architecture and appropriate landscaping.

- 10.105 Chapter 16 '*Conserving and Enhancing the Historic Environment*' relates to the implications of a development for the historic environment and provides assessment principles. It identifies the way in which any impacts should be considered, and how they should be balanced with the benefits of a scheme. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 10.106 Conservation (for heritage policy) means the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance (Glossary). Paragraph 190 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. (Paragraph 191)
- 10.107 Paragraph 192 says that in determining applications, local planning authorities should take account of:
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness.*
- 10.108 Paragraph 193 confirms that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of should require clear and convincing justification.
- 10.109 The effect of a development on heritage assets may be positive, neutral or harmful. Where a decision maker considers there is harm, the NPPF requires decision makers to distinguish between '*Substantial*' or '*Less than substantial*' harm. If a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm (paragraph 195).
- 10.110 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196).
- 10.111 In order to amount to substantial harm to the significance of a heritage asset, there would have to be such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced (Bedford Borough Council v SSCLG 2013).
- 10.112 The NPPF goes on to say that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. (Paragraph 198).

- 10.113 Paragraph 200 requires local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. It follows that proposals that fail to preserve those elements of the setting that make a positive contribution to, or fail to better reveal the significance of the asset should be resisted.
- 10.114 Paragraph 201 advises that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196 taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

St Anne's Church Conservation Area Character Appraisals & Management Guidelines

- 10.115 The St Anne's Church Conservation Area Character Appraisal & Management Guidelines were adopted by the council on 4th November 2009 and provide the following statements:

"the purpose of the designation was primarily to safeguard the visual setting of St Anne's Church, which provides a focal point and visual marker in Limehouse. It also protects the diverse historic streetscene along this part of Commercial and East India Dock Road."

"St Anne's Church has formed a landmark in this part of the Borough since its construction. Its prominence has been secured by a significant group of listed buildings and the respectful low scale and urban character of the historic development which surrounds the church."

"Hawksmoor's St Anne's Church is the most significant built landmark and historic focal point in Limehouse. Its prominent tower projects above the tree canopy of the churchyard and is visible from a considerable distance and was designed to be visible by ships in the local docks and from the Thames. The church is viewed across the open space of the churchyard, with low scale residential streets enclosing the local church and gardens. St Anne's Church tower can be seen above the roofline of the Town Hall and provides a backdrop to many long views in the precinct."

"Ensuring an appropriate scale for developments within and adjacent to the Conservation Area will be critical to protect the prominence of St Anne's Church in views across and within the Conservation Area."

"St Anne's Church's tower is the most visible element of the Conservation Area and in Limehouse. In consideration of new development proposals, views of the tower from surrounding sites and the historic setting of the church are of utmost importance. These long views should be maintained and protected where appropriate, continuing the historic ties between the 'Limehouse Church' and the community."

"As Limehouse is rapidly evolving into a residential district, any scope for development within the Conservation Area should be assessed according to its impact on the setting of St Anne's Church and the significant Grade II listed buildings in the area."

Limehouse Cut Conservation Area Character Appraisals & Management Guidelines

- 10.116 The Limehouse Cut Conservation Area Character Appraisal & Management Guidelines were adopted on 3rd August 2011. It is explained that the Conservation Area is focussed on the historic Limehouse Cut and immediate hinterland. The boundaries of the Conservation Area are closely drawn around the canal and the adjoining historic buildings. The Guidelines are focussed on ensuring that development adjacent to the canal protects the setting of the historic waterways and the settings of its surviving historic buildings.

Assessment

- 10.117 The application site lies within an urban context of low to mid rise buildings with a dominant historic form defined by St Anne's church and adjoining listed buildings, their associated conservation area and the Limehouse Cut Conservation Area.
- 10.118 It is considered the proposals would result in the sensitive restoration and refurbishment of the listed buildings which are currently derelict, in a severe state of disrepair, vulnerable and at very real risk of further decay. The buildings have been included on Historic England's Register of Heritage at Risk for 16 years and it is considered that their proposed restoration, both internal and external, pays regard to the their preservation with the majority of their features of special architectural or historic interest repaired, retained and exhibited, with modern interventions sympathetically designed and installed – see illustration below.

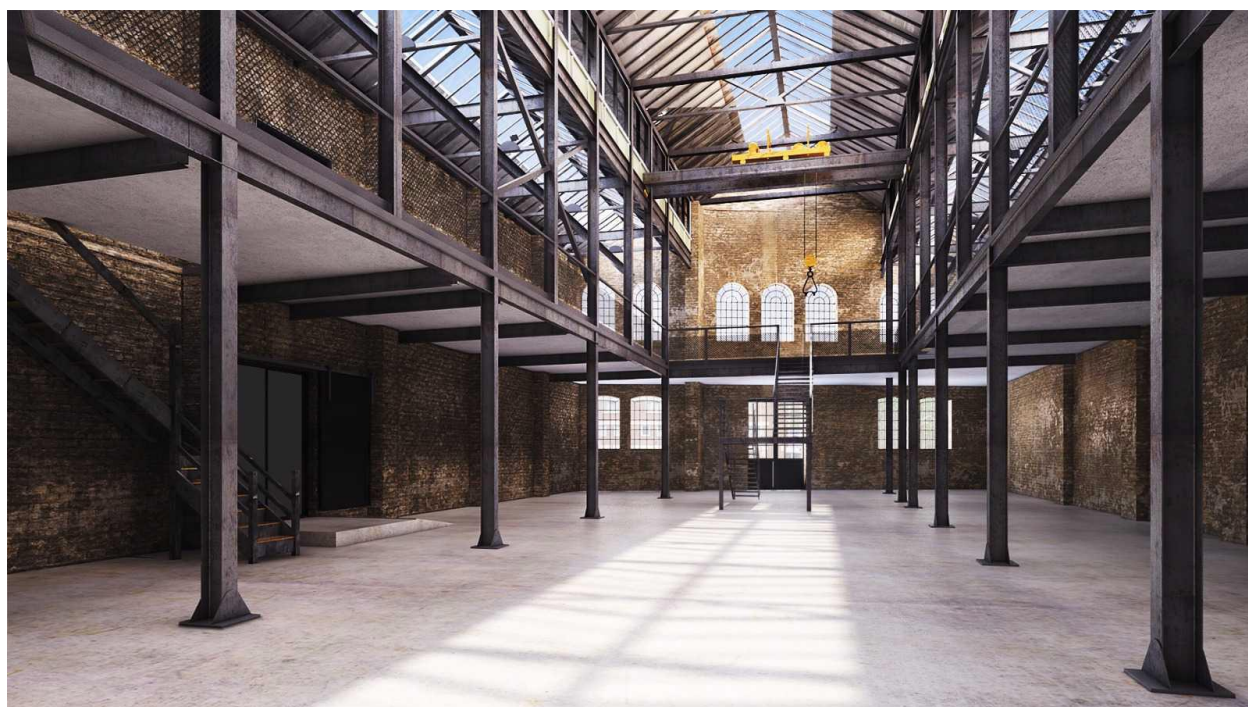


Figure 12 - Proposed interior 779-783 Commercial Road

- 10.119 It is also considered that the revised design of the new buildings that 'book end' the listed buildings including layout, mass, height, articulation and facing materials are compatible with the surroundings, would preserve the setting of the listed buildings, including St Anne's Church and other listed buildings in the vicinity, and enhance the character or appearance of both conservation areas in accordance with statutory requirements and the Conservation Area Management Guidelines.

- 10.120 The demolition of the unlisted 785 Commercial Road retaining the historic ground and first floor front façade replacing the unsightly second floor with a more appropriate façade would also achieve heritage benefits.
- 10.121 As well as restoring the listed buildings, the proposals would ensure they can be put to an appropriate, employment-related and viable long-term use after decades of vacancy. Whilst there will be some limited loss of historic significance resulting from the alterations to the listed buildings and the demolition of 785 Commercial Road, it is considered that this loss would be minimised as far as practical and the proposed use for the former Sailmakers and galleried engineering workshop would be a good fit with the layout of the buildings and enable their significant open spaces to be retained.
- 10.122 Subject to the imposition of conditions on any planning consents, it is considered that the works would not result in substantial harm to the designated heritage assets and any harm that would be caused would be less than substantial. It is also considered that this harm would be outweighed when balanced against the substantial public benefits associated with the scheme, primarily the beneficial restoration, preservation and sympathetic reuse of the listed buildings (including securing their optimum viable use), restoring long vacant and underutilised land to beneficial use by the provision of new employment floorspace, new housing, improved pedestrian access to the Limehouse Cut, the closure of vehicular accesses onto Commercial Road and the removal of the two intrusive advertising panels adjoining Britannia Bridge at 767 Commercial Road.
- 10.123 It is considered the scheme is consistent with the development plan and the NPPF regarding the conservation and enhancement of the historic environment including building heights. Overall, it is considered that there is a compelling policy-based case for the proposed development and alterations to the listed buildings on heritage grounds.
- 10.124 Historic England has no objections.

Impact on surroundings

The London Plan 2016

- 10.125 Policy 7.6 'Architecture' requires buildings not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

The Mayor's 'Housing' SPG 2016

- 10.126 Paragraph 1.3.45 advises on standards for privacy, daylight and sunlight and the implementation of London Plan Policy 7.6:

"Policy 7.6Bd requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time. The degree of harm on adjacent properties and the daylight

*targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced **but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.**"* (Emphasis added)

Tower Hamlets Core Strategy 2010

- 10.127 Policy SP10 'Creating Distinct and Durable Places' protects residential amenity including preventing loss of privacy and access to daylight and sunlight.

Tower Hamlets Managing Development Document 2013

- 10.128 Policy DM25 'Amenity' seeks to ensure adequate daylight and sunlight levels to habitable rooms of surrounding residential development adopting BRE guidelines. In addition, the council takes into account the sense of enclosure created by new development. Policy DM25 also requires the protection of neighbouring resident's privacy stipulating that a distance of 18 m. between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.

BRE Guidelines - Site Layout Planning for Daylight and Sunlight

- 10.129 Section 2 of the BRE Guidelines advises:

"If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if either:

- *The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
- *The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."*

- 10.130 BRE also advises that sunlight to residential windows that face within 90 degrees of due south should be assessed although bedrooms are less important. The assessment is annual probable sunlight hours (APSH) and BRE advise that if a window can receive more than a quarter of ASPH, including at least 5% of ASPH between 21st September and 21st March, then the room should receive sufficient sunlight. If the ASPH are both less than the above and less than 0.8 times their former value, either over the whole year or during the winter, then the occupants will notice the loss; if the overall loss is greater than 4% of ASPH, the room may appear colder, less cheerful and pleasant.

Assessment

- 10.131 The closest existing residential properties to the application site are the flats to the north across the Limehouse Cut and the new flats to the east within the courtyard of the St Anne's Row development.
- 10.132 The submitted Daylight and Sunlight Assessment by BVP concludes that there would be no material impact on the daylight and sunlight reaching properties on the northern side of Limehouse Cut. Separation across the Limehouse Cut would also be satisfactory with privacy maintained.

10.133 Within the courtyard of the St Anne's Row development there are 117 windows facing the flank wall of the proposed development at 785 Commercial Road. Of these, all the 59 windows (except one) from lower ground up to and including the 2nd floor, have existing VSC values below 27% ranging from VSC 5.37% to 28.4% that may be categorised as follows:

- 22.34% (12 windows) have existing VSC less than 10%
- 23.73% (14 windows) have existing VSC between 10% and 15%
- 28.81% (17 windows) have existing VSC between 15% and 20%
- 27.12% (16 windows) have existing VSC exceeding 20%

10.134 Officers advise that in an inner urban environment such as this, VSC values in excess of 20% should be considered reasonably good and that VSC in the mid-teens should be acceptable. However, where the VSC value falls below 10% so as to be in single figures the availability of direct light from the sky will be poor.

10.135 With the proposed development at 785 Commercial Road constructed, resultant VSC's at the 59 adjoining courtyard windows on the lower ground to 2nd floor within the St Anne's Row development would be:

- 32.20% (19 windows) would have VSC less than 10%
- 40.67% (24 windows) would have VSC between 10% and 15%
- 16.95% (10 windows) would have VSC between 15% and 20%
- 10.17% (6 windows) would have VSC exceeding 20%

10.136 18 of the windows tested would have their proposed VSC below 0.8 the former (existing) reading breaching BRE guidelines. The main impact on the daylight is due to the design of the neighbouring courtyard building, with windows and balconies directly facing and in close proximity to the development site. BRE refers to windows which are sited in a manner that are reliant upon daylight from over an adjacent property and in a manner that is not neighbourly which is the case here. BRE also recognises that where balconies and other overhangs are above existing windows, they inevitably receive less daylight. Where this occurs, BRE recommends an additional calculation that defines the daylight without the overhang in place which reduces the number of VSC failures to 14 windows in this case.

10.137 BRE further advise that consideration should be given to the daylight distribution within these rooms - the '*No Sky Line*'. BVP calculate that when the VSC and daylight distribution results are combined, only 6 locations out of 94 rooms tested would have their daylight availability impacted upon. This reduces to 4 rooms when the test without the overhang in place is carried out as illustrated in the table below:

<u>St. Anne's Row</u>	Scheme July 2018 Overhang in place	Scheme July 2018 Overhang removed
Total No. windows	117	117
VSC below both 27% and 0.8 the former (existing) value	18	14
Pass rate	84.62%	88.03%
Total No. rooms	94	94
DD below 0.8 the former (existing) value	7	4
Pass rate	92.55%	95.74%
Locations that fail both VSC and DD	6	4
Pass rate	93.62%	95.74%
VSC=Vertical Sky Component (daylight at the face of the window)		
DD= Daylight Distribution (= NSL no sky line, daylight within the room)		

Figure 13 – Proposed daylight conditions St Anne's Row courtyard

10.138 Within the courtyard to the St Anne's Row development, windows that face within 90° of south would retain in all but one location good annual and winter sunlight. The exception is a window at lower ground where sunlight availability would fall below slightly 0.8 the existing value. However, this window serves a bedroom and BRE recognises sunlight availability to bedrooms is less important than other rooms. Also, the same room is served by a further window which is BRE compliant. Therefore, BRE criteria for sunlight would be satisfied.

10.139 In summary, daylight / sunlight and impacts on surrounding residential property would mostly be satisfactory and adequate privacy maintained. As itemised in Figure 9 above, a four windows on the lower floors within the adjoining courtyard of the St Anne's Row development would receive poor natural daylight beneath BRE guidelines. However, given the site circumstances, BRE guidelines (which are not mandatory), would be met at 113 windows and on balance it is considered that outcomes would be satisfactory.

10.140 The flank wall of the proposed building at 785 Commercial Road does not contain any windows and the privacy of residents with the St Anne's would be maintained.

- 10.141 The proposed development would not result in any material additional overshadowing of the tow path along the Limehouse Cut or the canal itself.
- 10.142 Microclimate conditions within the proposed development, along Commercial Road and the Limehouse Cut towpath would be satisfactory.

Transport and highways

The London Plan 2016

- 10.143 The key policies applicable to transport are:

- 6.1 – *Strategic Approach*
- 6.3 – *Assessing effects of development on transport capacity*
- 6.9 – *Cycling*
- 6.13 – *Parking*

- 10.144 Policy 6.1 provides the strategic approach to the integration of transport and development encouraging patterns of development that reduce the need to travel, especially by car. Policy 6.3 requires development proposals to ensure that impacts on transport capacity and the transport network, at both corridor and local level, are fully assessed.

- 10.145 Policy 6.9 requires ‘*new development*’ to provide secure, integrated and accessible cycle parking facilities in line with the minimum standards in Table 6.3:

- In inner London for Class B1 (Business) - 1 long-stay space per 90 m² and 1 short-stay space per 500 m².
- For Class C3 (dwellings) 1 cycle space for single bed units, 2 cycle spaces for all other dwellings.
- For ‘*sui generis*’ uses – as per the most relevant standard applicable to the shared living accommodation: Student accommodation - 1 space per 2 beds and 1 short stay space per 40 beds.

- 10.146 Policy 6.13 explains the Mayor wishes to see a balance struck between promoting development and preventing excessive parking provision. Table 6.2 sets out maximum parking standards for ‘*new development*.’

- In ‘*urban*’ areas with PTAL6 for residential development there should be ‘*up to one space per unit*.’ Developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. Adequate parking spaces for disabled people must be provided preferably on-site. 20 per cent of all spaces must be for electric vehicles with an additional 20 per cent passive provision for electric vehicles in the future.
- B1 (Business) – 1 space per 600 – 1,000 m²
- No standard is provided for shared living accommodation.

Tower Hamlets Core Strategy 2010

- 10.147 Strategic Objective SO20 seeks to: ‘*Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.*’ Policy SP09 ‘*Creating attractive and safe streets and*

spaces’ requires development not to adversely impact on the safety and capacity of the road network. Car free development is promoted.

Tower Hamlets Managing Development Document 2013

- 10.148 Policy DM20 ‘*Supporting a sustainable transport network*’ reinforces the need for developments to be properly integrated with the transport network without unacceptable impacts on capacity and safety. It emphasises the need to minimise car travel and prioritises movement by walking, cycling and public transport.
- 10.149 Policy DM22 ‘*Parking*’ requires developments to meet car and cycle parking standards and be ‘*permit free*’ in areas with parking stress and good public transport accessibility. The policy supports the Mayor’s cycle hire scheme and aims to ensure electric vehicle charging points and appropriate allocation of parking spaces for affordable family homes and disabled persons. Appendix 2 provides car and cycle parking standards that mirror the London Plan. For accessible car parking, development with off-street parking should provide a minimum of 2 spaces or 10% of the total parking whichever is the greater.

NPPF 2018

- 10.150 Paragraph 103 requires local planning authorities to manage patterns of growth that support sustainable transport. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. (Paragraph 109).

Assessment

- 10.151 The site scores TfL PTAL 6 ‘*Excellent*’. The development would increase trips on the public transport network, including buses and the DLR. There is no suggestion that development in Tower Hamlets should be restrained due to inadequate public transport capacity.
- 10.152 The proposal does not include any off-street car parking, and the applicant has offered a ‘*car-free*’ agreement. The prohibition of the purchase of on-street parking permits would not apply to disabled motorists who are Blue Badge Holders.
- 8.36 Commercial Road is part of the Transport for London Road Network. TfL are the highway authority and satisfied with the revised proposals. Footway width is now acceptable. ‘*Car free*’ development is welcomed. Cycle parking, both long and short stay, meets London Plan standards although there is concern about the use of two-tier stands. Details of showers and changing rooms should be provided. A section 278 agreement with TfL will be necessary to deliver the changes including to the loading bay restrictions and bus lane. Conditions to secure a Construction Logistics Plan and a Delivery and Servicing Plan are recommended to obviate TfL’s concerns about potential impact on the TLRN during construction.

Waste management

The London Plan 2016

- 10.153 Policy 5.3 ‘*Sustainable Design and Construction*’ requires that the highest standards of sustainable design and construction be achieved in London. This should be achieved through a number of sustainable design principles, including minimising the generation of waste and maximising re-use and recycling.

- 10.154 Policy 5.17 – ‘*Waste capacity*’ requires suitable waste and recycling storage facilities in all new developments. The Mayor’s ‘*Housing*’ SPG 2016 Standard 23 advises that storage facilities for waste and recycling containers should be provided in accordance with local authority requirements and meeting at least British Standard BS5906: 2005 – ‘*Code of Practice for Waste Management in Buildings.*’ With weekly collections, the Code recommends 100 litres refuse for a single bedroom dwelling, with a further 70 litres for each additional bedroom and 60 litres internal space for the storage of recyclable waste.

Core Strategy 2010

- 10.155 Strategic Objective SO14 is to manage waste efficiently, safely and sustainably minimising waste and maximising recycling. Policy SP05 ‘*Dealing with waste*’ implements the waste management hierarchy of reduce, reuse and recycle.

Managing Development Document 2013

- 10.156 Policy DM14 ‘*Managing Waste*’ requires development to demonstrate how it will provide appropriate storage facilities for residual waste and recycling. Major development should provide a Waste Reduction Management Plan for the construction and operation phases Appendix 3 provides capacity guidelines for residential waste that are to be revised in emerging revisions to the Local Plan and a Waste SPG.

Assessment

- 10.157 All buildings on each site have their own refuse storage area. The storage would be directly accessible from the street. Designated internal bin storage areas have all been created within the Corner, East and West Blocks. It is intended that waste from these blocks would be managed via Tower Hamlets waste and recycling collection service. The commercial space would also have internal stores and would have the option to use the Tower Hamlets Business Waste Collection service.
- 10.158 Waste Management advises that insufficient information has been provided on the waste strategy. It is recommended that a condition is applied to any planning to require the submission and implementation of a full detailed waste strategy.

Energy and sustainability

London Plan 2016

- 10.159 Climate change policy 5.2 ‘*Minimising CO2 emissions*’ provides the Mayor’s energy hierarchy:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 10.160 Major developments should achieve targets for carbon dioxide emissions reduction expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations leading to zero carbon residential buildings from 2016. Policy 5.6 sets a target to generate 25% of heat and power by local decentralised energy systems.

Tower Hamlets Core Strategy 2010

- 10.161 Policy SP11 '*Working towards a zero carbon borough*' adopts a borough wide carbon reduction target of 60% below 1990 levels by 2025 with zero carbon new homes from 2016. It also promotes low and zero-carbon energy generation by implementing a network of decentralised heat and energy facilities and requires all new development to provide 20% reduction of CO2 emissions through on site renewables where feasible.

Tower Hamlets Managing Development Document 2013

- 10.162 Policy DM29 '*Achieving a zero-carbon borough and addressing climate change*' includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Development is required to connect to or demonstrate a potential connection to a potential decentralised energy system unless it can be demonstrated that this is not feasible or viable.
- 10.163 MDD Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. This is interpreted to require all non-residential development to achieve BREEAM '*Excellent*.'

Tower Hamlets Planning Obligations SPD 2016

- 10.164 The SPD contains the mechanism for any shortfall in CO2 reduction on site to be met through a carbon offsetting contribution. In addition, the council has an adopted carbon offsetting solutions study (Cabinet January 2016) to enable the delivery of carbon offsetting projects.

NPPF 2018

- 10.165 NPPF paragraph 148 says the planning system should support the transition to a low carbon future in a changing climate.

Assessment

- 10.166 From April 2014, the council has applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50% target beyond Part L of the Building Regulations 2010.
- 10.167 The applicant has submitted an Energy Statement and BREEAM pre-assessment, which seeks to meet the London Plan target of a 45% reduction in CO2 emissions. The report splits out the proposals for the different elements of new build and refurbishment and identifies the energy use and CO2 emissions for the different elements. There are a mix of system proposed to meet the energy and CO2 emission reduction target which includes Communal CHP (5.5 kWe) for the HMO blocks and individual boilers for the residential units. Renewable energy technologies are proposed utilising the available roof space for photovoltaic array (23.87kWp).
- 10.168 The proposals seek to minimise CO2 emissions at each stage of the energy hierarchy as follows:
- Be Lean – 35.6% reduction
 - Be Clean – 3.3% reduction
 - Be Green – 14.3% reduction
- 10.169 The cumulative CO2 savings from these measures are proposed to be in accordance with policy DM29 requirements at 45.5%.

- 10.170 The submitted details relating to the CHP and system are at a preliminary stage and specific details of the proposed system including thermal modelling, schematic of the network linking the buildings, size of any thermal buffers and the design of the secondary circulation (pumps sizes, power consumption and heat losses). It is recommended that the detailed CHP design and heating network are secured by a condition and submitted prior to commencement.
- 10.171 To ensure the CO2 savings are delivered as anticipated the applicant would need to submit the as built building regulations calculations. A carbon offsetting payment could be payable should the required CO2 emission reductions not be realised and an appropriate Head of agreement is recommended.
- 10.172 The proposals aim to achieve BREEAM '*Excellent*' for the commercial element and a condition is recommended requiring the submission of BREEAM final certificates to demonstrate delivery.

Air Quality

London Plan 2016

- 10.173 Policy 7.14 '*Improving air quality*' requires development proposals to minimise increased exposure to existing poor air quality and make provision to address local air quality problems particularly within Air Quality Management Areas (AQMA) such as Tower Hamlets through design solutions, buffer zones or steps to promote greater use of sustainable transport modes. Sustainable design and construction measures to reduce emissions from the demolition and construction of buildings are also promoted. Development should be at least '*air quality neutral*.'
- 10.174 In July 2014 the Mayor of London published an SPG '*The Control of Dust and Emissions during Construction and Demolition*.'

Tower Hamlets Core Strategy 2010

- 10.175 The entire Borough of Tower Hamlets is an AQMA and Core Strategy Policy SP03 '*Creating healthy and liveable neighbourhoods*' seeks to address the impact of air pollution. Policy SP10.4.b. '*Creating distinct and durable places*' requires design and construction techniques to reduce the impact of air pollution.

Tower Hamlets Managing Development Document 2013

- 10.176 Policy DM9 '*Improving air quality*' requires major development to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution.

NPPF 2018

- 10.177 Paragraph 170 provides policy requirements preventing new and existing development being put at unacceptable risk from, or being adversely affected by air quality including remediation wherever possible.

Assessment

- 10.178 The submitted Air Quality Assessment reports monitoring data at roadside sites nearest to the application site and indicate that annual mean air quality standards are breached. The main source of air pollution is traffic emissions from Commercial Road. It is advised that to minimise ingress of air pollutants into the building it is necessary to locate

ventilation supply intakes away from Commercial Road located at the central courtyards and or the rear of the buildings towards Limehouse Cut.

- 10.179 Environmental Health accepts the Air Quality Assessment advising the ventilation inlets for the residential areas must be located away from Commercial Road. . Dust emissions during construction can be controlled using on site management practices within a Construction Management Plan.

Noise and vibration

London Plan 2016

- 10.180 Policy 7.15 '*Reducing and managing noise*' seeks to reduce and manage noise and to improve and enhance the acoustic environment of development proposals.

Tower Hamlets Core Strategy 2010

- 10.181 Policy SP03 '*Creating healthy and liveable neighbourhoods*' seeks to ensure that development proposals reduce noise by minimising existing and potential adverse impact and separate noise sensitive development from major noise sources. Policy SP10.4.b. '*Creating distinct and durable places*' requires design and construction techniques to reduce the impact of noise pollution.

Tower Hamlets Managing Development Document 2013

- 10.182 Policy DM25.e. '*Amenity*' requires development to seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm by not creating unacceptable levels of noise, vibration, artificial light, and odour, fume or dust pollution.

NPPF 2018

- 10.183 Paragraph 170 requires that new and existing development should be prevented from contributing to being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

Assessment

- 10.184 Environmental Health requests that conditions are applied to any permission to ensure noise, vibration and piling are controlled during construction including hours and to ensure satisfactory conditions for occupants of the buildings. Additionally, a condition is recommended to require the submission and implementation of details of the acoustic glazing and ventilation to all the proposed residential accommodation.

Contaminated land

The London Plan 2016

- 10.185 Policy 5.21 '*Contaminated land*' requires appropriate measures to be taken to ensure that development on previously contaminated land does not activate or spread contamination.

Tower Hamlets Managing Development Document 2013

- 10.186 Policy DM30 '*Contaminated land*' requires a site investigation and remediation proposals to be agreed for sites which contain potentially contaminated land before planning permission is granted.

NPPF 2018

- 10.187 Paragraph 170 requires development wherever possible to help improve local environmental conditions by remediating and mitigating despoiled, degraded, derelict, and contaminated land.

Assessment

- 10.188 A Phase 1 Contaminated Land Assessment has been submitted and recommends further surveys / investigations are undertaken. Appropriate conditions to secure further site investigation and the mitigation of any contamination are recommended.

Archaeology

The London Plan 2016

- 10.189 London Plan Policy 7.8 '*Heritage assets and archaeology*' requires development to incorporate measures that identify, record, interpret, protect and where appropriate, present the site's archaeology. New development should make provision for the protection of archaeological resources.

Tower Hamlets Core Strategy 2010

- 10.190 Policy SP10 '*Creating distinct and durable places*' says the council will protect heritage assets and their settings including archaeological remains and archaeological priority areas such as this.

Tower Hamlets Managing Development Document 2013

- 10.191 Policy DM27 '*Heritage and the historic environment*' requires development proposals located within or adjacent to archaeological priority areas to be supported by an Archaeological Evaluation Report.

NPPF 2018

- 10.192 NPPF paragraph 189 provides that where a development site includes or has the potential to include heritage assets with archaeological interest, developers should submit an appropriate desk based assessment and, where necessary a field evaluation.

Assessment

- 10.193 The site lies within the Limehouse Archaeological Priority Area and an Archaeological Desk Based Assessment has been carried out by Archaeology Collective as requested by the Greater London Archaeological Advisory Service.

- 10.194 Based on the information within the Historic Environmental Record, supplemented by historic mapping and historic aerial photographs, the Assessment claims the site has a negligible potential for remains datable to the medieval period or earlier. The Assessment claims that there is a high potential for encountering deposits associated with the last 200 years of 'industrial' activity on the site and structural remains associated with the same time span. It is claimed that these deposits and structural remains have a negligible or relatively low archaeological significance.

- 10.195 The Assessment concludes that the proposed development will not result in an adverse impact on, harm to, or loss of significance of any identified designated (archaeological) assets, either in terms of an effect on their physical fabric or through changes to their wider setting. If any further archaeological investigations are deemed to be required,

Archaeology Collective advises they could most appropriately be dealt with by a suitably worded planning condition.

- 10.196 The Greater London Archaeological Advisory Service was disappointed the Assessment has not acknowledged the neighbouring St Anne's Wharf site that at the time of recent investigation produced Roman building evidence and post-mediaeval pipe making industry evidence.
- 10.197 No further information has been provided by Archaeology Collective. Officers advise that should planning permission be granted, a condition should be applied to require a 2 stage process of archaeological investigation comprising: first, further evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Flood Risk and Sustainable urban drainage (SUDS)

The London Plan 2016

- 10.198 Policy 5.11 '*Green roofs and development site environs*' requires major development to include roof, wall and site planting including the provision of green roofs and sustainable urban drainage where feasible. Policy 5.13 '*Sustainable drainage*' requires schemes to utilise SUDS, unless there are practical reasons for not doing so, and aims to achieve greenfield run-off rates.
- 10.199 Policy 5.12 '*Flood Risk Management*' confirms that development proposals must comply with the NPPF's flood risk assessment and management requirements.

Tower Hamlets Core Strategy 2010

- 10.200 Policy SP04 (5) within '*Creating a Green and Blue Grid*' says the council will reduce the risk and impact of flooding by using a Sequential Test to assess and determine the suitability of land for development based on flood risk. Development should reduce the risk and impact of flooding by increasing the amount of permeable surfaces and include SUDS to improve drainage and reduce surface water run-off.

Tower Hamlets Managing Development Document 2013

- 10.201 Policy DM13 '*Sustainable drainage*' requires development to show how it reduces run off through appropriate water reuse and SUDS techniques.

NPPF 2018

- 10.202 The NPPF advises (foot note page 45) that in Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (paragraph 165).

Assessment

- 10.203 The site lies within the Environment Agency's Flood Zone 1 with a less than 1 in 1,000 annual probability of river or tidal flooding (<0.1%) '*Low Risk*'. It is also protected by the Thames Tidal flood defences. Water levels within the Limehouse Cut are controlled by locks at Bow Locks and at Limehouse.

- 10.204 The Environment Agency raises no objection in principle but requests conditions to ensure that the development is undertaken in accordance with the submitted Flood Risk Assessment, that works are undertaken to the Limehouse Cut to provide a flood defence level of 6.20 m AOD and details of how a continuous, fit for purpose flood defence line will be maintained throughout the works.
- 10.205 It is proposed that the rear wall of the site (which acts as part of the Thames Tidal Flood Defences) will be retained and repaired/rebuilt as necessary and structurally waterproofed to a level of 6.20 m AOD (the climate change enhanced flood defence level) in line with EA requirements. This will ensure the development is adequately protected from flooding. Windows below 6.20 m AOD would be appropriately sealed.
- 10.206 The majority of the site currently discharges surface water to the Limehouse Cut via a single outfall and probably also into the sewer within Commercial Road. The scheme includes significant areas of green roof covering the majority of the proposed building at 769-775 Commercial Road. This building also has a central communal garden at basement level which includes permeable planted areas. The development at 785 Commercial Road also includes a communal area with planted areas. Given the significant reduction in impermeable areas proposed by the inclusion of green roofs and planted areas it is proposed to retain the existing drainage rationale and discharge surface water runoff unrestricted to the Limehouse Cut from both the retained and new buildings with no additional SUDS measures proposed.

Biodiversity

The London Plan 2016

- 10.207 Policy 7.19 '*Biodiversity and access to nature*' requires development proposals wherever possible to make a positive contribution to the protection and enhancement of biodiversity.

Tower Hamlets Core Strategy 2010

- 10.208 Policy SP04 concerns '*Creating a green and blue grid.*' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs whilst ensuring that development protects and enhances areas of biodiversity value.

Tower Hamlets Managing Development Document 2013

- 10.209 Policy DM11 '*Living buildings and biodiversity*' requires developments to provide elements of a '*living buildings.*' This includes living roofs, walls, terraces or other greening techniques. The policy requires developments to deliver net biodiversity gains in line with the Tower Hamlets Local Biodiversity Action Plan (LBAP).

NPPF 2018

- 10.210 Paragraph 170 requires planning policies and decisions should contribute to and enhance the natural and local environment including by protecting and enhancing biodiversity.

Assessment

- 10.211 Limehouse Cut is a Site of Metropolitan Importance for Nature Conservation. Increased buildings alongside the canal will have a minor adverse impact on its ecology through increased shading, but is unlikely to be significant.

- 10.212 The submitted bat surveys indicate that the existing buildings do not currently support bat roosts although bats could forage and travel along the canal.
- 10.213 The application site consists almost entirely of existing buildings and hard surfaces and there will be no significant adverse impacts on biodiversity apart from the potential lighting.
- 10.214 Policy requires developments to deliver net gains in biodiversity. The proposals offer little if any green space save for proposed green roofs. It would not be practical to pull the northern edge of the buildings back from the edge of the site, to create a green corridor alongside the tow-path as 777-783 Commercial Road are listed and must be retained. Biodiversity enhancements could be achieved by the provision of bat boxes and nest boxes and appropriate conditions could be imposed.

Impact upon local infrastructure / facilities

- 10.215 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure taking account of the council's Infrastructure Delivery Plan (IDP). The council's Planning Obligations SPD 2016 sets out how these impacts can be assessed and appropriate mitigation.
- 10.216 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and,
 - (c) Fairly and reasonably related in scale and kind to the development.
- 10.217 Regulation 122 of the CIL Regulations 2010 brought the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests. Section 106 obligations should be used where the identified pressure from a proposed development cannot be dealt with by planning conditions and the infrastructure requirement relates specifically to that particular development and is not covered by the community infrastructure levy.
- 10.218 Core Strategy Policy SP13 '*Planning obligations*' also sets out the council's priorities for planning obligations. These are: Affordable housing; sustainable transport; open space; education; health; training employment and enterprise; biodiversity; community facilities; highway works and public realm.
- 10.219 If permitted and implemented, the proposal would be subject to the Community Infrastructure Levy. The council's Regulation 123 List September 2016 sets out those types of strategic infrastructure that will or may be wholly or partly funded by CIL:-
- Community facilities,
 - Electricity supplies to all council managed markets,
 - Employment and training facilities,
 - Energy and sustainability (including waste) infrastructure,
 - Flood defences,
 - Health and social care facilities,
 - Infrastructure dedicated to public safety (for example, wider CCTV coverage),
 - Leisure facilities such as sports facilities, libraries and Idea Stores,

- Open space, parks and tree planting,
- Public art provision,
- Public education facilities,
- Roads and other transport facilities.

10.220 Should planning permission be granted, the council's CIL contribution is estimated at circa £358,477. The development would also be liable to the London Mayor's CIL estimated at. £366,755. Estimated total CIL charge: £725,232. The development involves a small increase in commercial floorspace that would also attract the Mayor's Crossrail levy.

10.221 The applicant has offered 36% affordable housing by habitable room within the Class C3 development at 767 Commercial Road (3 units). Should planning permission be granted, it would be recommended that the developer enters a section 106 Agreement under the Heads itemised at paragraph 3.1 above.

Other Local finance considerations

10.222 Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning authority shall have regard to:

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

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

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

In this context "*grants*" include the New Homes Bonus Scheme (NHB).

10.224 NHB was introduced by the Government in 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The grant matches the additional council tax raised by the council for each new house built for four years after that house is built, irrespective of whether planning permission is granted by the council, the Mayor of London, the Planning Inspectorate or the Secretary of State.

10.225 The HMO shared living accommodation would not be eligible for the NHB as the accommodation is not dwellinghouses. Using the DCLG's New Homes Bonus Calculator, it is estimated the nine flats at 767 Commercial Road would generate £4,200 over four years.

10.226 If planning permission is refused for the current application, NHB would not be received but would be due if an alternative development involving new housing was permitted should the scheme remain in operation.

Human Rights Act 1998

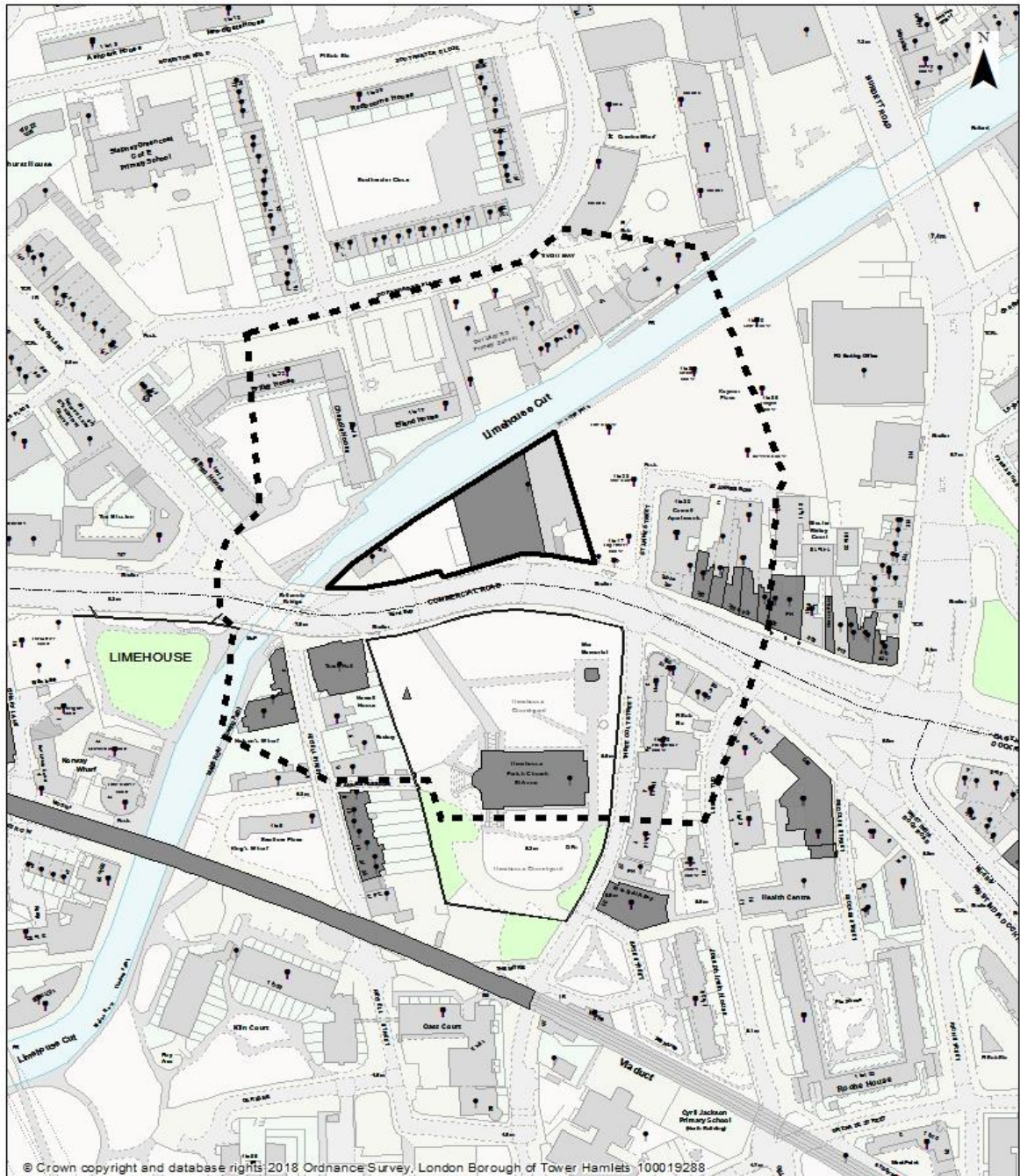
- 10.227 Section 6 of the Act prohibits the local planning authority from acting in a way which is incompatible with the European Convention on Human Rights parts of which were incorporated into English law under the Human Rights Act 1998.
- 10.228 Following statutory publicity, no objections have been raised on the ground that a grant of planning permission or listed building consent would result in any breach of rights under Article 8 of the European Convention on Human Rights or the Human Right Act 1998.

Equalities Act 2010

- 10.229 The Equalities Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty when determining all planning applications. In particular, the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.230 It is considered the proposed development would not conflict with any of the above considerations. It is also considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive. In particular, the development, including access routes and buildings that would be accessible by persons with a disability requiring use of a wheelchair or persons with less mobility.

11 CONCLUSION

- 11.1 All relevant policies and considerations have been taken into account. It is recommended that the Committee resolves to GRANT both planning permission and listed building consent for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.



Planning Application Site Map PA/16/03657

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

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

Scale @ 1:2,000
30 15 0 30 60 90 Meters



GIS for
Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 20/06/2018

