

**Application for Planning Permission**[click here for case file](#)

Reference	PA/18/01926
Site	255-279 Cambridge Heath Road, London, E2 0EL
Ward	St Peters
Proposal	Demolition of existing buildings on site and redevelopment to provide 189 residential units and 1,676 sqm of flexible commercial floorspace (Use Classes A1, A2, A3, B1 and/or D1) in two buildings ranging from 5 to 15 storeys, along with disabled parking, servicing, cycle parking, public realm and amenity space.
Summary Recommendation	Refuse planning permission
Applicant	Telford Homes PLC
Architect	HTA Design
Case Officer	Christina Gawne
Key dates	<ul style="list-style-type: none">- Application received on 27/07/2018- Application validated on 16/08/2018- Public consultation finished on 21/09/2018

EXECUTIVE SUMMARY

The application proposes 189 residential units, with 40% affordable housing proposed by habitable room, and 1,676sqm of flexible commercial floorspace.

While meeting the London Borough of Tower Hamlet's (LBTH) minimum affordable housing requirement of 35%, the application does not comply with the GLA's Affordable Housing and Viability SPF which requires 50% affordable housing on site as it meets the criteria of 'public land'.

The proposed affordable housing split of 46:54, in favour of intermediate tenure, does not accord with LBTH policy which requires a 70:30 split in favour of rented tenure. The overall housing mix also does not align with Council's required mixes and is unacceptable.

A surplus of £2.4 million has been identified by Council, compared to the applicant's final surplus of £1,886,824 which the applicant has proposed as a commuted sum. Commuted sums are only acceptable to Council in certain circumstances i.e. more than 50% affordable housing proposed, which is not proposed.

The application has provided insufficient information to enable Council to have an adequate degree of confidence that the wind/microclimate effects will be acceptable or that the proposed mitigation methods are sufficient or appropriate.

With regards to Highways, the scheme relies on service vehicles reversing onto site across the public highway which endangers public safety. In addition, the scheme would result in an overreliance on Birkbeck Street with resultant conflicts between different highway users i.e. between cyclists, pedestrians, users of accessible parking bay and waste and service delivery vehicles. As such the scheme would result in adverse and unacceptable effects on the safety of the public highway.

With regards to design, the proposal is not of the highest architectural quality and the proposed 15 storey element in particular would be out of context with the area and detract from the character of the area. The design would incur harm, albeit less than substantial harm, upon neighbouring heritage assets and the public benefits of the scheme, which are greatly reduced due to the above mentioned issues, would not be significant [sufficient] enough to outweigh the harm caused.

PROPOSED REASONS FOR REFUSAL

1. Affordable housing offer, split and viability

The proposed affordable housing split at 46:54 in favour of intermediate tenure does not accord with Council's policy which requires a 70:30 split in favour of rented tenure.

The application fails to deliver the maximum reasonable amount of affordable housing on site that could be generated by the development and does not meet the 50% threshold required by the GLA Affordable Housing and Viability SPG which is applied as the site is 'public land'.

As such the proposal is not in accordance with the National Planning Policy Framework (NPPF) (2019), Chapter 5, and development plan policies including London Plan policy 3.12 (MALP 2016), the GLA Affordable Housing and Viability SPG (2017), Core Strategy policy SP02 (2010), Managing Development Document policy DM3 (2013) and Emerging Local Plan policies S.H1 and D.H2 (2019).

2. Residential mix

Specific housing mix targets are set within Managing Development Document policy DM3 to account for housing issues local to Tower Hamlets; such as the need for family sized dwellings and social rented tenures. The proposed unit mix across all housing types does not accord with the current targets of Managing Development Document policy DM3 (2013) and does not accord with the principles set out within development plan policies including Core Strategy policy SP02 (2010) or within Emerging Local Plan policies S.H1 and D.H2 (2019). The proposal is also contrary to Chapter 5 of the National Planning Policy Framework (NPPF) (2019).

3. Wind/microclimate

Insufficient wind/microclimate information has been provided and as such Council cannot ensure that amenity to residents and the public realm will not be negatively affected or that the proposed mitigation methods are sufficient or appropriate to mitigate any adverse effects. The application is therefore contrary to development plan policies including London Plan policies 7.6 and 7.7 (MALP 2016), Core Strategy policy SP10(4) (2010), Managing Development Document (2013) policies DM24, DM25 and DM26, Emerging Local Plan policy S.DH1 (2019) and the Mayor of London Sustainable Design and Construction SPG (2014) which all seek to protect existing and future amenity.

4. Highway Safety

The scheme proposes an overreliance on Birkbeck Street which would create conflicts between users i.e. cycling, pedestrian, accessible parking spaces and servicing vehicles which will be required to reverse onto or off the site, endangering public safety. The scheme would therefore have adverse and unacceptable effects on the safety of the public highway and is contrary to Chapter 6 of the National Planning Policy Framework (NPPF) (2019) and development plan policies including London Plan policy 6.1 (MALP 2016), policies SP08 and SP09 of the Core Strategy (2012), policy DM20 of the MDD (2012) and policies S.TR1, D.TR2, D.TR4 of the Emerging Local Plan (2019).

It is also considered that the Highways issues presented on site are a symptom of over-development and as such the proposal is also contrary to London Plan policy 3.4 (MALP 2016), the Mayor of London Housing SPG (2016), Core Strategy policy SP02 (2010), MDD policy DM24 (2012) and Emerging Local Plan policy D.DH7 (2019).

5. Design and heritage

The proposed layout, height and massing arrangement poorly relate to the site and are considered out of keeping with the site context, townscape and heritage assets.

The proposal does not successfully integrate the proposed uses on site with the surrounding area, does not improve the permeability of the area and creates an overbearing relationship to adjacent sites. The scheme does not have regard to the form, function and structure of the area and does not make an overall positive contribution to wider area and as such, the proposal is not considered to be of the highest quality.

Less than substantial harm would be caused to adjacent heritage assets which have not been justified and are not outweighed by the public benefits of the scheme.

The proposal is not considered to be of the highest quality and is contrary to NPPF Chapters 12 and 16 (2019) and development plan policies including London Plan policies 3.5, 7.4, 7.5, 7.6, 7.7 and 7.8 (MALP 2016), Core Strategy policy SP10 (2010), Managing Development Document policies DM23, DM24, DM26 and DM27 and Emerging Plan policies S.DH1, D.DH2, S.DH3 and D.DH4 (2019).

It is also considered that the design and heritage issues presented on site are a symptom of over-development and as such the proposal is also not in accordance with London plan policy 3.4, Housing SPG, LBTH Core Strategy policy SP02, LBTH MDD policy DM24 and emerging plan policy D.DH7.

6. Planning Obligations

In the absence of agreed heads of terms and a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for employment, skills, training and enterprise and transport matters the development fails to mitigate its impact on local services, amenities and infrastructure.

The above would be contrary to the requirements of development plan policies including policies SP02 and SP13 of the LBTH Core Strategy (2010), policy 8.2 of the London Plan (MALP 2016), LBTH's Planning Obligations SPD (2016) and policy D.SG5 of the Emerging Local Plan (2019).

SITE PLAN



Figure One: Site plan

1. SITE AND SURROUNDINGS

- 1.1 The application site is located on the western side of Cambridge Heath Road in Bethnal Green. The site is 0.38ha (3800m²) and is located at the corner of Cambridge Heath Road and Birkbeck Street. Directly to the west of the site is a railway line atop a series of arches, some of which are vacant whilst others are used for a variety of businesses (falling within A and B Use Classes). These arches are accessed from the opposite side, not via Cambridge Heath Road.
- 1.2 The site is bounded to the north by the three storey end-of-terrace building with a mansard roof at 283 Cambridge Heath Road, which is in use as a bed and breakfast guesthouse. It is bound by the public highway on Cambridge Heath Road to the east; by the public highway on Birkbeck Street to the south, immediately beyond which lays the part 7 part 11 storey Unite student accommodation building at Blithehale Court, 10 Witan Street, and by the London Overground / National Rail railway viaduct to the west.
- 1.3 The site currently contains a series of buildings and spaces including:
1. The existing distinctive 6-storey office building
 2. Single storey building with frontage onto Cambridge Heath Road
 3. Large substation and store rooms, accessed from within the site
 4. Widened pavement at original entrance of LEB building
 5. Gated entrance and vehicular access point into the site from Birkbeck Street
 6. Large areas of hard-standing for car parking

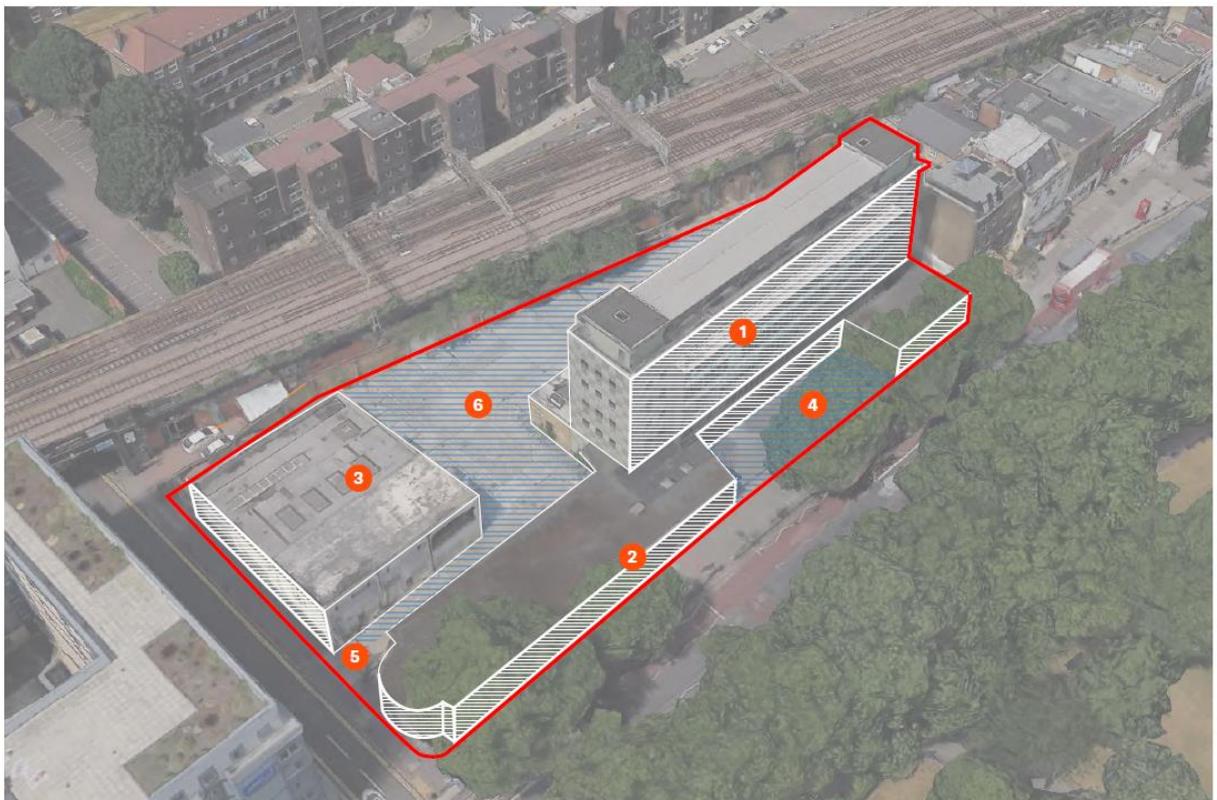


Figure Two: Site image



- 1.4 The application site is commonly known as the 'LEB building' (London Electricity Board) which was constructed in the 1950's and operated as the LEB headquarters for several decades before being occupied by various offices between 2005-2011. Since then the site has been semi-occupied as an events venue and TV production studio. The building is referred to in the Pevsner Architectural Guide book, London 5 East, as a '*...striking effort at reintroducing large public buildings at the heart of the borough.*'
- 1.5 A small part of the north-west part of the site is located in the Bethnal Green Gardens Conservation Area and the site is outside the Bethnal Green District Centre.
- 1.6 The site has a high PTAL rating of 6a and is located at the busy junction of Bethnal Green Road, Cambridge Heath Road and Roman Road. The site is in close proximity to Bethnal Green station (Central line) and Whitechapel Station (District, Hammersmith & City and Overground lines).
- 1.7 The site is also in close proximity to Bethnal Green Gardens and other local parks. The V&A Museum of Childhood is also located nearby. The surrounding area is mixed-use in character, with nearby uses on Cambridge Heath Road including a mix of smaller scale retail and commercial uses located immediately to the north of the site, beyond which lie the Salmon and Ball Public House and a Victorian terrace on Paradise Row.
- 1.8 Cambridge Heath Road is characterised by its varying building heights but these are predominantly low scale. In the Bethnal Green Gardens Conservation Area (Conservation Area), buildings are predominantly low rise, with heights that range between 2-5 storeys. The terraces to the north of the application site, within the Conservation Area, are 3-4 storeys high. Buildings south of the site, outside of the Conservation Area, have predominant heights of 6 storeys with the 7th storey setback at roof level. Although there are examples of taller buildings, such as the 11-storey block to the rear of 249 Cambridge Heath Road, this height does not reflect predominant building heights within the local area.

2. PROPOSAL

- 2.1 The application proposes the demolition of all buildings on site and the redevelopment of the site to provide 189 residential units and 1676m² of flexible commercial floorspace (A1, A2, A3, B1 and/or D1) in two buildings ranging from 5 to 15 storeys.
- 2.2 The maximum parapet height of the 15 storey tower would be +65.350m AOD or +52.000m AGL. The maximum height of the lift overrun of the 15 storey tower would be +66.800m AOD or +53.450m AGL.



Figure Three: Proposed site massing and surroundings (from the south-east)

2.3 The development would provide 40% affordable housing, with a split of 46:54 in favour of intermediate tenure. The Council’s rent structure states future rented units should be charged at 50% London Affordable Rents and 50% Tower Hamlets Living Rents and the applicant has confirmed that this approach will be adopted and up-to-date rents would be agreed with Council and secured in any s106. The 189 units of residential accommodation are proposed in the following mix:

		Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate			Units	As a %	Current Policy Target %
Unit Size	Total Units	Units	As a %	Current Policy Target %	Units	As a %	Current Policy Target %			
Studio	29	0	-	0%	0	-	0%	29	23%	50%
1 Bed	73	4	17%	30%	27	66%	25%	42	34%	
2 Bed	53	5	21%	25%	4	10%	50%	34	27%	30%
3 Bed	34	15	63%	30%	10	24%	25%	19	15%	20%
4 Bed	0	0	0	15%	0	0	0	0	0%	
Total	189	24	100%	100%	41	100%	100%	124	100%	100%

Table One - Proposed dwelling and tenure mix

- 2.4 The application includes 1676sqm of flexible commercial floorspace (A1, A2, A3, B1 and/or D1). The proposed flexible commercial space would be provided within four units, three of which would be located in the northern block at ground floor level and range between 228sqm and 262sqm in size, whilst the fourth commercial unit is located in the southern block and comprises a main space at ground floor level covering 624sqm plus a basement space covering 227sqm.
- 2.5 The principle commercial frontage is onto Cambridge Heath Rod (east elevation) and three of the four proposed commercial units include frontages onto this road. Commercial unit 3 would front onto the proposed internal public realm and the adjacent railway arches.
- 2.6 The proposed development also includes the provision of new public open space within the site, including a central landscaped element running east/west that bisects the two blocks and a wholly unsecured 'vision' landscaped route running north/south at the rear of the site, adjacent to the railway arches. In addition to the main street frontage, the proposed commercial units would also include active frontages onto these areas of public open space.
- 2.7 The existing LEB building contains approximately 4169sqm of B1 office space.
- 2.8 The scheme would be 'car free' except for 2 x on-site blue badge holder parking spaces. A total of 326 long-stay cycle parking spaces would be provided for residential users along with 24 spaces for commercial users. 89 short stay cycle spaces will be provided.
- 2.9 Landscaped public realm is also proposed to provide new pedestrian routes through the site.

3. RELEVANT PLANNING HISTORY

- 3.1 PA/17/01563 - Screening Opinion under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) to determine whether the proposed redevelopment of the existing Site constitutes 'EIA Development', (as defined in Regulation 2).

Decision – EIA not required

4. PUBLICITY AND ENGAGEMENT

- 4.1 The applicants carried out public consultation prior to submission of the application in July 2018. As set out on the applicant's Community Involvement Statement, the applicant sent out various information emails, leaflets etc. to residents, politicians and other stakeholders. A range of exhibitions for the general public and Councillors etc. were held in October and November 2017.
- 4.2 It is not clear from the Community Involvement Statement what version of the scheme was presented at the above exhibitions, noting that throughout pre-app discussions with Council the proposed height was a maximum of 11 storeys.
- 4.3 Following the receipt of the application, the Council notified nearby owners/occupiers by post and by site notices. A press advert was also published in a local newspaper.
- 4.4 The public consultation undertaken by the local planning authority took place in July/August 2018. A total of 34 representations have been received.
- 4.5 The following issues have been raised in objection (six in total):
 - Concern about noise from the development at night

- Do not support proposed height as it is out of keeping with the area and would be detrimental to the character of the area; which includes a conservation area and listed buildings
 - Development will block views from flats in Sunlight Square
 - 15 storey building will disrupt air waves i.e. TV reception
 - Development will result in additional congestion around the area, particularly the London Underground station, and does not provide any additional public services such as a medical facilities
 - Safety concerns over evacuation as many residents will rush out onto the street in an emergency.
- 4.6 28 supporting letters were received. These were collected by the applicant's Consultation and Engagement Consultants, Curtin & Co. The following issues have been raised in support:
- Site needs to be redeveloped as it is an 'eyesore' and to prevent anti-social behaviour
 - Tower Hamlets needs more affordable housing
 - Redevelopment will create new jobs and improve visual appearance
 - Support provided the heritage is kept
 - Support the new gardens
 - Will provide more opportunities for local businesses
 - Development will help bring sustainability to the community and surrounding areas.

5. CONSULTATION RESPONSES

External

Greater London Authority

Principle of development

- 5.1 The redevelopment of the site for a mixed use residential led scheme is strongly supported.
- 5.2 The application is supported by a Commercial and Retail Impact Assessment which provides evidence that the existing office floorspace has been vacant for a significant period of time and there is no viable demand for its reoccupation.
- 5.3 The site falls within the 'hinterland' of the City Fringe Opportunity Area, which is recognised as being an area which is mixed-use in many places but more residential in nature. The framework for this area (City Fringe Opportunity Area Planning Framework (2015) (OAPF)) identifies capacity for over 53,000 new jobs and 15,000 new homes (compared to 70,000 new jobs and 8,700 new homes in the London Plan). The draft London Plan identifies the Opportunity Area for 50,500 new jobs and 15,500 new homes.

Housing

- 5.4 The development would deliver 40% affordable housing by habitable room.
- 5.5 The site falls within the definition of public land under the Mayor's SPG [*as LBTH were the previous owner*] which states that development on public land will only qualify for the Fast Track Route if it provides a minimum of 50% affordable housing without grant funding. While the affordable housing offer of 40% is welcomed as a starting point, it must be considered under the viability tested route, and GLA officers will robustly interrogate the applicant's

submitted viability to ensure that the maximum amount of affordable housing is secured, given the low existing value. Early implementation and late stage review mechanisms must be secured.

- 5.6 The proposal includes a range of one to four bed units, with 62% of the affordable rented units as family sized units. The proposed housing mix is supported.

Flooding

- 5.7 No objections following receipt of new information.

Urban and inclusive design

- 5.8 The residential quality is generally high and the layout, height and massing, although of a greater scale than the existing context, would appropriately optimise the potential of this underutilised brownfield site. The density is also appropriate given the local transport facilities and connectivity. A Management Plan detailing the day-to-day servicing and delivery arrangements should be secured by condition.

- 5.9 The scheme has been designed to meet and exceed London Plan and draft London Plan minimum residential space standards and the layout of the residential blocks has been designed to maximise dual aspect units which is welcomed.

- 5.10 The scheme would deliver 387sqm of on-site play space. The quantum, location and quality of the proposed play space accords with the London Plan.

- 5.11 The application has demonstrated that these requirements will be met and the plans identify the location of the wheelchair accessible homes. The Council should secure M4(2) and M4(3) requirements by condition.

Historic environment

- 5.12 The height, layout, massing and architecture supported. The proposal would not result in harm to the nearby designated heritage assets or relevant Conservation Areas in accordance with the NPPF.

Transport (TfL)

- 5.13 The proposals are predominantly car free, with the exception of two on site blue badge car parking spaces which is welcomed. However, the quantum of blue badge parking must be increased to at least one space per 3% of dwellings. A car parking design and management plan indicating how the residential provision could be expanded to one space per 10% of dwellings must be secured.

- 5.14 The quantum and design of cycle parking proposed meets London Plan standards however its design does not meet the London Cycle Design Standards.

- 5.15 Conditions: Full residential and commercial travel plans, public realm improvements, car parking design and management plan, details of cycle parking, electric vehicle charging points, delivery and servicing plans and final construction logistics plan.

Energy

- 5.16 The GLA originally objected to the scheme based on energy but did not respond to the updated scheme which LTBH's officer is content with.

Historic England – Archaeology

- 5.17 The site lies within an area of identified archaeological interest.
- 5.18 The development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case the archaeological interest and/or practical constraints are such that a two stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

London Borough of Hackney

- 5.19 No objections.

London City Airport

- 5.20 At a maximum height of approx. 65m AOD no safeguarding objection to the proposal.

London Fire Brigade

- 5.21 Unable to comment at this time due to lack of information. Please supply full plans for consultation.

Officer comment: unknown if applicant did provide full plans.

Metropolitan Police – Crime Prevention

- 5.22 Have consulted with the project architects (HTA) and note Section 7.5 Secured by Design s7.5 within the DAS confirms the aspiration is to achieve the SbD Gold Award, and with continued dialogue through to compliance visits this is very achievable.
- 5.23 The postal strategy is a concern moving forwards as compartmentalisation would make the delivery of mail to individual doors difficult as well as allowing artifice & chicanery type offenders the chance to gain access to the individual floors on the pretence of delivery mail etc. Arson is also a factor to consider with multiple letter boxes.
- 5.24 Conditions recommended – building to achieve full Secured by Design Accreditation.

Natural England

- 5.25 No comments.

Thames Water (TW)

- 5.26 With regards to the combined water network infrastructure capacity TW raise no objections.
- 5.27 Development is located within 15m of a strategic sewer, standard piling condition to be applied.
- 5.28 TW have identified an inability of the existing water network infrastructure to accommodate the needs of the proposed development. TW have not been able to agree a way forward with the applicant so recommend a prior to occupation condition requiring that either all water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied

Cross Rail

5.29 No objections.

London Underground Infrastructure Protection

5.30 No objections.

Rail for London

5.31 No comments re Infrastructure Protection.

Network Rail

5.32 No objections in principle provided that the developer/outside party ensures the following requirements are adhered to:

- Face of the proposed building should not be less than 4 metres from the nearest Overhead Line Electrification (OLE) equipment to prevent induced current and flashover from the adjoining 25kV OLE.
- The sighting of the building should comply with the relevant Network Rail (NR) clearance standards to avoid directly impacting on adjacent NR infrastructure.
- Allowance shall be made for future maintenance and repairs without encroaching on the stated clearance zone.
- We recommend no balconies on the railway elevation due to close proximity of the OLE infrastructure and to avoid objects dropping from high level onto the operational railway. Winter garden balcony may be considered instead of the current proposal.
- The applicant shall provide Asset Protection Anglia with the construction methodology.
- Prior to planning permission approval, we would suggest that the applicant should consult with NR Asset Protection team to fully understand the extent of the design and basement.

Officer comment: the above would be included as informatives however as an in principle objection has not been raised to the balconies facing the railway line, this has not been actioned by the applicant or further pursued by Council.

Internal (Non DM)

Environmental Health - Noise & Vibration (Temple Consultants)

5.33 No objections.

Transportation & Highways

5.34 Objections raised to:

- a. The over reliance of Birckbeck Street for the vehicular activity i.e. servicing, accessible parking and cycle access;
- b. Large vehicles reversing into the servicing bay and the layout/size of this space for the proposed commercial uses, particularly a supermarket.

Waste

5.35 No objections subject to detailed conditions.

EIA – microclimate (Temple Consultants)

5.36 The transposition of wind climate data to apply at the site is still unclear. The Applicant should clarify whether the wind climate data is corrected to the site based on Breve 3.2 in addition to corrections inherent to the calculations within the formula presented. The assessment applies

an inappropriate boundary layer profile, which has potential to underestimate pedestrian level winds.

Air Quality

- 5.37 No objections. Recommend conditions regarding A3 uses and appropriate extraction prior to use and construction site dust control.

SuDS and Flooding

- 5.38 The proposals are acceptable and comply with the London Plan policy 5.13 and Local plan policy DM13.
- 5.39 Safe and appropriate flow routes from blockage and exceedance of the drainage system must be evaluated. This must demonstrate no property flooding or increase in flood risk, either offsite or to third parties. To ensure flood risk is not increased elsewhere a detailed surface water drainage scheme as outlined in the report should be secured via planning condition.

Other consultees

- 5.40 The following were consulted but did not comment:
- Building Control
 - Infrastructure Planning
 - Education Development Team
 - Town Centres & Retail
 - Environment Agency
 - London Bus Services
 - Dockland Light Railway
 - Sport for England
 - The Twentieth Century Society
 - London Overground
 - Historic Royal Palaces

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.
- 6.2 The NPPF (2019), which the Development Plan needs to be in accordance with, sets out the Government's planning policies for England and how these should be applied and provides a framework within which locally-prepared plans for housing and other development can be produced. The purpose of the planning system is to contribute to the achievement of sustainable development which has the following three overarching objectives: economic, social and environmental.
- 6.3 The Draft London Plan currently has limited weight however the GLA and TfL are applying great weight to the draft provisions. As the decision maker, Council are able to decide what weight is applied and as such the Draft London Plan is considered to have limited weight and will only be referred to below where presenting consultation comments from the GLA or TfL.
- 6.4 With regards to LBTH's Emerging Local Plan, the weighting of draft policies is outlined in paragraph 216 of the National Planning Policy Framework (NPPF) (2012) and paragraph 19 of the National Planning Practice Guidance (Local Plans). The degree of weight that can be attached to the Local Plan will depend upon how much progress has been made with the

emerging plan and the number of unresolved objections to it, and the degree of consistency with the NPPF (2012). The more advanced the preparation and the fewer the number of objections to plan policies, the greater the weight it may be given in the determination of planning applications.

- 6.5 As the Local Plan has reached an advanced stage, decision makers can now attach more weight to its policies in the determination of planning applications. This is because:
- a. the Local Plan has been subject to three rounds of public consultation in accordance with regulations; both Cabinet and Full Council approved the publication and submission of the final draft Local Plan (on 19 September 2017 and February 21 2018 respectively) and consider that it is both sound (i.e. positively prepared, justified, effective and consistent with national planning policy) and legally compliant;
 - b. the Local Plan is currently undergoing an independent public examination by a government-appointed inspector (Mrs Christa Masters). The examination hearings ran between 6-21 September and 11-15 October 2018;
 - c. the Mayor of London has indicated that the Local Plan (submission version) is in general conformity with the current adopted London Plan (note the draft London Plan which itself reached an advanced stage) and has raised no soundness or legal objections to the draft Local Plan in response to the regulation 19 consultation stage and examination in public; and
 - d. the Local Plan is subject to a number of main modifications in response to the examination in public, which the inspector considers are necessary to make the Local Plan sound. Consultation on the main modifications is now live. At the close of the consultation, the inspector will consider the main modifications and the responses made on them during the consultation period. The inspector will subsequently publish a report. However, the Local Plan does not carry full weight until it has been formally adopted.

6.6 As such, the Emerging Local Plan will be used in the assessment of this planning application. The degree of weight of each policy depend upon objections received during the regulation 19 consultation and any emerging policy used in the assessment sections below will note in bracket its weight. A decision has been taken to generally only refer to Emerging Plan policies where objections are raised and where the weight is either moderate or high.

6.7 Please note that the above references to the 2012 NPPF are correct as the Emerging Local Plan was initially lodged prior to the amendments of 2018 and 2019.

6.8 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Core Strategy 2010 (SP)
- Tower Hamlets Managing Development Document 2013 (DM)
- Tower Hamlets Emerging Local Plan 2019 (ELP)

6.9 The key development plan policies relevant to the proposal are:

Land Use - LP4.1, LP4.2, LP4.3, LP4.7, SP01, SP06, DM1, DM2, DM15, D.EMP3

(offices, retail and restaurant uses)

Housing - LP3.3 -3.13, SP02, DM3, DM4, D.DH7, S.H1, D.H2

(affordable housing, unit mix, density, play space, housing quality)

Design - LP7.1-7.8, SP09, SP10, SP12, DM23, DM24, DM26, DM27,

S.DH1, D.DH2, S.DH3, D.DH4, D.DH7,

(layout, massing, building heights, materials, public realm, heritage)

Amenity - LP7.6, LP7.15, SP03, SP10, DM25
(privacy, outlook, daylight and sunlight, construction impacts)

Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, SP05, SP09, DM14, DM20, DM21, DM22, S.TR1, D.TR2, D.TR3 D.TR4
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

Environment - LP3.2, LP5.1 - 5.15, LP5.21, LP7.14, LP7.19, LP7.21, SP03, SP04, SP11, DM9, DM11, DM13, DM29, DM30
(biodiversity, energy efficiency, air quality, drainage, contaminated land)

e. Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Sustainable Design and Construction SPG 2014
- LP Housing SPG (updated 2017)
- LP Affordable Housing and Viability SPG (2017)
- LP Draft New London Plan (2018)
- LBTH Development Viability SPD (2017)
- LBTH Tall Building Study (2018) (*Local Plan Evidence Study*)
- LBTH Employment Land Review (2016)
- LBTH Planning Obligations SPD (2016)
- LBTH Draft Local Plan (2019)
- Bethnal Green Gardens Conservation Area Character Appraisal and Management Statement (2009)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Housing
- iii. Design & Heritage
- iv. Neighbour Amenities
- v. Transport
- vi. Environment
- vii. Infrastructure
- viii. Local Finance Considerations
- ix. Equalities and Human Rights

Land Use

- 7.2 The lawful use on site is a B1 office building. The site has not been in use as an office for more than 10 years and it is known that the site has been used intermittently as a filming studio/events space. However, there has been no application to change the use on site so the site needs to be treated as B1.
- 7.3 Under the current policy framework, the site is designated as being within an Archaeological Priority Area. The site is also adjacent to the Bethnal Green District Town Centre. Under the emerging Local Plan (2018) the site remains in an Archaeological Priority Area and is also subject to the Green Grid Buffer zone.
- 7.4 Policy colleagues note that *'The Core Strategy vision for Bethnal Green also applies which seeks for the areas to draw upon and respect its natural and built assets to reinforce its distinctive identity. As such development and regeneration needs to respect and reinforce the historical layout of Bethnal Green's spaces and buildings. These include its network of conservation areas, historic buildings, terraced housing and traditional street pattern. Bethnal Green town centre will also reinforce its role as the retail, commercial and civic hub of the area, making it a place to work, shop and socialise. By redeveloping its under used sites, including the gasworks, access to the area's natural assets of the canal and green spaces will improve. This will enhance health and wellbeing by improving walking and cycling opportunities.'*

London Plan Policy

- 7.5 London Plan policy 4.2, and draft London Plan policy E1 require any loss of office space to be justified by a robust assessment demonstrating that it is surplus to requirements as well as details of existing and proposed jobs that the site could support. The application is supported by a Commercial and Retail Impact Assessment which provides evidence that the existing office floorspace has been vacant for a significant period of time and there is no viable demand for its reoccupation within the building as it currently exists.
- 7.6 The site falls within the City Fringe Opportunity Area (Opportunity Area), for which the OAPF identifies capacity for over 53,000 new jobs and 15,000 new homes (compared to 70,000 new jobs and 8,700 new homes in the London Plan). The draft London Plan identifies the Opportunity Area for 50,500 new jobs and 15,500 new homes. The site also falls within the identified 'Hinterland' of the Opportunity Area which is recognised as being an area which is mixed-use in many places but overall is more residential in nature. The redevelopment of the site to provide market and affordable housing is strongly supported in accordance with London Plan policies 2.13 and 3.3 which seeks to increase London's supply of housing especially in Opportunity Areas and policies SD1, H1, H3 and E1 of the draft London Plan which seek to ensure boroughs optimise the potential for housing delivery on underutilised sites particularly in Opportunity Areas.
- 7.7 The provision of 1,676sqm of flexible commercial floorspace (Use ClassA1/A2/A3/B1/D1) is supported in accordance with London Plan and draft London Plan policies.

Employment floorspace

- 7.8 Policy DM15 (and emerging policy D.EMP3, high weight) requires the re-provision of any employment floorspace as part of any redevelopment. Both adopted and draft policies require 12 months marketing evidence or a robust demonstration that the site is genuinely unsuitable for continued employment use. The draft local plan also requires that *'reasonable options for restoring the site to employment use are unviable (requiring that redevelopment options are considered) and for it to be demonstrated that 'the benefits of alternative use would outweigh the benefits of employment use'*.

- 7.9 The proposal will result in a significant loss of employment floorspace (4,169sqm B1 office floorspace down to 1,676sqm flexible commercial floorspace). In principle, a change of use from offices to a mixed use development is acceptable provided that the above tests (under the adopted MDD policy DM15 in particular) are demonstrated. The marketing evidence provided with the application, undertaken since October 2016, shows little interest in the site as an office. It is also noted that the aging buildings on site would require significant redevelopment to be fit for purpose for modern office use; the existing buildings on site are currently in visibly poor condition. As such the marketing evidence is sufficient and supports the loss of use on site.
- 7.10 Policy colleagues do however note that contrary to statements made in the applicant's Planning Statement regarding competition from Aldgate and Canary Wharf, the Council's employment evidence base indicates that there is high demand for flexible employment workspace for SMEs in this location which could be provided as part of an optimised mixed-use redevelopment of the site. Such provision would be strongly supported from a planning policy perspective. There are concerns within the proposal that the flexibility of the commercial floorspace (i.e. use classes A1, A2, A3, B1 and/or D1) could result in the employment uses being lost from the site altogether. However, it is noted that ultimately the marketing test requirements of policies DM15 and D.EMP3 have been met and the current proposal is supported as such.

Retail floorspace

- 7.11 The scheme proposes flexible commercial floorspace units ranging from between 228 and 851sqm. The site is located outside of the Bethnal Green District centre boundary but given it is located within 300m of the centre (to the east) it is considered to be an 'edge of centre' location. Therefore the principle of retail or other town uses may be acceptable subject to scale and character.
- 7.12 Under emerging policy D.TC3 (limited weight), LBTH require a sequential test and impact assessment for A1 retail units over 200sqm. This approach seeks to ensure that new retail units outside of town centre locations remain local in nature and protect the vitality and viability of nearby town centres. Part 2 of MDD policy DM2 also requires local shops outside of town centres to be of an appropriate scale to their locality.
- 7.13 Given the policy direction set out above to curb the size of A1 units outside town centres, there remain some outstanding concerns that the scale of the larger unit (if it was to be let as a retail use) would draw footfall away from the primary shopping area of Bethnal Green District Centre (which is along Bethnal Green Road). A mix of smaller scale units would be preferable in this location. However, it is noted that a Commercial and Retail Impact Statement has been submitted to support this application to fulfil the requirements of assessing the scheme's impact. In line with the report's findings, it is accepted that there are sequentially no other alternative sites within the District Centre and that the impact to Bethnal Green District Centre (as a relatively high performing centre) is not liable to be significant.
- 7.14 Whilst officers have attempted to have the application amended to ensure the larger space at ground floor is used for employment (B uses) or community leisure uses (D uses), as these town centre uses are effective in more peripheral town centre locations, the layout remains as submitted and ultimately the applicant has met the requisite land use policy tests and is therefore acceptable.

Housing

- 7.15 Development Plan policies set minimum housing targets for Tower Hamlets and seek to ensure that the amount of housing is optimised on all sites where it is appropriate.

- 7.16 The Council can demonstrate a robust five year housing supply and housing trajectory which has recently been subject to the local plan examination process without any significant issues being raised. Our methodology and sites are set out within the Five Year Housing Supply and Housing Trajectory Statement (2018) and overall the principle of residential use is supported in this location given its edge of centre location and given the high levels of public transport accessibility.
- 7.17 Redevelopment including 189 new homes would be consistent with key Development Plan policies, would help the Council meet its housing targets and is supported.

Conclusion

- 7.18 Overall the principle of mixed use development is supported under planning policy. The loss of employment space on site is unfortunate however it is accepted that the marketing requirements under policy DM15 have been met which justify the loss. It is also acknowledged that the existing building is not fit for purpose as an office building for modern standards.
- 7.19 The principle of retail and town centres uses is also acceptable given the edge of centre location and high PTAL levels.

Housing and Future Resident's Amenity

Affordable housing

Policy context

- 7.20 Development Plan policies call for a range of housing choices to support mixed and balanced communities.
- 7.21 The NPPF states at paragraph 62 of Chapter 5 *'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 unless:*
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.'*
- 7.22 London Plan policy 3.12 seeks the maximum reasonable amount of affordable housing. The Mayor's Affordable Housing and Viability (AHV) SPG established a pan-London threshold of 35% affordable housing without grant with a strategic target of 50%.
- 7.23 The Mayor's AHV SPG sets out a preferred tenure split of at least 30% low cost rent (social or affordable rent, significantly less than 80% of market rent), at least 30% intermediate (with London Living Rent and shared ownership being the default tenures), and the remaining 40% to be determined by the local planning authority. The AHV SPG approach is formalised within draft London Plan policies H5, H6 and H7.
- 7.24 The Mayor's AHV SPG and Draft London Plan policy H6 set an affordable housing threshold of 50% for public land. The site falls within the definition of public land under the Mayor's SPG as LBTH are the freeholder and granted a 200 year lease to the applicant on 6 October 2017 after the SPG was formally adopted (August 2017). The SPG states that development on public land will also only qualify for the Fast Track Route if it provides a minimum of 50% affordable housing without grant funding.

- 7.25 Policy SP02(1) of the Core Strategy seeks to deliver 43,275 new homes in LBTH between 2010 and 2025 in line with the housing targets set out in the London Plan at the time.
- 7.26 Policy SP02(3) *“sets an overall strategic target for affordable homes of 50% until 2025. This will be achieved by:*
- a. Requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).*
 - b. Securing additional affordable homes from a range of public sector initiatives directly with Housing Associations as identified in the Housing Strategy.*
 - c. Bringing long-term vacant properties back into use.”*
- 7.27 Policy SP02(4) requires the overall strategic tenure split for affordable homes from new development as 70% social rented and 30% intermediate.
- 7.28 Policy SP02(5) seeks to *“secure a mixture of small and large housing by:*
- a. Requiring a mix of housing sizes on all sites providing new housing.*
 - b. Requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new social rented homes to be for families...”*
- 7.29 The supporting text of this policy at 4.4 sets out the significant housing need within LBTH and why an affordable housing target of up to 50% is set.
- 7.30 Policy DM3(1) of the MDD states that development will be required to maximise affordable housing in accordance with the Council’s tenure split (70% social/affordable rent and 30% intermediate).
- 7.31 Policy DM3(3) also states that development should maximise the development of affordable housing on-site:
- a. “Any off-site affordable housing will only be considered in circumstances where it can be demonstrated that:*
 - i. it is not practical to provide affordable housing on-site;*
 - ii. to ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area;*
 - iii. it can provide a minimum of 50% affordable housing overall;*
 - iv. it can provide a better outcome for all of the sites including higher level of Social Rent family homes; and*
 - v. future residents living on all sites use and benefit from the same level and quality of local services.* - b. If a suitable site cannot be found, as stated in parts i to v, in exceptional circumstances the Council will consider payments in-lieu ring fenced for additional affordable housing output.”*
- 7.32 The above policy requirements have been carried through into the LBTH Emerging Local Plan via policies S.H1 (Meeting housing needs, moderate weight) and D.H2 (affordable housing, moderate weight) which also seek to achieve 50% affordable housing via a 70:30 split in favour of intermediate units.

Affordable housing split - assessment

- 7.33 The proposed development would include 65 affordable homes: 24 rented (12 x London Affordable Rent and 12 x Tower Hamlets Living Rent) and 41 intermediate units (Shared Ownership). This offer equates to 40% by habitable rooms. In terms of proposed tenure, the split would be 46% rented and 56% intermediate (46:54).
- 7.34 Whilst 40% affordable housing by habitable room does meet LBTH's policy requirement of 35%, this does not meet the 50% threshold required via the GLA Affordable Housing and Viability SPG as the site is considered public land.
- 7.35 The 24 proposed rented affordable homes would be located within the north block (Core A); no other housing types are included within this block. The 41 intermediate units would be split across the two blocks (Cores B (33 units), C (2 units) and D (6 units)).
- 7.36 The GLA support the proposed tenure split, which secures a minimum of 30% low cost rent and 30% intermediate, in accordance with policy H7 of the draft London Plan and the Mayor's Affordable Housing and Viability SPG. The applicant has confirmed that the intermediate units proposed would be shared ownership which will be secured as affordable to a range of incomes below the upper limit of £90,000 per annum. 50% of the affordable rented units would be provided at London Affordable Rent with the remainder provided at Tower Hamlets Living Rent.
- 7.37 However the proposal does not accord with LBTH policy which differs from GLA policy to account for the borough's local context i.e. the need for social rented housing. The borough's target mix for affordable homes is 70:30 in favour of social rented. The proposed mix is 46:54 in favour of intermediate tenure. The proposal is also unacceptable as it does not provide 50% affordable housing overall as required by the Affordable Housing and Viability SPG. The above points were presented to the applicant but the scheme was not amended to take these into consideration.
- 7.38 In summary, as the proposed affordable housing split does not accord with the Council's preferred split the application is not in accordance with Core Strategy policy SP02, MDD policy DM3 and Emerging Local Plan policies S.H1 and D.H2. Also, the application is unacceptable as the overall level of affordable housing provided at 40% does not meet the 50% threshold required by the Affordable Housing and Viability SPG.

Affordable housing viability - assessment

- 7.39 The applicant's Design and Access Statement at 5.11 states the following affordable housing offers would be possible at the following heights:
- 11 storeys – 165 units providing 20% affordable homes (33 units affordable on a unit basis)
 - 15 storeys – 189 units providing 40% affordable homes (75.6 units affordable on a unit basis)
 - 19 storeys – 213 units providing 45% affordable homes (95.85 units affordable on a unit basis)
- 7.40 Working on an affordable unit basis, there would be a 20 affordable unit difference between 15 and 19 storeys however the schemes would only be 24 units apart in total. Whilst Council officer's appreciate that the standard approach to calculating acceptable affordable housing percentages are based by habitable room rather than unit, officers were not convinced that it would be viable or policy compliant for the applicant to build an additional four floors and 24 units to gain only 5 market rate units.

- 7.41 The applicant's viability report was reviewed by an independent viability consultant, BPS, who was also asked to test a hypothetical scheme at 11 storeys (Council's preferred height of the three above heights) as well as the current proposal.
- 7.42 The initial review by BPS, 04/12/2018, concluded that the scheme as proposed would generate a surplus of approximately £3,070,000 against the proposed 15-storey scheme. The following points are noted in the assessment:
- a. BPS believed the information provided by the applicant in support of their private residential sales values were slightly below current market expectation. BPS's suggested revisions resulted in an increase of £1.9m on the private residential Gross Development Value (GDV);
 - b. BPS agreed with the applicant's ground rent income per annum. A yield of 5% has been used to capitalise this income. In light of the Government's signalled intention to reduce ground rents to a peppercorn rent, BPS suggest there is now increased risk involved in this income stream. BPS increased this yield to 10%. This generates a value of £395,350;
 - c. The applicant has included affordable housing values based on a bid for the units made by an RP. This bid is based on the assumption that the 40% affordable housing scheme would be grant funded, however this should have also been reported against a non-grant funded scheme in the applicant's initially submitted assessment. BPS tested the proposed affordable housing values and accept that they are broadly reasonable;
 - d. BPS adopted the valuation of the proposed commercial elements and agree the cost plan is reasonable;
 - e. BPS have not taken into consideration the site's purchase price as the PPG is clear that the sale price is not to be used as a relevant justification for failing to meet policies (this avoids applicants overpaying for a site to avoid affordable housing contributions later); and
 - f. The applicant concluded a benchmark land value of £27,393,977 whereas BPS concluded a benchmark land value of £25,420,000 following their assessment. When BPS compared the residual value of the proposed scheme at £28,490,000 it shows the scheme would generate a surplus of £3,070,000.
- 7.43 BPS also tested the viability of a hypothetical 11-storey iteration of the scheme. BPS identified a surplus against a 40% grant funded iteration in this case, although they note that this approach is indicative and confirmation relating to some of the inputs is required. They also note however that their residual valuation of an 11-storey scheme on site is approximately £6m below the site's purchase price, which could impact the deliverability of a smaller scheme. The applicant did not respond to the BPS assessment of the hypothetical scheme.
- 7.44 The applicant responded to the BPS assessment of the current scheme by providing an updated viability assessment which largely agreed with the assessment made by BPS but resulted in a lower surplus of £1.8 million compared to the figure of £3,070,000 (predicted by BPS). The applicant advised that they would not amend the scheme to absorb the surplus into the scheme to provide further affordable housing on site, as required by LBTH policy, and instead only noted that the *'mix and tenure split is intrinsically linked to the viability of the scheme'*. The applicant proposed that their calculated £1.8 million surplus would be used for off-site affordable housing via a commuted sum rather than the delivery of onsite affordable housing.
- 7.45 BPS reviewed the updated information provided by the applicant and note that the applicant's consultants disagreed with the following undertaken by BPS:
- a. The proposed residential values;

- b. The benchmark scheme's affordable housing values;
- c. The proposed and benchmark schemes' profit targets

but were ultimately instructed by the applicant to adopt BPS's values. The applicant's consultants then updated their appraisals to include BPS's private residential values for the proposed scheme and updated affordable housing values and profit target within the appraisal for the benchmark scheme. The applicant's consultants now calculate a residual value for the proposed of £28,646,437 and a Benchmark Land Value of £26,759,513. On this basis they identify a surplus of £1,886,824.

- 7.46 This is disputed by BPS on the basis of incorrectly applied 35% affordable housing values, profit levels and residential GDV differences. BPS conclude a final surplus of £2.4 million.
- 7.47 In a meeting on 5th March 2019, the applicant advised verbally that they would be willing to match the £2.4 million surplus but the applicant has not formally responded to the above information which was sent to them on 8th March 2019. As such, it is considered that the applicant would only be willing to pay the £1,886,824 surplus that they identified.
- 7.48 Council's objection to the applicant's offer is two-fold. Firstly, MDD policy DM3(3) states that development should maximise the delivery of affordable housing on site. Council only support the use of commuted sums to provide affordable housing under certain circumstances and it is noted that MDD policy DM3 states that development should maximise the delivery of affordable housing on-site. The application does not meet the policy test of DM3(3a) which states that any off-site affordable housing will only be demonstrated in circumstances where it can be demonstrated that:
- i. it is not practical to provide affordable housing on-site;*
 - ii. to ensure mixed and balanced communities it does not result in too much of any one type of housing in one local areas;*
 - iii. it can provide a minimum of 50% affordable housing overall;*
 - iv. it can provide a better outcome for all of the sites including a higher level of Social Rent family homes; and*
 - v. future residents living on all sites use and benefit from the same level and quality of local services.*

7.49 The applicant has not provided evidence in relation to points i, ii, iv and v above and does not provide 50% affordable housing overall and as such is contrary to adopted policy.

7.50 Secondly, the applicant has not responded to BPS's final review which states that a surplus of £2.4 million would be generated through the scheme. Even though the Council do not support commuted sums, the commuted sum that is proposed does not deliver the maximum reasonable amount of affordable housing that could be generated through the scheme as required by London Plan and LBTH policy (£1,886,824 identified by applicant vs £2.4 million identified by Council).

7.51 As such the proposal is not in accordance with the NPPF 2019, London Plan policy 3.12, Core Strategy policy SP02, MDD policy DM3 and Emerging Local Plan policies S.H1 and D.H2.

Dwelling Mix

7.52 Development Plan policies require a mix of housing, with DM policy DM3 and ELP policy D.H2 (limited weight) calling for a preferred unit mix of 1, 2, 3 and 4-bed homes (noting the slight differences between the policies, full weight will only be applied to DM3).

- 7.53 Core Strategy policy SP02(5) seeks for developments to secure a mixture of small and large housing by:
- a. *'requiring a mix of housing sizes on all providing new housing*
 - b. *Requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new social rented homes to be for families.*
 - c. *Identifying locations within the Sites and Placemaking DPD and Development Management DPD where larger family housing sizes (four-bed plus) will be sought. These include*
 - i. *Areas outside of town centres where there is an existing residential community*
 - ii. *Where there is good access to open space*
 - iii. *Where there is good access to local services and infrastructure, including primary schools.'*
- 7.54 Council's preferred mix, which is tailored to meet LBTH's specific housing need, is supported by an underlying evidence base within the Development Plan. This is supported by paragraph 60 of the NPPF which states: *'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.'*
- 7.55 Paragraph 61 of the NPPF also states *'Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).'*
- 7.56 The proposed 189 residential units would comprise 29 x Studios, 73 x 1-bed, 53 x 2-beds, 34 x 3-bed and 0 x 4-bed. The following table sets this out in detail, alongside the Council's preferred mix:

		Affordable Housing								Market Housing			
		Social/Affordable Rented				Intermediate							
Unit Size	Total Units	Units	As a %	Current Policy Target %	ELP Policy Target	Units	As a %	Current Policy Target %	ELP Policy Target	Units	As a %	Current Policy Target %	ELP Policy Target
Studio	29	0	0	0	0	0	0	0	0	29	23%	0	0
1 Bed	73	4	17%	30%	25%	27	66%	25%	15%	42	34%	50%	30%
2 Bed	53	5	21%	25%	30%	4	10%	50%	40%	34	27%	30%	50%
3 Bed	34	15	63%	30%	30%	10	24%	25%	45%	19	15%	20%	20%
4 Bed	0	0	0	15%	15%	0	0	0		0	0		
Total	189	24	100%	100%	100%	41	100%	100%	100%	124	100%	100%	100%

Table Two - Proposed dwelling and tenure mix

- 7.57 The proposal is not compliant with either the current policy framework or the ELP (limited weight).

- 7.58 The difference between the policy targets for social/affordable rented units is very minor with the 25% and 30% targets for 1 and 2 beds swapping. As shown the above, the applicant has not provided any four bed units as required and instead proposes a large proportion of 3 bed units. One and two bed units are also over-represented in the scheme. Whilst officers do support the over-provision of three bed units, objections are still raised overall given no four bed units are proposed which are needed to provide a balanced housing mix. Officers are also aware that there is a need to secure suitable rehousing options for a number of families in the borough who require large wheelchair sized units (4 and 5 beds). Officers would have been more inclined to accept a skewed mix for this housing type if the applicant had amended the scheme to include 4 or 5 bed wheelchair accessible units and reduced the number of 3 beds. This was presented to the applicant who did not action the above by amending the scheme.
- 7.59 At the intermediate level, the policy targets have changed to favour two and 3/4 beds over 1 bed units. The proposal however does not accord with either policy target given the large over representation of 1 bed units at intermediate level.
- 7.60 The difference between the policy targets for market units is minor with the 30% and 50% targets for 1 and 2 beds swapping. The applicant has proposed 23% of the market units to be studio units (which are not a preferred unit type across any tenure) which when combined with the 1 bed target units (34%) bring the total across these units to 57% against a current borough target of 50%, but now 30% in the ELP. The number of 2 and 3 bed units is more closely aligned with the policy.
- 7.61 LBTH set specific housing mix targets to account for local issues, such as the need for family sized dwellings, and exceptional circumstances to justify an alternative approach has not been provided as required by Chapter 5 of the NPPF. As seen above, the application is therefore contrary to Chapter 5 of the NPPF, policies SP02(5) of the Core Strategy, policy DM3 of the MDD and Emerging Local Plan policies S.H1 and D.H2 and is unacceptable.

Accessible Housing

- 7.62 Development Plan policies require 90% of new housing to meet Building Regulations 2010 (2015 version) requirement M4(2) 'accessible and adaptable dwellings,' and 10% to meet requirement M4(3) 'wheelchair user dwellings' i.e. designed to be wheelchair accessible or easily adaptable. Within the affordable rented the Borough usually seek to secure within the s106 the wheelchair units are designed and completed to M4(3)(2)(b) i.e. wheelchair as opposed to M4(3)(2)(a), namely readily adaptable. The applicant has provided no such undertaking that could be secured by condition (or s106 agreement).
- 7.63 All proposed homes would meet the 'accessible and adaptable dwellings' standard and the following 19 homes (10%) of homes would meet the 'wheelchair user dwellings' standard:

Tenure	1-bed	2-bed	3-bed	4-bed	Total
Market Sector	10	-	-	-	10
Intermediate	-	-	-	-	-
Rented Affordable	-	5	4	-	9
Total	10	5	4	-	19

Table Three: Proposed wheelchair accessible homes

- 7.64 The proposed wheelchair accessible homes would be located on lower floors (Levels 1 to 7) of buildings and, in accordance with the Mayor of London's Housing SPG, be served by two lifts.
- 7.65 It is recommended that a planning obligation secures the approval of 1:50 details and fit-out of the proposed rented affordable 'wheelchair user dwellings'.

Quality of Residential Accommodation

- 7.66 Development Plan policies require new dwellings to be of a high standard. This includes requirements to meet minimum floorspace and private amenity space standards, provide appropriate noise insulation, air quality, privacy & outlook, daylight/sunlight and wind/microclimate.

Housing Standards and Guidance

- 7.67 All units proposed meet or exceed the relevant minimum internal space standards and the majority of units are also proposed with appropriately sized external private amenity spaces. However, the south facing units (1b2p – 56m² only) units off Core B do not have private external amenity space.
- 7.68 The applicants have mitigated this through exceeding the standard requirement of 50m² by providing 56m². As set out in para.2.3.32 of the Housing SPG, where site constraints are such that the provision of private amenity space is not possible "*a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement.*" The minimum internal space standard for a 1b2p unit is 50sqm and the amenity space requirement is 5sqm. As such, with a GIA of 56sqm, these 1b2p units exceed this requirement.
- 7.69 All of the proposed homes would have a reasonable layout and meet the recommended minimum floor to ceiling height of 2.5m. Lift/stair cores would serve no more than 7 dwellings (8 is the recommended maximum). The proposal includes 60% dual aspect units which is relatively high for a development providing multiples blocks. There are however 14 north facing single aspects units (all within Block B from 2nd to 15th floors) but these are still considered to receive adequate daylight sunlight and have projecting balconies which will receive either afternoon sun from the west or sunlight in the morning and afternoon (floors 9 upwards).

Noise & Vibration

- 7.70 The proposal would introduce additional homes into an already noisy area. Road traffic is the dominant noise source on Cambridge Heath Road (eastern elevations), whilst rail traffic on the Network Rail viaduct dominates the western elevations. Birkbeck Street at the southern site boundary is a no through road and carries very little traffic at present, and therefore does not present a significant source of noise. The existing hotel, residential and commercial uses beyond the northern site boundary were not found at the time of the survey to present a significant source of noise.
- 7.71 The applicant's Noise Assessment finds that acceptable internal noise levels will be achievable subject to appropriate glazing and ventilation details. This is agreed by Temple Consultants, Council's independent reviewing noise consultants. As such, it is recommended that conditions reserve details of glazing/ventilation for subsequent approval and to manage noise from mechanical plant.
- 7.72 It must also be noted that the applicant identified the site as sitting within Noise Exposure Category C (NEC) for which the MDD states in Appendix 2 that there is a 'strong presumption against planning permission'. Temple's opinion is that NECs are a concept from PP24 and

were cancelled and superseded by the NPPF and NPPG, meaning that NECs have no force under current policy. NECs are not proposed within the Emerging Local Plan.

- 7.73 Whilst undertaking the noise assessment of the site, the applicant has noted the presence of a fan outlet serving “Foodstars” / “Zesty Kitchen” at Arch 6 in Gales Gardens (west of the site). The applicant has stated that *‘The developer has committed to approach the business that operates the fan outlet associated with “Foodstars” / “Zesty Kitchen” at Arch 6 [AKA A231] with a view to negotiating a solution to remove, replace or repair the fan so as to reduce the noise emissions to an acceptable level. If this cannot be resolved with the business that operates the fan, then acoustic screening will be provided on the developer’s side so as to shield the Development from the fan noise. It is anticipated that the removal, replacement or mitigation of the fan outlet may be made a planning condition.’*
- 7.74 Officers have investigated the operations at Arch 6 further and note that the operators do not have planning permission for the land use on site or the fan outlet located on site. The matter is currently with the Council’s Enforcement team for investigation. As conditions cannot require 3rd parties to undertake mitigation works or undertake negotiations, a condition will be applied to ensure that screening is applied around the outlet. This will ensure the issue is adequately dealt with if the plant gains planning permission and remains in situ. However, the applicant should still negotiate with the neighbour as they have indicated above and if the plant was rectified, the above condition could be discharged via ‘No further action’.
- 7.75 In regards to external amenity areas, particularly those on the West and East elevations, the applicant has stated within their Noise Addendum that *‘The advice provided in the relevant standards and guidance documents (e.g. BS8233) acknowledges that idealised noise levels in external amenity areas may not be achievable for many developments, and that in such situations there will be a compromise to be made between elevated noise levels and other factors, such as convenience, but that external amenity areas should not be prohibited. It is considered in this situation that the provision of balconies that are subject to higher than ideal noise levels is better than providing no balconies at all. Glazed doors leading to any balcony areas will be selected to achieve the same acoustic performance standard as set out for the other glazing elements and would be subject to the same acoustic testing’*. Temple, reviewing on behalf of Council, agrees with this approach.

Air Quality

- 7.76 The application has been assessed by Council’s AQ specialist who agrees that at first floor level and above, levels of nitrogen dioxide will not exceed the National Air Quality Objective standard. The applicant has noted within their initially submitted Air Quality Assessment Report that the site lies within an area where air quality is mainly influenced by emissions associated with traffic along the local road network. Pollutants considered in this assessment were NO₂ and Particulate Matter (PM₁₀ and PM_{2.5}). The results indicate that concentrations at relevant proposed receptors are likely to meet the annual mean objective for NO₂, PM₁₀ and PM_{2.5} concentrations. The residual effect of air quality on future occupiers of the proposed development is therefore assessed to be not significant.
- 7.77 An air quality neutral assessment has been undertaken by the applicant in accordance with the GLA’s SPG. The assessment has found that both the transport and building elements of the Proposed Development are still expected to be better than air quality neutral. The implementation of additional mitigation measures is therefore not required.

Privacy & Outlook & Enclosure

- 7.78 The development has been designed to minimise opportunities for inter-visibility between residential units through the positioning and layout of the buildings and residential units therein. At its narrowest point, the separation distance between the two blocks is 11.5 metres

(which is below Council's indicative 18m separation distance as suggested by the supporting text to policy DM25), although the façade in question is only 20.6 metres long at this point and it is considered that any potential for overlooking has been appropriately mitigated through off-setting the windows on the facing blocks. 11.5m separation distances, whilst not ideal, are not uncommon in LBTH and are considered acceptable on balance in this instance.

- 7.79 All of the proposed homes would also have an acceptable outlook however a condition will be applied to ensure that adequate screening is in place for units adjacent to communal amenity spaces which will also need to be designed appropriately to ensure that detrimental outlook effects do not occur.

Daylight, Sunlight & Overshadowing

- 7.80 The application is supported by a Daylight and Sunlight Report. This report has been reviewed on behalf of the Council by Delva Patman Redler (DPR) consultants who summarise as follows:

- a. *All 480 habitable rooms have been assessed of which 456 (95%) would satisfy the ADF (average amount of daylight inside the room) guidelines and 395 (82%) would satisfy the NSL (distribution of daylight around a room) guidelines. This is based on best-case results using light internal surface finishes and a 1.5% ADF target for the assessed rooms.*
- b. *Of the 24 ADF transgressions, 15 (6 LDs, 3 studios and 6 bedrooms) are to rooms that sit at least partially beneath balconies, which provide private amenity space to the flat above and one could argue there is necessarily a trade-off between daylight and balconies. Of the remainder, only one would be materially below the guideline and is a bedroom, which is less important.*
- c. *Of the 85 NSL transgressions, 25 are living spaces and 12 of these would be more poorly lit (less than 50% of their area) of which only 5 would not meet the ADF guideline for living rooms.*

- 7.81 The applicant was also asked to provide further detail given the data presented adopted best-case scenario light finishes for the calculations and the notional truncation of LKDs and assessment as LDs against a 1.5% ADF target means that these are best-case results.

- 7.82 Council's consultants reviewed the supplementary information and were content with the results as follows:

'The assessment has been carried out in using the test of percentage of annual probable sunlight hours (APSH), both annually and in the winter months, in accordance with the BRE guidelines. The results have been calculated for each window individually and for each room. The latter is a more useful measure, as the user's perception of how well sunlit a room is will be based on the availability of sunlight to any of its windows. It is the room-based figures that are referred to in Point 2's letter, which I consider to appropriate.

I believe the results have been described appropriately in the letter and I concur with the conclusions that have been drawn, in terms of the level of adherence to the guidelines. Overall, the development appears to provide a good level of adherence to sunlight guidelines for a dense housing development.'

- 7.83 With regard to the daylight levels within the south facing units off Core B which do not have private external amenity spaces, the Daylight and Sunlight Report shows that, with the exception of 2 living/dining rooms at first floor level and 1 living/dining room at third floor level, all habitable rooms within these 1b2p units meet the target ADF levels, and it is important to

note that the three rooms that fall below the ADF target do so by only a small margin (with ADF levels of 1.2%, 1.4% and 1.4% respectively, against a target of 1.5%). Officers consider this acceptable.

- 7.84 Also, whilst both blocks achieve very high levels of ADF compliance, it is relevant to note that the affordable rented block comes very close to full ADF compliance, with only six habitable rooms falling below the target ADF levels, and even then only marginally so.
- 7.85 Overall, the proposed development shows a good level of adherence to the BRE guidelines for a dense housing development.

Communal Amenity Space & Play Space

- 7.86 Policy DM4 requires communal amenity space (at a minimum of 50sqm for the first 10 dwellings and 1sqm for every additional unit). This generates a need for 229sqm on site. A total of 650sqm of communal amenity space is proposed within the development, with 62sqm being provided on the northern block and 588sqm being provided on the southern block.
- 7.87 The proposals also include the provision of on-site child play space (distinct from the above described communal amenity space), with a total of 384sqm of play space being provided on the communal terraces of both the north and south blocks (cores A (affordable block), B, C and D).
- 7.88 The play spaces are spread across four roof top areas ranging from 1 storey to 8 storeys above ground. The below figures show the locations of the play spaces in relation to the proposed blocks and cores and it is noted that the communal areas will be shared in each building i.e. Core A and B together, Core C and D together. Council has not seen any detail on how service charges for these spaces would work.

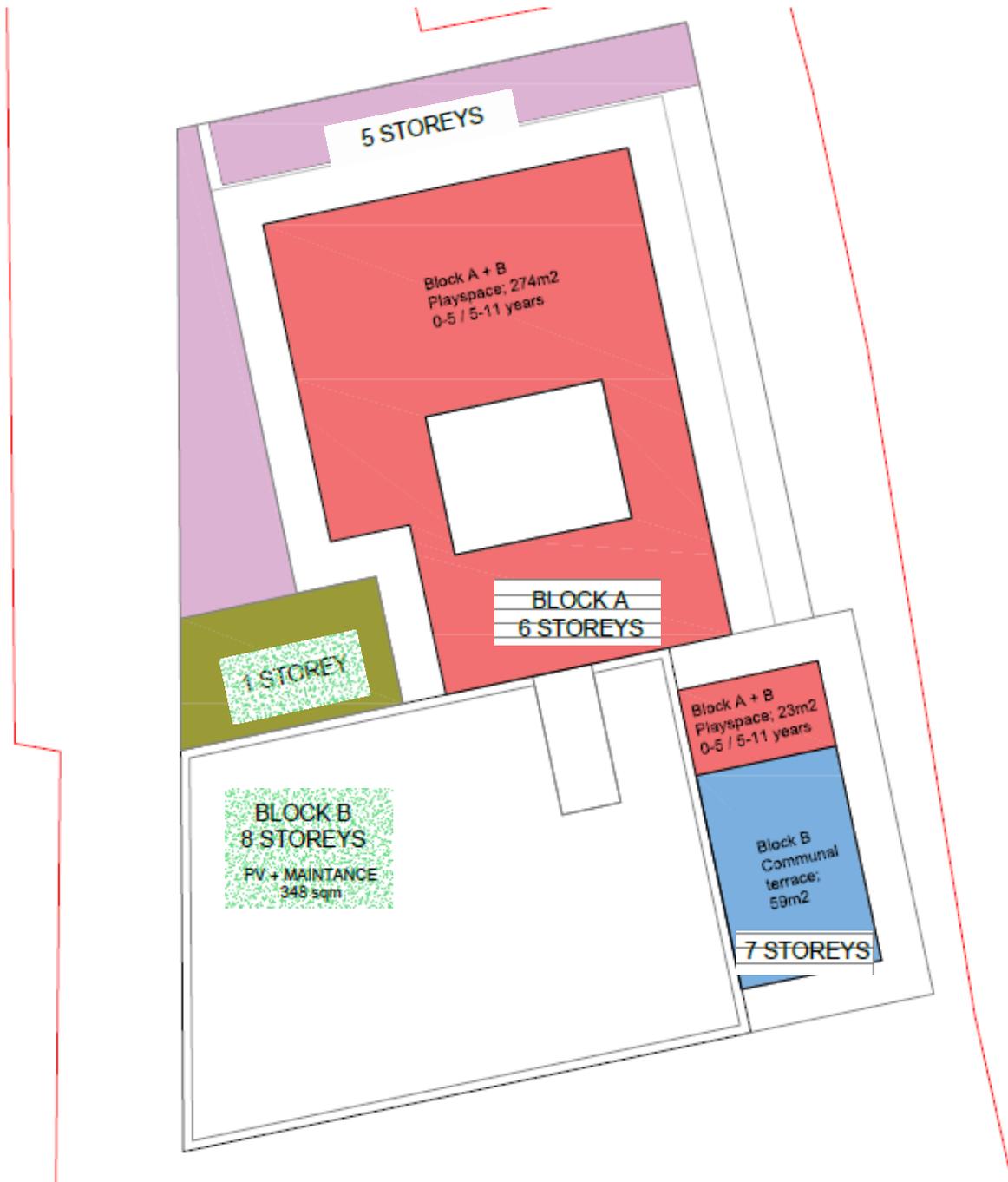


Figure Four: roof plan of north block (play areas shown in red)

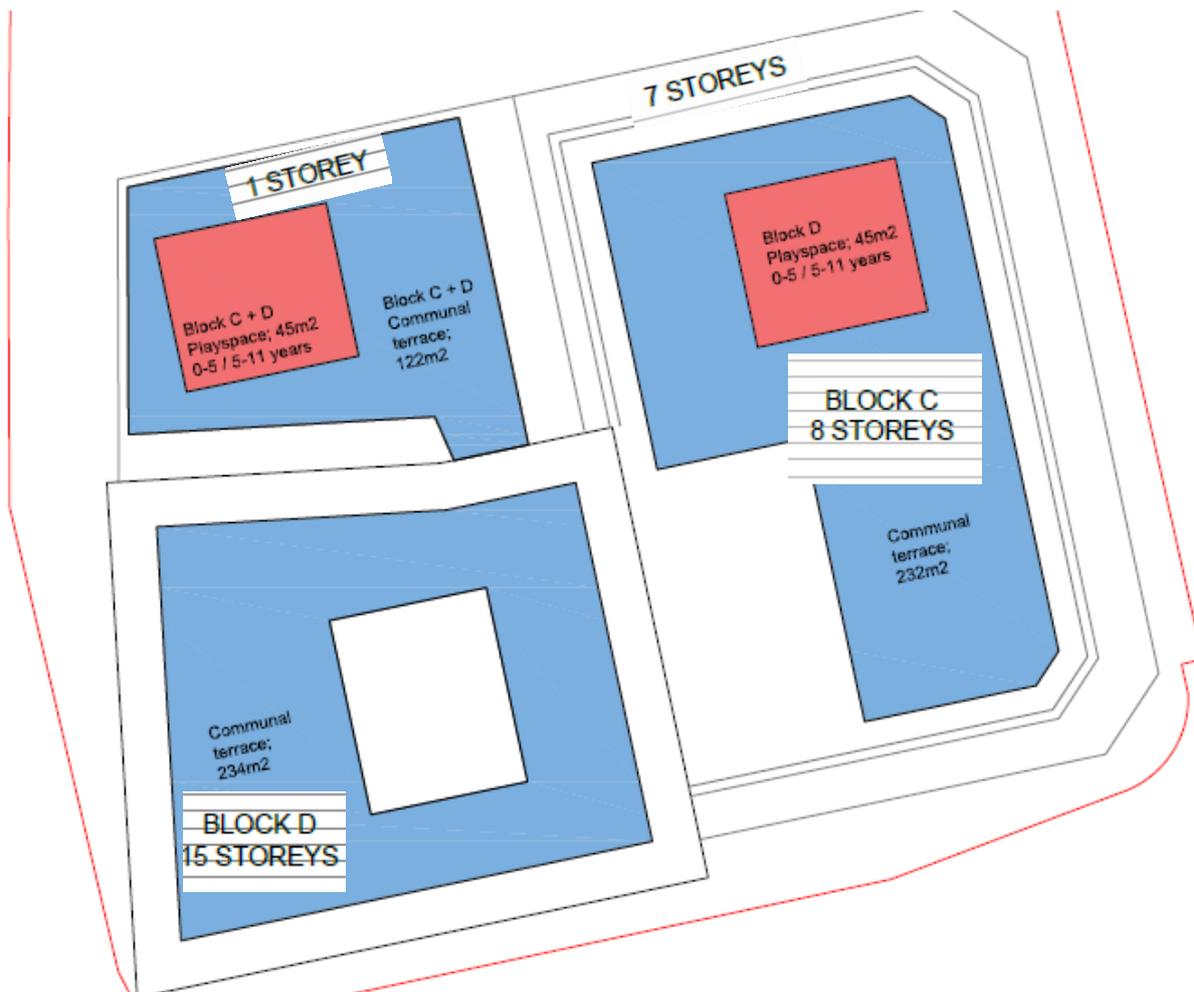


Figure Five: roof plan of south block (play areas shown in red)

Key:

- Play Areas
- Communal Amenity
- PV Locations
- Wildflowers
- Private Balconies

- 7.89 Development Plan policies require provision of children’s play space (10sqm per child). The projected child yields for the two blocks are: north block 29.7 children under the age of 12 (requiring 297sqm of play space) and south block 7.5 children under 12 (requiring 75sqm of play space).
- 7.90 A total of 297sqm of on-site play space will be provided on two terraces on the northern block, which meets the play space requirements for children under 12 years old within this block. As the application site is located opposite Bethnal Green Gardens, which includes large areas of green open space, multi-use game areas, tennis courts and an equipped children’s play area, it is considered that children aged 12+ years will benefit from excellent access to a wide range of off-site play facilities within short walking distance. This accords with the Mayor’s Play and

Informal Recreation SPG, which advises that off-site play space for children aged 12+ should be located within 800 metres of a development site.

- 7.91 A total of 90sqm of on-site play space will be provided on two terraces on the southern block, which fully meets the play space requirements for this block for all age groups.

Density

- 7.92 London plan policy 3.4 and LBTH Core Strategy policy SP02 require development to 'optimise' housing output whilst taking account of public transport accessibility, local context and character and design principles. Proposals which compromise this policy are to be resisted. This is also required through Policy DM24 of the MDD.
- 7.93 The London Plan provides a 'Sustainable residential quality density matrix' for differing locations based on character and PTAL. The site has an Urban character and has a PTAL of 6a. For such sites, the matrix provides an indicative density of 200-700 habitable rooms per hectare (hrph) (45 to 260 units per hectare).
- 7.94 The Mayor of London's 'Housing' SPG advises that density should be calculated based on net site area (the red line boundary) and that in mixed-use buildings, the proposed non-residential floorspace should be taken in to account by reducing the net site area proportionately. This results in a figure of 497uph or 1237hrph on the application site.
- 7.95 Whilst the proposed density is above the guidelines in the London Plan matrix, policy 3.4 makes clear that this should not be applied mechanistically and that the guideline density ranges should be considered as a starting point and not an absolute rule when determining the optimum housing potential. Officers agree and in no way contend that just because the application is above the guidelines figure, that this is a reasonable reason for refusal.
- 7.96 However, schemes which exceed the ranges in the matrix must be of a high design quality and tested against a range of considerations including but not limited to: local context and character, public transport connectivity, ability of a scheme be appropriately serviced, design quality, heritage implications, positive contribution to place making, potential to define own setting, residential mix, design/management of facilities and location. This is also laid out in Paragraph 1.3.51 of the London Plan Housing SPG which states that in appropriate circumstances it may be acceptable for a particular scheme to exceed the ranges in the density matrix. However, to be supported schemes that would exceed the ranges in the matrix must be of a high design quality and should be tested against the following considerations:

“... a. The factors outlined in policy 3.4 including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;

b. the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;

c. the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with the housing quality standards set out in Part 2 of this SPG;

d. scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';

e. depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;

f. the residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location;

g. the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and

h. whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (eg. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).

- 7.97 It is noted that the GLA in their Stage One report stated that *“The proposal would deliver good design and residential standards. While of a greater scale than the existing context, the proposals appropriately optimise the potential of this underutilised brownfield site. The density of the proposal is also appropriate considering local transport facilities and connectivity. However, whilst the density of the proposal is broadly acceptable, in line with draft London Plan policies D2, D4 and D6 outstanding design and transport matters must be addressed.”*
- 7.98 However, Officers consider that given the issues with the site as discussed above and below, namely highways (affecting LBTH roads, not TfL roads), design and heritage, the proposal is not acceptable would represent an overdevelopment of the site when viewed overall. Officers are of the considered opinion the symptoms of overdevelopment displayed are not purely a function of the choice of site layout and massing proposed by the applicant’s design team but rather symptomatic of a broader issue relating to the total volume of development being sought on the site. The high PTAL and out of town centre location are acknowledged however these do not override the other considerations. This stance is supported by LBTH emerging plan policy D.DH7 (Density, moderate weight) which seeks to ensure that residential development is consistent with the guidelines set out in the London Plan and does not result in cumulative impacts which result in unacceptable impacts.
- 7.99 As over-development does not stand as its own reason for refusal and is instead related to symptoms of over-development, namely design, heritage, and transport considerations, the above non-compliance with the following policies will be added to the reasons for refusal for the above issues: London plan policy 3.4, Housing SPG, LBTH Core Strategy policy SP02, LBTH MDD policy DM24 and emerging plan policy D.DH7.
- 7.100 Had the application been acceptable, a condition would have been applied to require a residential Management Plan. This is in line with the London Plan which notes that on-going management and maintenance are particularly important for high-density housing and (in accordance with draft London policy D6).

Overall

- 7.101 In summary, whilst the application provides quality residential accommodation with regards to internal space, external amenity (private, communal and child playspace), noise & vibration, air quality, privacy & outlook & enclosure and daylight, sunlight & overshadowing; the proposal is not acceptable with regards to the affordable housing split (46:54 proposed), the overall unit mix across all housing types and as the development does not provide the maximum reasonable level of affordable housing on site. The development also amounts to overdevelopment when assessed in relation to adverse impacts produced by the development.

Design & Built Heritage

Design

- 7.102 Chapter 12 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities (paragraph 124).
- 7.103 London Plan policy 3.5 'Quality and design of housing developments' states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment.
- 7.104 London Plan policies 7.1 to 7.3 have strategic aims to ensure that neighbourhoods should have a good quality environment based on the lifetime neighbourhoods principles (7.1), that developments should achieve the highest standards of accessible and inclusive design (7.2), and that boroughs and others should seek to create safe, secure and appropriately accessible environments (7.3).
- 7.105 London Plan policy 7.4 'Local character' requires development to have regard to the form, function and structure of an area, and the scale, mass and orientation of surrounding buildings. Development should build on the positive elements that contribute to establishing an enhanced character for the future function of the area. Five assessment criteria are provided. Boroughs should consider the different characteristics of their area where character should be sustained, protected and enhanced through managed change.
- 7.106 London Plan policy 7.5 states that planning decisions should ensure that development makes the public realm comprehensible at a human scale. Landscape treatments etc. should also be of the highest quality.
- 7.107 London Plan policy 7.6 'Architecture' which states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.
- 7.108 Policy 7.7 'Location and design of large and tall buildings', states that large and tall buildings should not have an unacceptably harmful impact on their surroundings. They should "*only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*" and "*relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level.*" In particular, the policy states that the impact of tall buildings in sensitive locations should be given particular consideration, with conservation areas, registered historic parks, listed building and their settings given as particular examples of sensitive areas.
- 7.109 The supporting text of policy 7.7 at paragraph 7.25 also notes that tall and large buildings are those that are substantially taller than their surroundings, will cause a significant change to the skyline or are larger than the threshold sizes set for referral of planning applications to the Mayor of London. It is considered that all three of these points apply to the proposal.
- 7.110 LBTH Core Strategy policy SP09(5) seeks to create a high-quality public realm network which, provides a range of sizes of public space that can function as places for social gathering.
- 7.111 Core Strategy policy SP10(4) also seeks to ensure that buildings and neighbourhoods promote good design principles and with regards to the appearance of buildings will:
- a. Respect strategic and local views and their role in creating local identity and assist in wayfinding;

- b. Respect local context and townscape, including the character, bulk and scale of the surrounding area;
- c. Contribute to the enhancement or creation of local distinctiveness;
- d. Use high quality architecture, urban and landscape design; and
- e. Assist in creating a well-connected public realm that is easy and safe to navigate.

7.112 This is further reinforced by LBTH policy SP12 of the Core Strategy, which aims to:

“improve, enhance and develop a network of sustainable, connected, well-designed places across the borough. Amongst other criteria, this would be achieved through “retaining and respecting the features that contribute to each place’s heritage, character and local distinctiveness.”

7.113 LBTH MDD policy DM23 seeks to ensure that development is well-connected with the surrounding area and should be easily accessible for all people. Development will also be required to improve safety and security without compromising good design and inclusive environments.

7.114 LBTH MDD policy DM24 states that development will be required to be designed to the highest quality standards, incorporating principles of good design, including:

“a. ensuring design is sensitive to and enhances the local character and setting of the development, taking into account the surrounding:

i. scale, height, mass, bulk and form of development;

ii. building plot sizes, plot coverage and street patterns;

iii. building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements;

iv. design details and elements; and

v. natural environment.

b. ensuring the use of high quality building materials and finishes;

c. ensuring the internal design and layout of development maximises comfort and usability for occupants and maximises sustainability of the development;

d. ensuring development is designed to be easily adaptable to different uses and the changing needs of users;

e. protecting features of positive value within the site; and

f. into account impacts on microclimate.”

7.115 LBTH MDD policy DM26 ‘Building heights’, in many ways reflects policy 7.7 of the London Plan, and requires tall buildings to be sensitive to the context of their surroundings, not adversely impact on heritage assets or strategic and local views, including their settings and backdrops; and provide a positive contribution to the skyline, when perceived from all angles. Proposals should also *“achieve high architectural quality”*.

7.116 LBTH MDD policy DM26 states that building heights in LBTH will be considered in accordance with the town centre hierarchy as illustrated in figure six below:

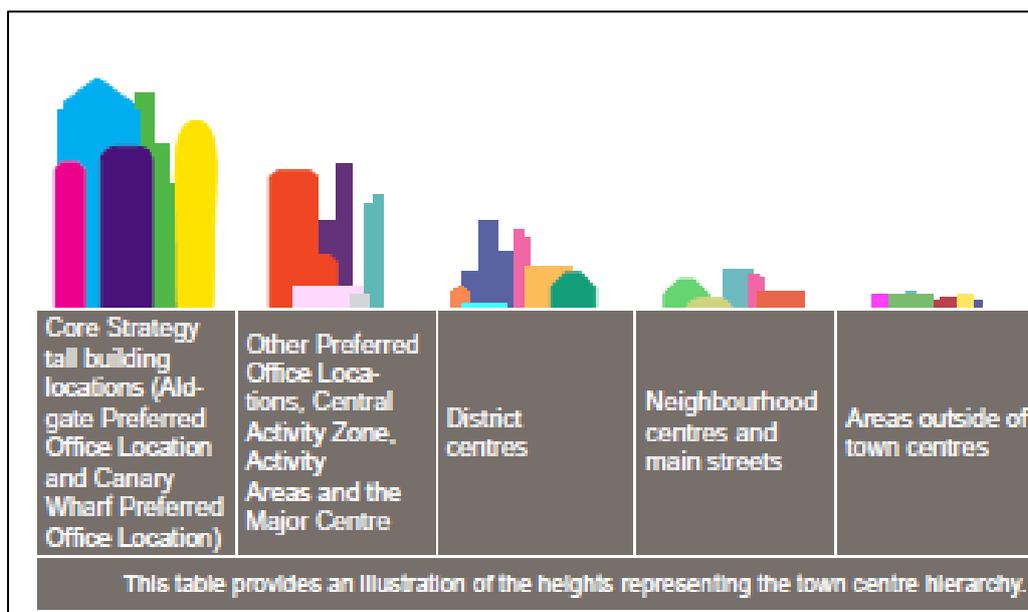


Figure six: Schematic view of heights within town centres taken from LBTH MDD policy 26.

7.117 With regards to Emerging Local Plan policies, policies D.DH4 'Shaping and managing views' and D.DH6 'Tall buildings' currently have limited weight and as such will not be used in any assessment.

7.118 Policy D.DH2 'Attractive streets, space and public realm' has moderate weight and states that development is required to contribute to improving and enhancing connectivity, permeability and legibility across the borough, ensuring a well-connected, joined-up and easily accessible street network and wider network of public spaces through and that development should contribute positively to the public realm.

7.119 Policy S.DH1 'Delivering high quality design' has moderate weight and states that *'Development is required to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different spatial scales, including the character and distinctiveness of the borough's 24 places ... and their features.'* To achieve this buildings must:

- a. be of an appropriate scale, height, mass, bulk and form in its site and context;
- b. represent good urban design;
- c. have regard to their immediate and wider surroundings etc.

7.120 Policy D.DH7 'Density' also has moderate weight and states that where developments exceed the density guidelines set out by the London Plan, developments must demonstrate that the cumulative impacts have been considered and do not result in negative effects.

Layout

7.121 The proposed layout has been configured into two blocks that enclose an area which would be public realm and also access to the proposed commercial units. Residential units are set above ground floor level with entrances and ancillary bin/cycle spaces set at ground floor in the southern sections of each block and the middle section of the northern block. The northern block proposes three commercial units (between 230sqm and 262sqm) and the southern block proposes one large commercial unit at 624sqm at ground floor and includes a basement space covering 227sqm (851sqm total).

7.122 The applicant has stated that the proposals will also provide the opportunity to create a new east/west route through the adjacent railway viaduct which would provide pedestrian access from Cambridge Heath Road to the east, through the site and viaduct, to Gales Gardens to the west. However this is subject to Network Rail’s agreement (who own the arches to the west along with the directly adjacent land and brick wall which is not proposed to be removed under this application) and at present the proposal is a ‘vision’ rather than a public benefit to be secured via this application. This ‘vision’ would require significant works to the arches as the facades of the majority of the arches facing onto the site are bricked up. These arches are also accessed from the other side, not from the site, and this is not something this planning application will secure. As such, Council does not consider the proposed public realm space as a true public benefit of the scheme given it does not provide permeability through the site.

7.123 Figure seven below shows the proposed ground floor plan in relation to land ownership and the location of the brick wall which currently separates the application site from the land to the west.



Figure seven – partial ground floor site plan. The red line marks the applicant’s ownership. The red line to the south west also marks the location of the existing brick wall.



Figure eight - Images of existing wall

7.124 Whilst the Council are supportive of the two block approach, concerns were expressed at pre-application stage about the amount of built form being proposed and the impacts that this had on the site layout, the consequential quality of the spaces between the buildings and the quality of the residential units. Of particular concern to Design Officers were daylight/sunlight, outlook and overlooking between residential units, the lack of activity at ground floor along Birkbeck Street, pedestrian conflict along Birkbeck Street, the location of play spaces, and the proximity of Block B to the historic terrace and the relationship between the building line and the boundary wall to the rear of the site. Although some of these issues have been addressed, including overlooking, daylight/sunlight and outlook as addressed elsewhere in this report, the following issues remain unsatisfactory and unresolved:

- a. The overbearing relationship caused by the proximity between Block A and No.283 Cambridge Heath Rd.
- b. The unwanted sense of enclosure resulting from the relationship between the south facing 1 bed 2 person unit in block C and the adjacent unit in block D. This issue arises from an unsuccessful attempt to make the adjacent unit in block D dual aspect.
- c. The pedestrian conflict along Birkbeck Street resulting from the location of the undercroft disabled parking, the servicing bay and their proximity to the residential/cycle entrance.

7.125 Also, the proposed building line remains too close to the boundary wall (shown above). The approach taken is not appropriate, given there are no plans to redevelop the adjacent arches or remove the existing brick wall. Under the current proposal, this space will end up being an unusable, unattractive and hard to maintain space. In regards to safety only, the decision to include gates in this location addresses to a degree concerns around it becoming a location for attracting potential anti-social behaviour but a recourse to a gated mitigation solution is always far from ideal and not commensurate with aspirations for achieving good place-making served by new dynamic and active public realm spaces.

7.126 Overall, the proposed layout is not considered to be the highest quality and is therefore contrary to LP policies 3.5, 7.4, 7.5, 7.6, LBTH CS policy SP10(4), MDD policies DM23 and DM24 and Emerging Plan policies S.DH1 and D.DH2 as the proposal does not successfully integrate the proposed uses on site with the surrounding area and as such does not ensure a good relationship with surrounding streets. The proposal also does not improve the permeability of the area by introducing publicly accessible routes (existing brick wall continues to limit access through the site) and will introduce pedestrian conflicts on Birkbeck Street given the location of entrances and site servicing. The proposal will also create an overbearing relationship to adjacent sites and as such does not relate well to its surrounding context. The scheme does not have regard to the form, function and structure of the area and does not make an overall positive contribution to wider area.

Townscape, Massing and Heights

7.127 Cambridge Heath Road is characterised by varying building heights which are predominantly lower scale. In the Bethnal Green Gardens Conservation Area, buildings are predominantly low rise, with heights that range between 2-5 storeys. The terraces to the north of the application site, within the conservation area, are 3-4 storeys high. Buildings south of the site, outside of the conservation area, have predominant heights of 6 storeys with the 7th storey setback at roof level. Although there are examples of taller buildings, such as the 11-storey block to the rear of 249 Cambridge Heath Road, this height does not reflect predominant building heights within the local area.

7.128 The heights in the area are shown in figure nine below, the tallest building nearby is between 20-30m however the vast majority sit below 15m.

Building Heights

Relative Height (m)

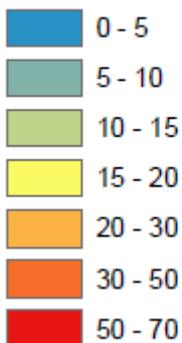




Figure nine: Building heights map of area and key below

7.129 The scheme proposes two buildings ranging from 5 to 15 storeys as shown below in Figure 10. The maximum parapet height of the 15 storey tower would be +65.350m AOD or +52.000m AGL. The maximum height of the lift overrun of the 15 storey tower would be +66.800m AOD or +53.450m AGL. This would be represented in red in the above building heights map which does not presently place any other building within the red height category.

7.130 With regards to Cambridge Heath Road, the southern block would present a 7 storey street frontage with a set-back roof storey, and the northern block would present a part 5, part 7 storey street frontage with set-back roof storeys. Block D in the south western corner of the site is proposed as a 15 storey tower.



Figure 10: Scheme with storey numbers annotated

7.131 Although there is scope for a height increase on the site, this needs to be in context with the surrounding area and should not have an adverse impact on local character and heritage assets.

7.132 Throughout the pre-application process, officers consistently expressed concern about the impact arising from the height, scale and mass of the proposed development. Officers also continually reiterated the importance of achieving a sensitive and sympathetic transition between the heights of the lower scale finer grain historic terrace to the north, and taller and large grain modern development to the south. The applicant was advised that the preferred height in this location was nine storeys max.

7.133 At pre-application stage, the tallest building proposed was 11 storeys. At 11 storeys, this building would have been taller than No. 249 Cambridge Heath Road (Student

Accommodation). The proposed increased height at 15 storeys max, introduction of the 2.1m high balustrades to the roof terraces and lift over-runs combined with the generous floor to ceiling heights (at ground floor) give the development an overbearing and incongruous appearance within the local townscape.

7.134 The applicant has stated in their Design and Access Statement that a lower scheme of 11 storeys max '*missed the opportunity for a landmark building*'. However it is considered that the rationale for a landmark tower in this location is not justified and the application site does not sit within a town centre or at a strategic junction and would not act as a wayfinding tool given it is too far from key places within Bethnal Green such as the underground entrance.

7.135 The LBTH Tall Buildings Study 2018 describes local landmarks as '*notable buildings that make their presence felt in a limited local area or within certain (local) views. Local landmarks do not need to be tall but can be equally expressed through their special form, architecture, use or other features that make them stand out from their context.*'

7.136 The appeal site is also not identified within a tall building cluster/zone by the LBTH Tall Buildings Study which underpinned policy D.DH6 within the emerging Tower Hamlets Local Plan. Whilst policy D.DH6 currently has limited weight, the tall buildings study provides a useful assessment of the borough and it is noted that characterisation work within this study did however identify Bethnal Green but noted that it was a sensitive location. The summary section of '6.4 Characterisation of Place: Bethnal Green' states:

'The current character of the area is not one of a tall building 'Place' and there are no opportunities for tall building zones in the area. There may however be an opportunity for a local landmark in a central location that helps legibility for instance close to Bethnal Green underground station in the district centre. This would however need to be sensitively designed in the context of existing heritage and views.'

7.137 The study also goes on to state that tall buildings can act as landmarks in the urban fabric and assist legibility and orientation, as discussed above. Potential locations that might benefit from a landmark are:

- Nodal points where important movement corridors come together or intersect;
- Arrival and departure points in the urban fabric, such as transport interchanges and stations;
- Gateway locations at the edge or border of neighbouring urban areas; and
- Prominent focal points at the end of vistas or important streets that can emphasise the importance of a route or mark an important destination.

7.138 These potential locations are largely echoed in existing policies for tall buildings, including London Plan policies 7.7 and MDD policy DM26.

7.139 It is not considered that any of the above applies to the application site which is out of a town centre, adjacent to a conservation area, is not at a junction and does not need to act as a wayfinder. Whilst officers do agree that the site could be redeveloped and that there is scope for increases in height on site compared to the existing six storey LEB building, the proposed 15 storey element in particular is unacceptable and out of character with the surrounding area. Impacts on the adjacent Conservation Area will be discussed below.

7.140 With regards to other design elements of the scheme, officers are of the opinion that the introduction of features such as the reconstituted stone roof storey, the crown (on the tower) and addition of the glazed balustrade creates a pronounced sense of horizontality that reinforces the buildings' heavy and bulky visual appearance. Although the roof form has been simplified, the addition of setbacks, terraces, lift over-runs, the lack of consistent and crisp parapet line and multiple height transitions within the scheme result in a 'messy and

architecturally unresolved roofscape' for want of a better term, which is readily visible in views of the site and will detract from the local townscape and fail to contribute to local positive character and distinctiveness.

- 7.141 It is acknowledged that attempts have been made to incorporate some architectural interest into the design, for example through elements such as the brick lintel detail, however the overall design lacks sufficient interest to address its dominating and unresolved appearance, which appears obtrusive and out of place within the existing townscape. Changes in the colour of the facing materials of the blocks have been introduced to add some variety however this is insufficient to mitigate its form and height.
- 7.142 The proposal would have a very limited separation distance between the massing on the site and No. 283 Cambridge Heath Road (north). The introduction of oriel windows set facing No. 283 narrows the separation gap further still and is considered an unsuccessful design feature that fails to address satisfactorily the outlook and daylight issues to habitable room windows within the development facing the flank wall of No 283. The oriel windows do not serve either as a design aid to bridge the different scale of massing proposed on the site to the adjacent terrace and further encroach upon the now reduced space between the buildings by introducing oriel windows (a type of bay window, see below Figure 11). This intervention creates an uncomfortable relationship between the proposed and existing building, that is further emphasised by the height and the additional elements on the roof which creates a block which although marginally taller than the existing building, begins to create an overbearing relationship.

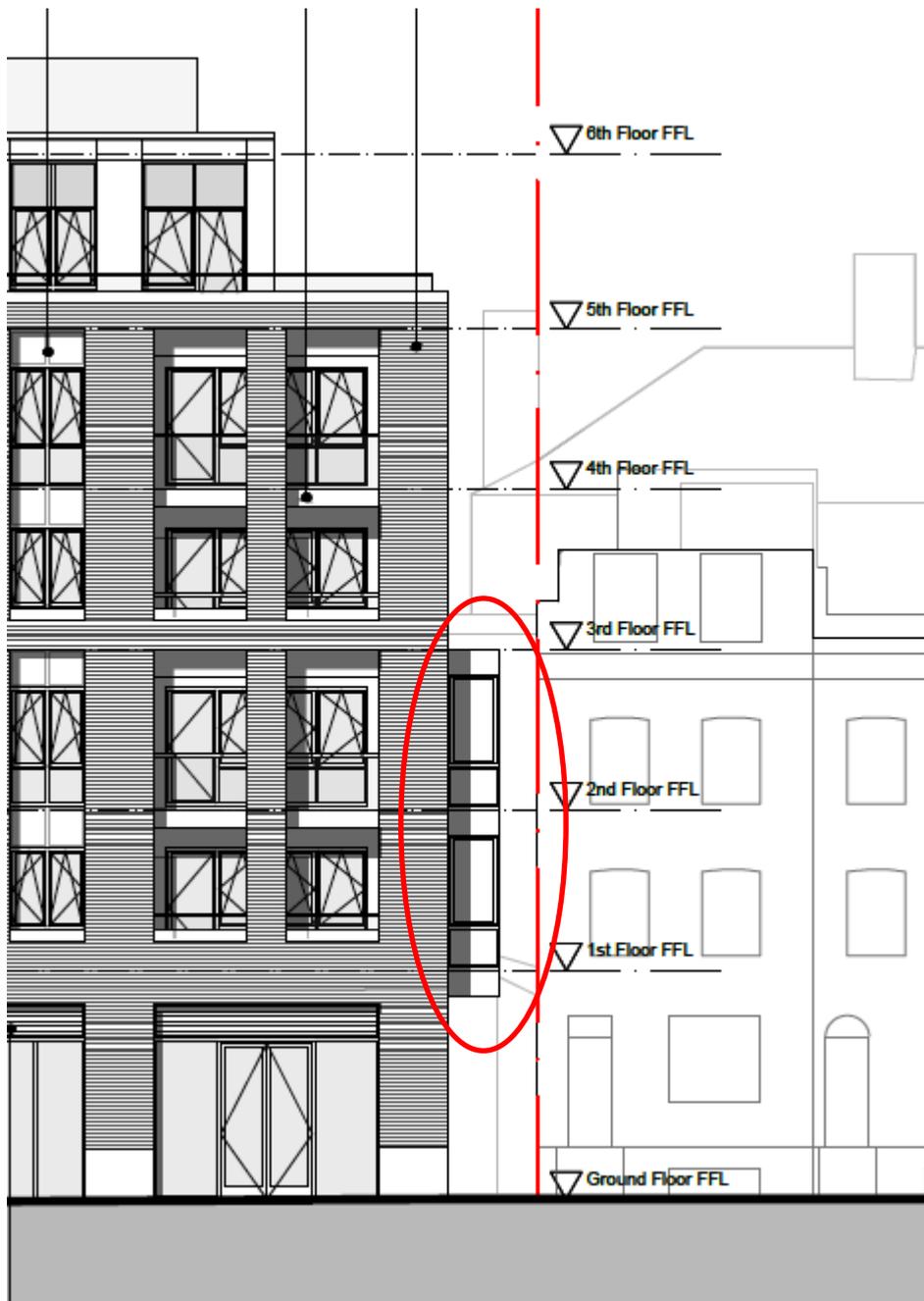


Figure 11: Proposed location of oriel windows adjacent to 283 Cambridge Heath Road

- 7.143 During pre-application, Council accepted the separation distance in previous iterations of the design but these did not include the oriel windows in this location as proposed now. It is considered that the space between the buildings provide an important mediation between the old and new and the increased mass and height. These windows reduce the separation distance between the No.283 and the proposed development. The oriel windows were introduced to address concerns about the outlook from bedroom windows in this location however it reintroduces early concerns about the relationships between the two buildings.
- 7.144 The development is therefore not a sensitive design response to the surrounding character and context, meaning the building cannot be considered to be exemplary design.
- 7.145 The proposal is therefore contrary to London Plan policies 7.5, 7.6 and 7.7 and MDD policy DM26 given the building has an unacceptable harmful impact on its surroundings and does

not relate well to the form, proportion, composition, scale and character of surrounding buildings. The proposal does not make a positive contribution to a coherent public realm, streetscape and wider city scape, is not of the highest architectural quality and is not of a composition and scale that enhances and appropriately defines the public realm. The scheme, especially the publically accessible spaces set between the buildings and the western site boundary, also fails to ensure the development makes the public realm comprehensible and the 15 storeys fails to serve as an appropriate focal point at a human scale

- 7.146 Policy also states that the impact of tall buildings in sensitive locations should be given particular consideration, including conservation areas (Bethnal Green Gardens CA), registered historic parks (Bethnal Green Gardens). The application is located within an Opportunity Area, which was noted by the GLA in their response, however in line with the policies quoted here, the proposal is unacceptable.
- 7.147 The proposal is also contrary to CS policy SP10(4), MDD policy DM24 and Emerging Plan policy S.DH1 as it does not respect local context and townscape, including the character, bulk and scale of the surrounding area and results in negative impacts. The proposal therefore does not comprise of high quality architecture.

Appearance & Materials

- 7.148 Bethnal Green has a wide variety of materials and brick colours throughout. The proposed buildings would be faced in brick, which is in keeping with the materiality of the surrounding built form, and with the distinct elements of each block being faced in a different type of brick that reflects the colours and tones of brick found in the area. Notwithstanding the concerns over the scale and handling of the proposed blocks the contextual approach to the materiality of the development does serve to provide some degree of visual interest to the scheme.
- 7.149 The applicant also proposes to incorporate relief, articulation and texture through alternate materials. This would include a reconstituted stone finish throughout to provide contrast as a smooth surface. The applicant also proposes panels between windows.
- 7.150 Officers consider that, subject to securing details of materials and architectural detailing by condition, the proposed materials are appropriate.

Safety & Security

- 7.151 The proposed design would activate the ground floor frontage on Cambridge Heath Road. The location of doors/windows would also provide passive surveillance. However in the absence of any mechanism within the application to remove the existing brick wall at the rear of the site there is a real concern anti-social behaviour may occur in this location within the red line of the application.
- 7.152 The application has been designed with personal safety in mind with good surveillance of proposed public realm spaces from by surrounding buildings. Subject to adequate lighting of the proposed public realm the approach to security appears acceptable, within the constraints the applicant is operating in with respect to the rear of the site. The Metropolitan Police Design Advisor has requested that Secured by Design accreditation be achieved and it is recommended that this is secured by condition.

Heritage

- 7.154 Chapter 16 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).
- 7.155 London Plan policy 7.8 states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.
- 7.156 At a more local level, LBTH Core Strategy policy SP10(3) seeks to protect and enhance conservation areas and statutorily listed buildings. This policy also seeks to preserve or enhance the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods, through encouraging and supporting development that preserves and enhances the heritage value of the immediate and surrounding environment and the wider setting (3c). SP10(3) also encourages and supports development that preserves and enhances the heritage value of an area.
- 7.157 LBTH MDD policy DM27 states that Development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 7.158 An applicable policy from the Emerging Local Plan is S.DH3 (high weight) 'Heritage and the historic environment' which states that developments must preserve historic assets in a manner appropriate to their significance (1). Policy 2 also states that proposals that would affect the setting of a heritage asset will only be permitted where:
- a. they safeguard the significance of the heritage assets, including its setting, character, fabric or identity;
 - b. they are appropriate in terms of design, height, scale, form, detailing and materials in their local context;
 - c. they enhance or better reveal the significance of assets or their settings;
 - d. they preserve strategic and locally important views, as defined in policy D.DH4.
- 7.159 It is noted that policy D.DH4 states that development will be required to demonstrate how it preserves or enhances local views identified in the Conservation Area appraisal statements and how it enhances townscape and other local views which are important to the identity and character of a place, this would include Bethnal Green Gardens Conservation Area.
- 7.160 General design and quality policies that also apply to heritage include LP policy 7.4 (local character), 7.6 (architecture), 7.7 (Location and design of large and tall buildings), CS policy SP10(4), MDD policy DM24 and DM26. All of these policies require development to have regard to the form, function and structure of an area, including built heritage, and require buildings to not have an adverse effect on their surroundings.
- 7.161 The proposal site abuts the Bethnal Green Gardens Conservation Area and lies adjacent to Bethnal Green Gardens, a historic park and garden that is the centrepiece of this conservation area. There are also a number of statutory listed buildings and non-designated heritage assets (buildings within CAs and 287 Cambridge Heath Road which is locally listed) within the local vicinity, see below figure 12.

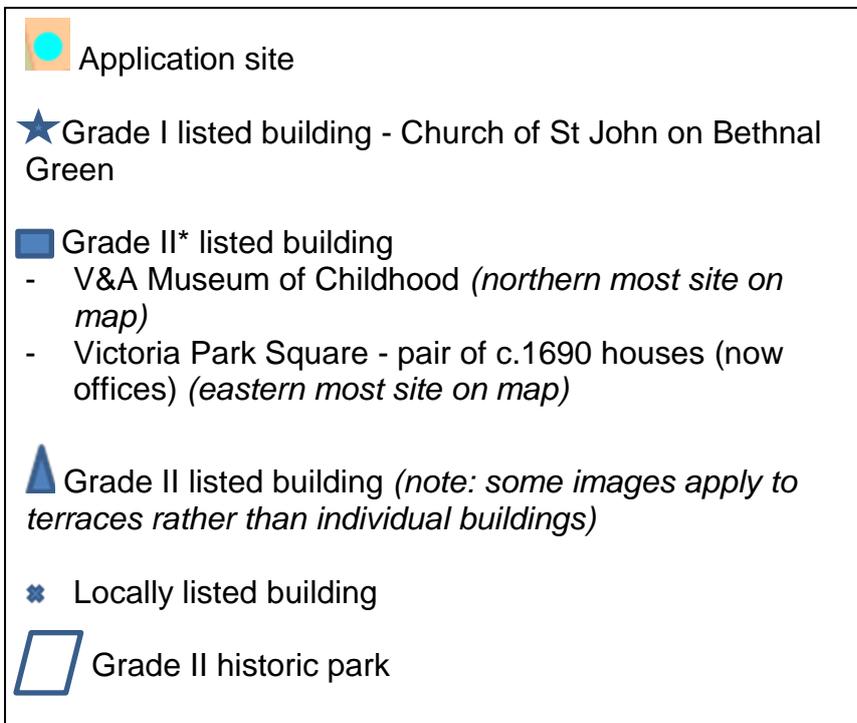


Figure 12: Bethnal Green Gardens Conservation area (highlighter green) and statutory listed buildings

7.162 The proposal would not result in the loss of any heritage assets and would not cause substantial harm to any adjacent heritage assets. It is however considered that the combination of the height, scale, bulk, massing, layout and design, in the wider sense, would cause less than substantial harm to the significance of adjacent heritage assets.

7.163 The applicant's Heritage and Visual Impact Assessment sets out an assessment of the impact of the proposals on heritage assets, and includes nine assessed views from the area. The nine views included in the assessment include:

1. Bethnal Green Gardens – west



Figure 13: Bethnal Green Gardens – west. Existing.



Figure 14: Bethnal Green Gardens – west. Proposed.

7.164 View 1 is taken from within Bethnal Green Gardens to the north, is looking directly towards the application site and is taken from within the Conservation Area. The terraces to the right of the

photograph are individually Grade II listed (nos. 2 to 11 Paradise Row). Beyond these are a number of other Grade II listed buildings including the Salmon and Ball Public House.

7.165 The applicant correctly notes that within the view, the Salmon and Ball Public House, at the corner of Cambridge Heath Road and Bethnal Green Road marks the road junction and the important townscape node. Also of note is the strong street frontage to Cambridge Heath Road established by the historic buildings. The existing building on the site, by being set back within the plot, limits the ability to appreciate this historic street pattern.

7.166 The applicant has stated that the application, by bringing forward the building line, re-establishes the historic street frontage and makes it a more legible townscape feature. Whilst this might be true of the lower elements of the scheme, officers disagree with regards to the 15 storey element as it is considered out of context with the relatively consistent heights shown in the view. The setback taller element is considered visually confusing. The 15 storey element will become more dominant within the view the closer one is to the application site and detracts from the wider heritage setting, including the Conservation Area, the listed terrace and the adjacent locally listed building.

2. Paradise Row



Figure 15: Paradise Row. Existing.



Figure 16: Paradise Row. Proposed.

7.167 View 2 is located within the Conservation Area, the viewpoint is taken from Paradise Row and looks directly to the south towards the Grade II listed Salmon and Ball Public House with the listed terrace on Paradise Row seen in the above image. With the Bethnal Green Gardens Registered Park and Garden of Historic Interest, the buildings on the right hand side of the photograph are a coherent piece of C19th townscape.

7.168 The proposed development will be partially visible at the end of the terrace. Due to the limited view, it is not considered that the proposal will cause harm to Paradise Row from this specific viewpoint.

3. Church of St John – forecourt



Figure 17: Church of St John – forecourt. Existing.



Figure 18: Church of St John – forecourt. Proposed.

- 7.169 View 3 is from the forecourt of the Church of St John, a Grade I listed building with a small cobble stoned forecourt to Cambridge Heath Road, and the viewpoint is located within the Conservation Area. The buildings on the right hand side of the photograph include a number of Grade II listed buildings, including the Salmon and Ball Public House, and the locally listed building adjacent to the site.
- 7.170 The applicant has stated that the proposal would appear as a contextual response to the group of terraced properties to the north of the application site and visible on the right hand side of the view. Officers disagree with this as shown above; the proposed 15 storey tower element is much taller than anything else in the view and dominates the skyline. Officers disagree with the applicant that within this view '*...there is a strong awareness of the dense urban environment, with the heavily trafficked Bethan Green Road and Cambridge Heath Road having a significant effect on the experience of the area. Modern development is also visible which identifies the area as one that is undergoing change through ongoing pressure for development.*' Whilst the road does provide an awareness of the urban setting, the above view is mostly characterised by the historical buildings, many of which are listed, which are a consistent low height. As such it considered that the proposal would cause harm to the appearance and character of the above listed heritage assets as well as the Conservation Area.

4. Cambridge Heath Road – north



Figure 19: Cambridge Heath Road – north. Existing.



Figure 20: Cambridge Heath Road – north. Proposed.

7.171 View 4 is taken from the north of the site, with the Registered Park and Garden of Historic Interest to the left of the photograph. Also on the left hand side of the photograph is the Grade I listed Church of St John which is a local townscape feature. To the right of the photograph is the Grade II listed terrace of Paradise Row and the Salmon and Ball public house.

7.172 The applicant has stated that the application proposal, as seen above in this view, respond to this character and, in views from the Registered Park and Garden, the relationship with the surrounding heritage assets will be preserved. The applicant has also stated that there will be an awareness of the application proposals in views to the south, but officers consider that such views will reinforce the dense urban nature of the heritage asset and its surroundings.

7.173 Officers disagree with the above assessment and note that the applicant has not provided rendered images of the development within this view. Had the image been rendered, a fuller picture of the harm to the area would be more readily seen. The proposal will clearly rise above all else within this view, dominate the south western edge of the Conservation Area and negatively impact upon the setting of the heritage assets, particularly the park, church, listed terrace and the Salmon and Ball pub, which are integral to Bethnal Green's special character.

5. Bethnal Green Gardens – south



Figure 21: Bethnal Green Gardens – south. Existing.

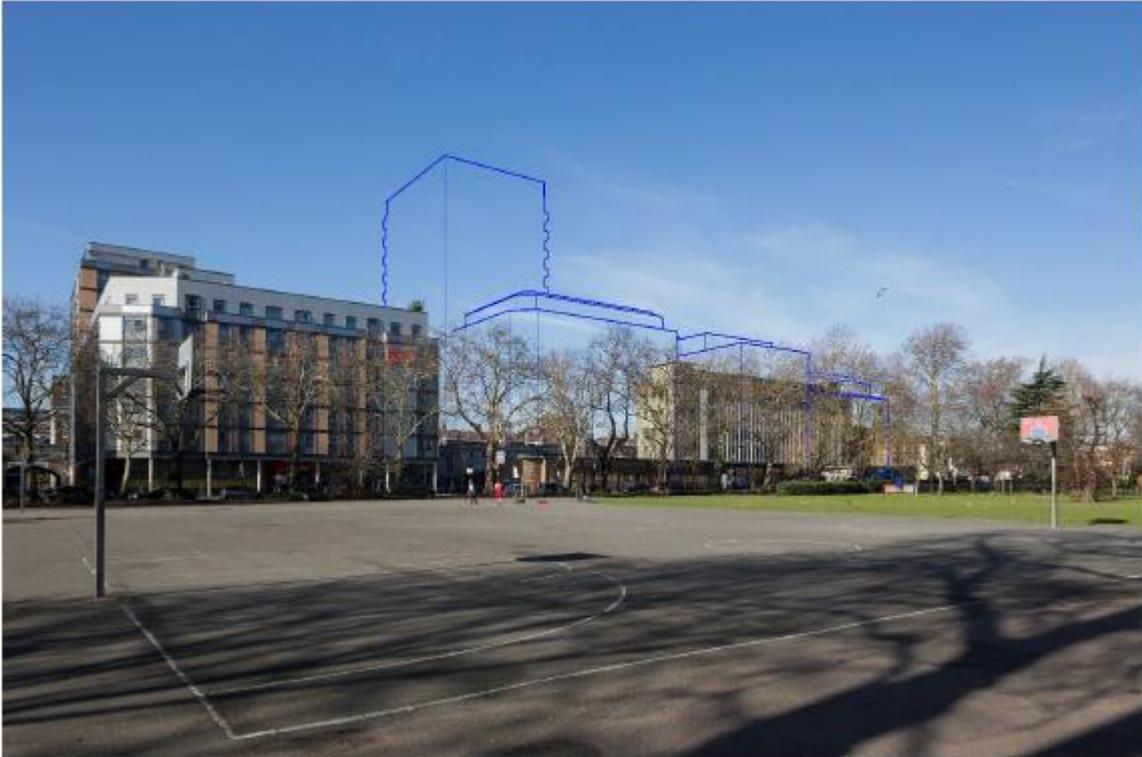


Figure 22: Bethnal Green Gardens south. Proposed.

- 7.174 Whilst outside of the Registered Park & Garden of Historic Interest, viewpoint 5 is within the Bethnal Green Conservation Area looking west towards the site. There is a belt of mature trees at the edge of the gardens which in this photograph partially obscure views.
- 7.175 The applicant has stated that view 5 illustrates that there is already an awareness of modern development in the context of the conservation area. The applicant has acknowledged that the proposals will be visible from within the area but has stated that these must be seen *'in the context of a changing urban environment where other plots along Cambridge Heath Road are being developed with an increase in heights.'*
- 7.176 Again, the applicant has not provided rendered images of the development which would show the full extent of the impact upon the area. The modern buildings seen in the above image all are markedly lower in height and scale than is proposed and rise up above the tree canopy by a relatively small degree. In contrast the scheme would tower above the park and the tree canopy and as a result will cause considerable harm to this view and impact adversely upon the setting of the heritage assets, most notably here the Conservation Area, given its dominance within the cityscape.

6. Cambridge Heath Road – south



Figure 23: Cambridge Heath Road – south. Existing.

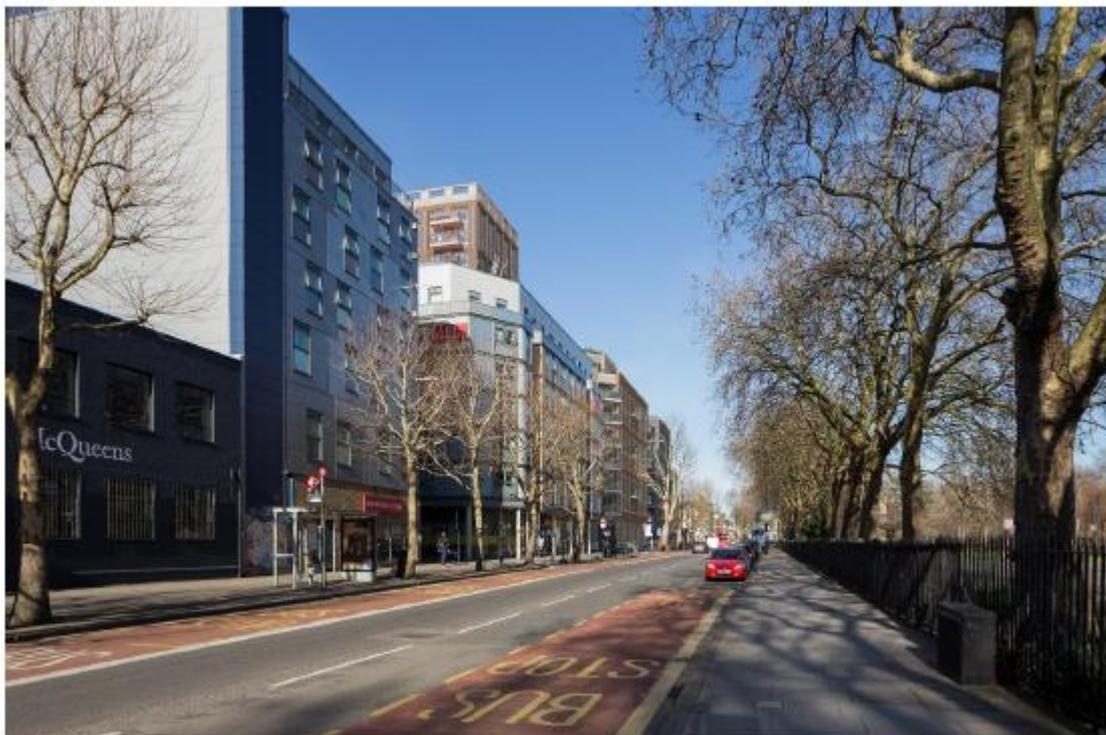


Figure 24: Cambridge Heath Road – south. Proposed.

7.177 View 6 is from the south of the site, looking directly north along Cambridge Heath Road towards the site. The Bethnal Green Conservation Area is to the right hand side of the viewpoint. The conservation area extends to the right hand side of the photograph.

7.178 From this view, the proposal appears to blend into the existing modern buildings given the close proximity of the photo to the site it is however considered that the 15 storey element would be more prominent when viewed from further away. In addition the 15 storey element would diminish the primacy that should be afforded to the buildings within the scheme that front onto Cambridge Heath Road.

7. Bethnal Green Library



Figure 25: Bethnal Green Library. Existing.



Figure 26: View 7 Bethnal Green Library. Proposed.

7.179 View 7 is taken from the entrance to the library and is aimed directly along the path leading to Cambridge Heath Road. This path is a principal means of approaching the listed library and

the applicant contends that '*...this is a key element of the experiential setting, where there is an awareness of moving from a dense urban environment, through the park where views open up towards the listed building.*'

7.180 The applicant contends that '*...this key experiential element of setting of the listed building will not be affected by the application proposals – the experience of approaching the building [the library] will be unaffected.*' Officers disagree with this statement given how prominent the proposed development is shown to be. The development has proposed appropriate brick materials however the height is out of context, serves as a dominant feature in relation to Bethnal Green Gardens to the detriment of the backdrop and character of the Gardens, which adversely impacts the setting of heritage assets, most notably the park within this view. The overall quality of the design is not considered sufficient to compensate for this dominance or to serve as a positive contributor to the townscape of the local area or the setting of identified heritage assets.

8. Bahram Court, Mint Street



Figure 27: Bahram Court, Mint Street. Existing.



Figure 28: Bahram Court, Mint Street. Proposed.

7.181 View 8 is from Bahram Court to the south of the site, from a pedestrianised area running between Witan Street and Three Colts Lane. To the left hand side of the view is the 6 storey Bahram Court, a residential building which is located at at the rear edge of the street, focussing views towards the application site. Also within the view is the existing Unite Student Living block which falls behind the railway viaduct which dissects the mid distance of the view. Being set away from the main arterial and heavily trafficked routes, the area has a residential character.

7.182 Officers are not concerned with any impacts from this view.

9. Bethnal Green Road – corner of Gales Gardens



Figure 29: Bethnal Green Road – corner of Gales Gardens. Existing.



Figure 30: Bethnal Green Road – corner of Gales Gardens. Proposed.

7.183 View 9 is from the north of the site looking directly south from Bethnal Green Road and is a glimpsed view towards the site. Looking south along Gales Gardens, a key element are the high level railway tracks which have a dominant effect on views (drawing the visitor along the viaduct and to the residential area to the south).

7.184 The existing building on the site is partially visible within the view, and the applicant has described this as a gap site which detracts from the view and has stated that ‘...by contrast, the application proposals will seek to reinforce the characteristics of the townscape, with the stepped form of the building being fully discernible in this key view. From this location, the materiality of the proposals responds to the local character, with bricks being drawn from the local palette.’ Officers are not concerned with this view given it sits outside the Conservation Area and is a glimpsed view.

Summary

7.185 In summary, it is considered that the proposal would not result in the loss of any heritage assets and would not cause substantial harm to any adjacent heritage assets. It is however considered that the combination of the height, scale, bulk, massing, layout and design would fail to preserve or enhance the setting and character of the neighbouring conservation area and would cause less than substantial harm to the setting of adjacent heritage assets including the Conservation Area, Bethnal Green Gardens Park, the locally listed building at 287 Cambridge Heath Road, the listed terraces of Cambridge Heath Road and Paradise Row and the Grade I listed Church of St John. The proposal would therefore be contrary to Chapter 16 of the NPPF, London Plan policy 7.8, Core Strategy policy SP10(3), Managing Development Document policy DM27 and Emerging Local Plan policies S.DH3 and S.DH4.

Balancing harm and benefits

7.186 Chapter 16 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).

7.187 Paragraph 193 of the NPPF states that great weight should be should be attached to an asset’s conservation, irrespective of the level of harm identified, which in this case is less than substantial.

7.188 Paragraph 194 of the NPPF sets out that any harm or loss of significance of a heritage asset (and the NPPF specifically states that this includes harm from development within its setting), should require “clear and convincing justification”.

7.189 Paragraph 196 also states that 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, where appropriate, securing its optimum viable use.

7.190 Paragraph 197 also states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.191 Paragraph 200 also states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Local Planning Authorities should also look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance.

7.192 The scope and proper application of the overarching statutory duty provided under Section 66 (1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is explained in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors* [2014] (CD 5.2). At paragraph 23 of the ‘Barnwell Manor’ decision, Lord Justice Sullivan explained that ‘there is a ‘strong presumption’ against granting planning permission for development

which would harm the character and appearance of a conservation area precisely because the desirability of preserving the character or appearance of the area is a consideration of 'considerable importance and weight.'

- 7.193 This latter aspect of the statutory context is important when considering the appropriate quality of design for a development that is proposed in a context where harm to the significance of heritage assets might arise; it is considered the objective must be to produce a design which does not give rise to harm to the significance of heritage assets and which takes the opportunities that are available to better reveal the significance of such assets.
- 7.194 As required above, the starting point for the application would be to 'do no harm'. Officers consider that the proposal, particularly the 15 storey element, has failed to create a design solution that would not cause harm to heritage assets. The identified harm must therefore be weighed against the benefits of the scheme.
- 7.195 For the purposes of paragraph 194, it is considered that the public benefits of the scheme do not outweigh the harm and that no clear and convincing justification has been provided to allow the proposal. The public benefits of the scheme include utilising an underutilised site, providing new housing, including affordable housing, in a high PTAL area, the provision of flexible commercial floorspace and job creation through the construction phases of the development. These benefits however do not outweigh the adverse effects of the scheme and non-compliance with policies, namely highways, affordable housing, viability and overall housing mix (which limits the public benefits of the proposed housing), insufficient information with regards to wind/microclimate, the shortcomings in the design, and the adverse townscape and heritage impacts and harm.
- 7.196 In summary, the proposed harm to the local townscape and above heritage assets (as identified above) has not been justified and is not outweighed by public benefits.

Landscaping

- 7.197 The application is accompanied by a Landscape Report which details the hard and soft landscaping strategy for the development including the play areas, communal amenity area, PV locations and public realm. The applicant states that the strategy has had regard for the former use of the site as the LEB headquarters and that this is reflected within the landscape design, materiality and planting, this is most noticeable in the lighting strategy for the public realm area which is designed to give reference to electricity.
- 7.198 Landscaping would be secured via condition and would require details such as, but not limited to, ground surfaces, plant species and location, furniture, play equipment etc. along with a management plan. Also, the SuDS condition may require alterations to the landscaping to require more soft surfaces if required. However it must be noted that landscaping cannot make up for the shortcomings in the public realm and the failure to secure the 'vision' of a link through the site to an activated set of arches.

Archaeology

- 7.199 The application site lies within an area of archaeological interest. GLAAS have reviewed the submitted archaeological assessment which identifies areas of likely disturbance to buried deposits.
- 7.200 GLAAS advise that in view of the antiquity of Cambridge Heath Rd in the core of Bethnal Green, alongside what appears to be an unmapped extension of the Langley Silts shown in borehole MWS 2, there may be intact evidence of the early settlement in some areas of the site.

7.201 GLAAS conclude that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. Although the NPPF envisages evaluation being undertaken prior to determination, considering the nature of the development the archaeological interest and/or practical constraints are such that a two stage archaeological condition would provide an acceptable safeguard. Conditions applied would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Neighbour Amenity

Privacy and Outlook

7.202 Given the position and orientation of the proposed buildings in relation to the nearest facing residential properties, which are located within the four storey former municipal housing development on Gales Gardens, 35 metres to the west of the proposed blocks, it considered that the proposed development would not result in any material loss of privacy or outlook to neighbouring residents.

7.203 One local person has objected to the loss of private views which is not a material planning consideration.

Daylight and sunlight

7.204 The application has been submitted with a Daylight and Sunlight assessment which has been reviewed by Council's consultants, Delva Patmen Redler (DPR). This assessment is summarised below.

7.205 No objecting comments specifically mentioned loss of daylight/sunlight however several did specifically state they were concerned about loss of views which is associated to daylight/sunlight impacts.

7.206 There is no definitive categorisation for impacts that exceed BRE guidelines. However, for both VSC and ASPH, the Council consistently uses the following categories:

- Negligible: reduction less than 20% or retained VSC over 27%
- Minor adverse: reduction of 20% - 29.9%
- Moderate adverse: reduction of 30% - 39.9%
- Major adverse: reduction greater than 40%

7.207 The applicants' Daylight and Sunlight Report identifies the following likely daylight impacts which will be discussed site by site below:

Property	Windows tested	Negligible impact (<20% VSC loss or VSC above 27%)	Minor adverse impact (20%- 30% VSC loss)	Moderate adverse impact (30%- 40% VSC loss)	Major adverse impact (>40% VSC loss)
Blithehale Court, 10 Witan St (Unite Students)	173	67	12	3	91

Property	Windows tested	Negligible impact (<20% VSC loss or VSC above 27%)	Minor adverse impact (20%- 30% VSC loss)	Moderate adverse impact (30%- 40% VSC loss)	Major adverse impact (>40% VSC loss)
25-64 Sunlight Square	45	41	4	0	0
1-25 Newcourt House	60	40	16	2	2
10-43 Gales Gardens	123	65	32	9	17
285 Cambridge Heath Road	2	2	0	0	0
283 and 287 Cambridge Heath Road	19	16	3	0	0
Bethnal Green Gardens	Bethnal Green Garden is to the east of the proposed development and enjoys very good sunlight access, with 100% of its area capable of receiving at least two hours of sunlight on 21 March. This will not change in the proposed condition, so the BRE guidelines will be satisfied.				
Total	422	210	56	14	110

Table Four: Summary of the applicants' Daylight & Sunlight Report

7.208 As noted above, the applicants' Daylight and Sunlight Report has been reviewed on behalf of the Council by DPR consultants. DPR reviewed the scope, methodology, text and conclusions of the applicants' report – but were not asked to validate the calculations included in the assessment which is standard procedure. DPR's review finds that the applicants' assessment has generally been carried out appropriately.

Blithehale Court, 10 Witan Street (student accommodation)

7.209 This building is described as "student dormitory style accommodation" operated by Unite Student Housing. The floor plans filed against planning application reference PA/06/01652 show the nearest rooms to be study-bedrooms or communal living/kitchen/dining rooms (LKDs) grouped in student cluster flats – see plan Figure 31 below.

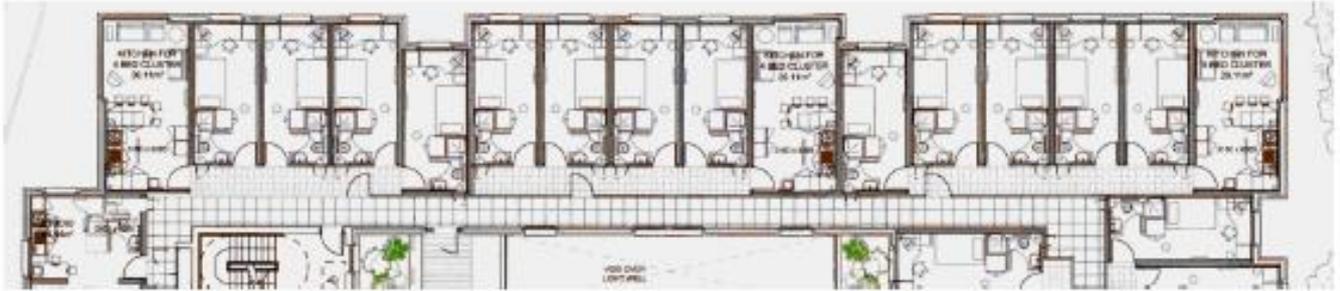


Figure 31: floor plans of Blithehale Court

- 7.210 These rooms are currently very well daylight, with VSC values mostly 30%+ and with daylight distribution to almost 100% of most rooms. The effect of the proposed development on this site would be such that 67 out of 173 windows tested (39%) would satisfy the VSC guideline and 39 of 115 rooms (34%) would satisfy the NSL guideline. The windows and rooms tested also include some in the southern wing of the building where they will have a view of the development over the top of the northern wing.
- 7.211 Most of the windows/rooms that will not meet the guidelines will experience very large adverse impacts. A dozen or so first-floor rooms would typically experience 65% to 80%+ losses in VSC, with retained values of typically circa 6% to 12% VSC, and 68%-89% losses in daylight area, with retained daylight distribution values of around 10% to 20% of the room area. The rooms at either end of the floor would be less affected, as they receive light from round the sides of the development. The impacts would be similar on second to fifth floor levels and slightly less at sixth floor level, but still large adverse impacts. It is only at seventh and eighth floor levels that the impacts are essentially BRE adherent. The rooms in the southern wing would be less affected, as they are further away.
- 7.212 The retained ADF values in the rooms directly opposite the proposed development would be very low, none of them between first and fifth floor levels, other than the dual-aspect corner rooms, will achieve the 1% ADF minimum recommended value for bedrooms let alone the 1.5% target for living spaces and studies, with values of 0.00 to 0.72% ADF at first floor level, rising to 0.09 to 0.89% at fifth floor level.
- 7.213 Whilst some of the above effects are large, Blithehale Court houses student accommodation which is not treated the same as general C3 residential dwellings with regards to impacts as the occupation is generally transient. Both consultants consider the impacts are acceptable given it is student accommodation and this approach was accepted for a nearby scheme (PA/17/01808) consented at 13-19 Herald Street which also had impacts on Blithehale Court (heard at Development Committee on 27/09/2018).
- 7.214 The applicant has also put forward the following mitigating arguments which have been accepted by DPR as reasonable:
- a. If the site was developed to match the height and proportions of Blithehale Court, in effect a mirror-image of it, the impacts would still be almost as adverse as the proposed development (see results of the mirror-image study at Appendix 4 of the applicant's report. Only a relatively small number of additional windows would satisfy the VSC guideline compared with the results for the proposed development and the relative losses would be almost as substantial.
 - b. Such a building-to-building relationship is not unusual for the area as there is a similar relationship between Blithehale Court and the subsequently built Travelodge hotel building at 231-237 Cambridge Heath Road on the south side of Witan Street and the retained values will be similar to those to the southern elevation of Blithehale Court facing Travelodge.

- c. Over half the windows will retain VSC values of 15%+, which is becoming increasingly accepted as being not unreasonable for inner urban areas with larger, denser development.

7.215 Officers share the points presented above as reasonable and conclude the impacts as such are acceptable.

25-64 Sunlight Square

7.216 There are four transgressions of the VSC guideline and full adherence to the NSL guideline for this property. However the transgressions are technical, rather than material as in three instances the affected room will retain >27% VSC to other windows serving the same space and in the fourth is only a fractional transgression.

7.217 Only two rooms have had to be assessed for sunlight and both would satisfy the APSH guidelines.

1-25 Newcourt House

7.218 The effect of the proposed development on this building would be such that 40 out of 60 windows (67%) would satisfy the VSC guideline and all rooms would satisfy the NSL guideline, albeit based on assumed room layouts in the absence of floor plans. Sunlight has not had to be tested due to the south facing orientation.

7.219 Of the 20 VSC transgressions, 16 would be minor impacts (20.1% to 30% relative loss with absolute losses of circa 1% to 3% VSC). Although the other 4 appear as medium and large impacts (37% to 63% relative loss), the absolute losses would still be small (1% to 3% VSC).

7.220 These large relative losses appear to be largely because the windows sit behind deck access balconies and have existing low levels of VSC, so even a small absolute reduction manifests itself as a large relative reduction. Were it not for the balconies the impacts would have been BRE adherent. On balance officers consider the impacts to be acceptable and do not provide a reason for refusal.

10-43 Gales Gardens

7.221 The effect of the proposed development on these buildings would be such that 65 out of 123 windows (53%) would satisfy the VSC guideline and 49 of 69 rooms (71%) would satisfy the NSL guideline. Room layouts have been assumed in the absence of floor plans.

7.222 Of the 58 VSC transgressions, 32 would be minor adverse impacts (20.1% to 30% relative loss), with retained VSC values mostly in at least the mid-teens and twenties. The remaining 25 windows show medium and large relative losses.

7.223 However, the reason the windows most affected are experiencing moderate and major adverse impacts are more affected is because they are windows in the side return elevations of the projecting wings and have either a restricted view of sky or they are deeply recessed into the façade (ringed in pink in the figure 32 below of the 3D model) and consequently are heavily obstructed and unusually sensitive. Further testing of the latter windows by the applicant show smaller but nonetheless medium impacts. That is partly because the immediately adjacent projecting wings of the neighbour's building are also a factor, as they heavily blinker the view of sky.

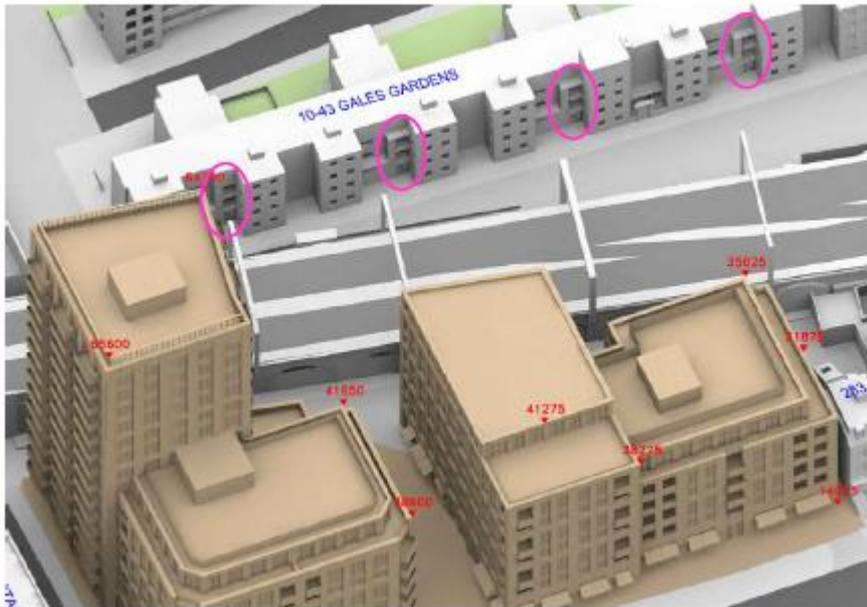


Figure 32: 10-43 Gales Gardens

7.224 Sunlight impacts are very largely BRE adherent with just three rooms experiencing transgressions. Two of those are with heavily recessed windows and the third is in a projecting wing with a blinkered side window.

7.225 Given that the adverse impacts to these buildings are to a large extent a factor of the design of the neighbouring building, these are considered acceptable.

285 Cambridge Heath Road

7.226 The effect on this property would satisfy the daylight (VSC and NSL) and annual sunlight guidelines. There would be one winter sunlight transgression, but the kitchen window concerned (W2/150) would retain 4% APSH, which is only just short of the 5% guideline and as such this is considered acceptable.

283 and 287 Cambridge Heath Road

7.227 This site provides temporary accommodation, rather than C3 residential uses. It is common practice that guest houses and hotel buildings need not be assessed due to the inherent transient nature of guests, however the results are included for completeness and the results show a high level of adherence to the BRE guidelines.

7.228 No. 283 shows full daylight (VSC and NSL) and virtually full sunlight adherence (just one minor winter sunlight transgression to a bedroom).

7.229 No. 287 shows three small VSC transgressions, two medium daylight distribution transgressions and one minor sunlight transgression. These impacts are acceptable given their use as a guest house and hotel and in light of the Council's planning policy.

Sunlight to Bethnal Green Garden

7.230 Bethnal Green Garden is to the east of the proposed development and enjoys very good sunlight access, with 100% of its area capable of receiving at least two hours of sunlight on 21 March. This will not change in the proposed condition, so the BRE guidelines will be satisfied.

Conclusion

- 7.231 The Mayor of London's Housing SPG makes clear that standards should be applied flexibly, providing that proposals still achieve satisfactory levels of residential amenity and avoid unacceptable harm. The proposals would have some negative impacts on daylight and sunlight enjoyed by the occupiers of a number of nearby homes, however in general the scheme has performed well against the BRE guidelines. And as noted earlier, the effects on student accommodation and visitor accommodation are treated differently due to the transient nature of occupiers. Officers consider that the scheme is acceptable with regards to daylight and sunlight impacts to neighbours.

Noise & Vibration

- 7.232 The application is supported by a Noise Assessment. Retail and office uses are compatible with housing and should not cause unacceptable noise for existing or future residents. Subject to a recommended condition, noise from mechanical plant will be managed to acceptable levels and the proposals should not worsen the noise environment for existing residents.

Construction Impacts

- 7.233 Demolition and construction activities are likely to cause additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts. These would control working hours and require the approval and implementation of Construction Environmental Management Plan and a Construction Logistics Plan.

Transport

- 7.234 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing. The application site has a PTAL rating of 6a which is the second highest possible score.
- 7.235 The NPPF and policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. The NPPF, Chapter 9, at paragraph 108(b) states that it should be ensured that '*safe and suitable access to the site can be achieved for all users*'. Paragraph 109 also states that '*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.*'
- 7.236 Paragraph 110(a) also goes further to state that applications for development should give priority first to pedestrian and cycle movement, create places that are safe, secure and attractive and allow for the efficient delivery of goods.
- 7.237 Policy 6.3 of the London Plan requires transport demand generated by new development to be within the relative capacity of the existing highway network. London Plan policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in policy DM20 which requires Transport Assessments submitted with a development scheme to assess adequate regard has been made for servicing and for safe vehicular movements associated with this.
- 7.238 Policies SP08, SP09 and DM20 together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

- 7.239 Emerging plan policies S.TR1, D.TR2, D.TR3 and D.TR4 all have high weight given how far advanced they are through the examination process.
- 7.240 Policy S.TR1 requires development to prioritise the needs of pedestrians and cyclists and not adversely impact the capacity, quality, accessibility and safety of the transport network in the borough.
- 7.241 Policy D.TR2 states that development that *'will have an adverse impact to traffic congestion on the highway network and/or the operation of public transport (including crowding levels) will be required to contribute and deliver appropriate transport infrastructure and/or effective mitigation measures'*.
- 7.242 Policy D.TR3 requires development to be in accordance with the standards set out in Appendix 3.
- 7.243 Policy D.TR4 requires development that generates a significant number of vehicle trips for goods or materials during its construction and/or operational phases is required to demonstrate how it will promote sustainable delivery and servicing.

Vehicular, pedestrian and cycle access

- 7.244 The scheme layout provides pedestrian access to the northern and southern blocks via the proposed central public realm area (which runs East-West), Cambridge Heath Road and Birkbeck Street, however it does not provide through access to Birkbeck Street via the site as the existing brick wall is not proposed to be removed. This is not considered to contribute to permeability within the area as site users could only access buildings on the site and would not be provided with any kind of through route.
- 7.245 The proposals provide ground floor building accesses from the central public realm area, Cambridge Heath Road and Birkbeck Street. The proposals provide cycle parking access to each block via the proposed public realm and Birkbeck Street to the south of the site. The north block includes two residential cycle stores with direct access to the building core and one commercial cycle store accessible from the public realm. The southern block provides residential cycle parking at basement level, accessed from Birkbeck Street via a dedicated cycle storage / refuse lift. The proposals provide residents in the southern block with direct access to the building core.
- 7.246 The blue badge car parking spaces are limited to two and are accessible via Birkbeck Street at the south east corner of the site. The blue badge car parking spaces will be on site bays, including 1.2m accessibility zones.

Deliveries & Servicing

- 7.247 The application proposes a loading bay within the south western corner of the site that would be accessed via Birkbeck Street. The loading area would serve the residential and commercial elements of the scheme.
- 7.248 Highways consider that the servicing area is not large enough to accommodate onsite servicing and as a result vehicles, including large trucks, using the area would be required to either reverse onto or off the site. This is an unacceptable arrangement from a highways safety perspective and contrary to highways policy which seeks to promote safety across the highways network. The applicant's Design and Access Statement indicates that the largest commercial unit proposed is likely to contain a small local supermarket. The applicant did not confirm this use on site and has not agreed to restrict the largest unit from being a supermarket as requested. Highways Officers maintain that the loading bay could not safely accommodate large service vehicles without having flow-on impacts onto the highway and through their experience, Highways Officers know that if a service yard is not of sufficient

space and layout, vehicles will resort to parking on the highway which would be unacceptable in this situation.

- 7.249 It is also considered by Highways officers that the proposal has an overreliance of Birkbeck Street in general i.e. servicing, accessible parking, cycle access and pedestrian access. Whilst the applicant has produced some revisions to improve sightlines for vehicles using the servicing area, which may be acceptable if maintained, these are not considered appropriate as the planters may lead to anti-social behaviour if used as seating or they could gather discarded waste. This mitigation does not provide a solution to the general concerns of an over reliance on Birkbeck Street for the competing number of transportation purposes that will place different uses in conflict with each other i.e. cycles, accessible parking, service vehicles and pedestrians. The Transport Assessment submitted by the applicant states that servicing levels will be low but Highways officers believe that the figures used for assessment are out date and do not realistically reflect the likely levels of servicing when home deliveries, supermarket use on site etc. are taken into consideration which have risen hugely since the test sites produced trip rates. The applicant has also not provided confirmation of what the four commercial units may contain and are instead applying for flexible land uses (A1, A2, A3, B1 or D1); as such it is not known what the worst case scenario of servicing may be.
- 7.250 The applicant has sought to use a scheme on Gunthorpe Street in LBTH as a precedent example for where reverse manoeuvring was acceptable. However it does not provide a precedent as all sites are assessed on their own merits and the reverse manoeuvring on the site on Gunthorpe Street was part of the existing situation. This is not the case on the application site.
- 7.251 The applicant has included a pedestrian foot count for the area which shows a low level of movement. However, this has not taken into consideration any increases from the proposed scheme or any increases from the applicant's 'vision' for the adjacent railway arches to come into retail uses which would no doubt see a marked increase in pedestrian figures in the area. Some pedestrians using the arches in the future would not walk further up the road to the East-West link through the site to access these spaces and as such, reverse manoeuvring would pose a danger to highway safety.
- 7.252 As such, it is considered that the application would have unacceptable adverse effects on the public highway and would not be in accordance with policy that seeks to achieve efficient servicing whilst prioritising pedestrian movements. The proposal is contrary to Chapter 6 of the NPPF, London Plan policy 6.1, policies SP08, SP09 of the Core Strategy, DM20 of the MDD and policies S.TR1, D.TR2, D.TR4 of the Emerging Local Plan.

Car Parking

- 7.253 The site is located within a Tower Hamlets Control Parking Zone (CPZ) 'A3'. The restrictions of this zone are between Monday to Saturday 8.30am – 5.30pm.
- 7.254 The proposals are for a car free development, not including blue badge spaces, which in this location is appropriate and acceptable to both LBTH and the GLA. This will be secured via a s106 legal agreement which will prohibit any future residents from obtaining on-street parking permits. This will not apply to existing LBTH blue badge holders eligible under the permit transfer scheme.
- 7.255 The applicant proposes two accessible bays which meet the MDD criteria but falls short of the GLA requirements for six spaces in line with the draft London Plan. Six spaces would equate to 3% of the dwellings on site and the GLA also requested the applicant consider how additional passive provision for a further 13 spaces could be met, totalling 10% of the dwellings, should demand arise. Given this requirement is based on the draft London Plan standards, this has not been sought from the applicant.

- 7.256 In response to the above, the applicant has stated that as the development proposals seek to provide maximum active frontage at grade through the provision of enhanced public realm and new commercial floorspace; providing additional parking in lieu of the commercial floorspace and active frontage is considered unfeasible in context of the scheme and the wider development strategy.
- 7.257 The opportunity to provide additional blue badge parking on-site has been explored further by the applicant, however owing to existing constraints (trees, bus infrastructure etc.) and in order to maximise public streetscape, there is no opportunity for new vehicle access on Cambridge Heath Road. Although also limited on Birkbeck Street, vehicle access has been provided for two accessible blue badge spaces and servicing, with no further opportunities for vehicle access available.
- 7.258 The applicant has undertaken a parking survey of the surrounding area and notes that should the demand arise, additional blue badge parking may be provided on-street in the vicinity of the site with various parking opportunities on Cambridge Heath Road available. The applicant estimates that there is capacity for at least three on-street spaces to be converted to blue badge spaces.
- 7.259 LBTH and TfL officers consider that the provision of two blue-badge spaces is acceptable and will be secured via condition; subject to a s106 planning obligation securing a Car Park Management Plan to (i) manage the allocation of the proposed spaces (i.e. available to users across all tenures and not on sold) and (ii) secure a mechanism for providing additional on-street accessible car parking spaces should there be demand. The applicant would be responsible for paying of on street bays to be converted to blue badge spaces via the s106.
- 7.260 Given the small number of proposed spaces, the proposed two car parking spaces should be fitted with Electric Vehicle Charging Points (EVCPs). This will be required via condition.

Cycle Parking and Facilities

- 7.261 The application when originally submitted complied with LBTH cycle standards but did not comply with the draft London Plan requirements. As such the applicant amended the proposal to provide 326 long-stay cycle parking spaces for the residential uses which is in excess of both current and Draft London Plan standards. This is welcomed.
- 7.262 The proposals provide cycle parking access to each block via the proposed public realm and Birkbeck Street to the south of the site. The north block (Cores A and B) includes two residential cycle stores with direct access to the building core and one commercial cycle store accessible from the public realm. The southern block (Cores C and D) provides residential cycle parking at basement level, accessed from Birkbeck Street via a dedicated cycle storage / refuse lift. The proposals provide residents in the southern block with direct access to the building core.
- 7.263 As the proposal includes flexible land uses, the exact requirements for short-stay and long-stay cycle spaces for the commercial uses on site is not known. The applicant has therefore appropriately proposed to provide the greatest number that could be required (Class B1 across all space). This amounts to 24 long-stay spaces and 89 short-stay cycle spaces. The short-stay spaces will be located within the public realm surrounding the buildings in the form of Sheffield Stands. The long-stay spaces will be located in the northern block.
- 7.264 TfL are also satisfied that 5% of bays will be able to accommodate larger models of bicycle. The applicant has however not clarified that the proposed two-tier bicycle stands will be mechanically assisted to ensure those with physical constraints are able to access the upper tier. As such, final full details of all cycle parking will be required via condition with plans at 1:20 scale to be provided.

Trip generation

- 7.265 TfL has reviewed the trip generation that has been submitted with the transport assessment and whilst it does not follow TfL guidance, there are no concerns regarding the transport impact of this development.
- 7.266 The applicant's Transport Assessment has identified the following expected increases in the use of buses, underground and rail services as follows:
- Underground: approx. 50 additional two-way trips during the AM peak and 37 two-way trips in the PM peak;
 - Rail/Overground: approx. 13 additional two-way trips during the AM peak and 12 additional two-way trips in the PM peak; and
 - Buses: approx. 17 additional two-way trips during the AM peak and 13 additional two-way trips in the PM peak.
- 7.267 The Transport Assessment identified 108 bus services, 59 underground services and 12 rail (Overground) services in the peak hour nearby. In this context, the proposed development trip generation equates to around one additional passenger per London Overground service and less than one additional passenger per London Underground or bus service. This increase is considered to be negligible in the context of existing demand on the services.

Travel Plan

- 7.268 The applicant has submitted a draft travel plan, which sets out proposed measures to encourage sustainable travel, which is welcomed however a full travel plan will be required via condition once details of all occupiers are known (but prior to any occupation).

Other matters

- 7.269 A demolition and construction management plan would also be required via condition. The applicant would also be required to enter into a s278 agreement and agree a scheme of highways improvements.
- 7.270 The application no longer proposes to oversail the highway so no further comment on this is required.
- 7.271 TfL also request an Outline Construction Logistics Plan (CLP) is submitted. This should be prepared in accordance with TfL guidance, including measures to reduce peak-hour deliveries and conflicts with pedestrians and cyclists. A full Delivery and Servicing Plan (DSP) should be secured by condition.

Summary

- 7.272 With regards to servicing and deliveries, it is considered that the application would have unacceptable adverse effects on the public highway and would not be in accordance with policy that seeks to achieve efficient servicing whilst prioritising pedestrian movements. The proposal is contrary to Chapter 6 of the NPPF, London Plan policy 6.1, policies SP08, SP09 of the Core Strategy, DM20 of the MDD and policies S.TR1, D.TR2, D.TR4 of the Emerging Local Plan.

Environment

Environmental Impact Assessment

7.273 In June 2017, the Council issued an Environmental Impact Assessment (EIA) Screening Opinion confirming that an EIA was not required for the redevelopment of the site for a similar amount of commercial floorspace and housing as proposed now. The Council's EIA Officer has confirmed that the proposed development as amended does not constitute EIA development. A number of separate reports assessing relevant aspects of the environmental effects of the development against relevant policies have been submitted as required by the Council's local validation requirements and are assessed elsewhere in this report.

Energy & Environmental Sustainability

7.274 The application is supported by an Energy Statement which details how the design has sought to reduce emissions through the energy hierarchy and deliver emission reduction through energy efficiency measures, integration of a site wide heating network (high efficiency boilers), and renewable energy technologies. The proposals are anticipated to achieve site wide CO2 emission reduction of 24% against a building regulation baseline which is significantly below the policy requirement of 45%.

7.275 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a 'cash in lieu' contribution for sustainability projects. The submitted energy strategy identifies the shortfall to meeting zero carbon for the residential elements is 145.9 tonnes CO2. The carbon emission reduction shortfall to meet the non-residential 45% requirement is identified as 8 tonnes CO2.

7.276 It is proposed that the shortfall in CO2 emission reductions will be offset through a 'cash in lieu' payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. Therefore for the proposed scheme the energy strategy identifies a carbon offsetting contribution of **£277,020** is applicable.

7.277 The calculation for this figure is as follows:

- Residential units – 145.9 tonnes CO2 x £1,800 = £262,620
- Non-residential element – 8 tonnes CO2 x £1,800 = £14,400
- £262,620 + £14,400 = £277,020 carbon offset payment to meet current policy requirements.

7.278 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require non-residential development to achieve BREEAM Excellent.

7.279 The submitted information identifies that an 'Excellent' rating will be achieved. A BREEAM Pre-assessment has been submitted which shows the credits proposed to be achieved to deliver the Excellent rating and this is supported by the sustainable development team.

7.280 The current proposals have sought to implement energy efficiency measures to deliver a 24% reduction in CO2 emission reductions. Whilst this is below the policy target, a carbon offset contribution will be secured to deliver additional CO2 reductions across the Borough.

7.281 The applicant's Sustainability Statement also sets out a number of commitments that respond to Development Plan policies to encourage environmentally sustainable development. Measures relate to highways, materials, waste, SUDS, pollution and biodiversity.

7.282 It is recommended that the proposals are secured through appropriate conditions/s106 to deliver:

- Delivery of Energy Strategy and CO2 savings to at least 24% and submission of as built calculations to demonstrate delivery of the measures
- Carbon offsetting S106 Contribution of £277,020
- Submission of Final BREEAM certificate to demonstrate scheme delivered to a BREEAM Excellent standard.

Air Quality and Odour

7.283 Development Plan policies require major developments to be accompanied by assessments which demonstrate that the proposed use(s) are acceptable and show how development would prevent or reduce air pollution.

7.284 The applicant submitted an Air Quality Assessment to support their application. Initial queries were raised by Council’s Air Quality officer regarding the data used, whether the scheme will meet National Air Quality Objectives, location of flues and extraction equipment and whether the proposal will adequately control dust and emissions during development. All matters were resolved subject to conditions being applied regarding control of dust during development and that any A3 unit is provided with extract ventilation with the flue terminating 1m above the height of the building prior to occupation.

Wind/Microclimate

7.285 Tall buildings can have an impact on microclimate, particularly in relation to wind with detrimental impacts on the comfort and safety of pedestrians and cyclists rendering landscaped areas and thoroughfares unsuitable for their intended purpose. The Lawson Comfort Criteria (LCC) is a widely accepted measure of suitability for specified purposes:

Sitting	Long-term sitting e.g. outside a café
Entrance doors	Pedestrians entering/leaving a building
Pedestrian standing	Waiting at bus-stops or window shopping
Leisure walking	Strolling
Business walking	‘Purposeful’ walking or where, in a business district, pedestrians may be more tolerant of the wind because their presence on-site is required for work
Roads and car parks	Open areas where pedestrians are not expected to linger

Table Five: Lawson comfort criteria (LCC)

7.286 For a predominantly residential urban site such as the application site, the desired wind microclimate would typically need to have areas suitable for sitting, entrance use, pedestrian standing and leisure walking. The business walking and roads classifications may be acceptable in isolated areas, but being associated with occasional strong winds should be avoided. Upper level amenity terraces should be assessed on the basis that they are intended for good-weather use only with sitting or standing conditions during the summer acceptable.

- 7.287 Near building entrances, a wind environment suitable for standing or calmer is desired, and should examine the windiest season. A pedestrian thoroughfare should be suitable for leisure walking during the windiest season. Strong winds (Beaufort Force 6+) are outside the LCC and should be reported separately.
- 7.288 The application is supported by a Microclimate Assessment, which is further supported by two addendums (December 2018 and February 2019) that were seeking to respond to comments made by Council's reviewing consultants, Temple. Temple have advised Council that not all of their requested clarifications have been addressed and as such the Council consider that there is insufficient information to conclude that there will not be adverse impacts on the wind/microclimate environment of the surrounding area.
- 7.289 Major applications such as proposed are required to assess wind/microclimate effects in line with the applicable policies. LP policy 7.6 states that buildings and structures should *'d. not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings'*. LP policy 7.7 also states that tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence.
- 7.290 Paragraph 2.3.7 of the Mayor of London Sustainable Design and Construction SPG 2014 confirms large buildings can alter their local environment and affect the micro-climate potentially making it unpleasant at ground level or limiting natural ventilation of buildings. On sites significantly taller than the surrounding environment, developers should assess the potential impact on ground conditions, and ensure the design of the development provides suitable conditions for the intended uses.
- 7.291 CS policy SP10(4) 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 surrounds. This will be achieved through ensuring development: ...*
- a. Protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight);...*
 - g. Uses high quality architecture, urban and landscape design;*
 - h. Assists in creating a well-connected public realm that is easy and safe to navigate.'*
- 7.292 MDD policy DM24(1)(f) states developments shall also be required to be designed to the highest quality standards, incorporating principles of good design, including taking into account impacts on microclimate.
- 7.293 MDD policy DM25(1) states that *'development should 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:*
- e. not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.'* Supporting text 25.11 also clarifies further by specifically stating that *'consideration needs to be given to impacts of new development on microclimate. If this is not carefully considered adverse impacts could include wind turbulence at ground level.'*
- 7.294 MDD policy DM26(2)(h) also states that tall buildings will be required to satisfy various criteria including *'not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces'*.

- 7.295 The above principles are also carried through to LBTH's Emerging Local Plan in policies S.DH1 (Delivering High Quality Design, moderate weight) and D.DH6 (Tall Buildings, limited weight).
- 7.296 The applicant has responded to clarification requests by Temple twice through the submission of their two addendums, however two points remain outstanding, both relating to the unusually benign conditions reported which raises concern regarding the robustness of the assessment. These are as follows:

Interim Review Report Comment/Request	Review Conclusion Final Review Report	Review Conclusion
Clarify details of model, including extent, calculation grid, atmospheric boundary layer and modelling of terrace parapets relative to submitted drawings.	<p>Unacceptable</p> <p>The Applicant should clarify the atmospheric boundary layer simulated and, further to the comment opposite, the grid boundary conditions.</p> <p>The Applicant should clarify that the development as modelled is consistent with the application drawings.</p>	<p>Unacceptable</p> <p>The transposition of wind climate data to apply at the site is still unclear. The Applicant should clarify whether the wind climate data is corrected to the site based on Breve 3.2 in addition to corrections inherent to the calculations within the [Computational Fluid Dynamics, CFD] formula presented.</p> <p>The assessment applies an inappropriate boundary layer profile, which has potential to underestimate pedestrian level winds.</p>
Provide details of climate data and corrections applied.	<p>Unacceptable</p> <p>The factors output by Breve 3.2 and applied to the climate data should be clarified.</p>	<p>Unacceptable</p> <p>The Applicant should clarify the transposition factors applied to the climate data.</p>

Table Six: Outstanding points from interim review report

- 7.297 As seen in the above table, there is concern regarding the modelling of the atmospheric boundary layer and insufficient information regarding climate data and the transposition factors applied to the data to correct the climate data for differences in altitude and surrounding terrain between the weather centre and the site. This information is required to ensure that the applicant's assessment is not downplaying or misrepresenting the effects which could harm the amenity of residents and the public realm.
- 7.298 There is also insufficient information regarding climate data and the transposition factors applied to the data. This information is required to ensure that the applicant's assessment is not downplaying or misrepresenting the effects which could harm the amenity of residents and the public realm.
- 7.299 Officers are therefore unclear what the application is mitigating and in theory, if the data submitted is incorrect this could result in changes to the design of the building to mitigate any

effects, which could have knock on effects on design, housing, amenity etc. This is why it would be inappropriate to allow this information to be provided through a condition as the detail goes to the 'heart of the permission' (known as a Whitely principle condition).

- 7.300 Temple's final review was passed to the applicant on 14th March 2019 and Council noted specifically that there were still outstanding clarifications which the responses to date had not sufficiently addressed. The applicant was offered the opportunity to discuss directly with Temple but the applicant did not respond to the meeting request or provide any updated information.
- 7.301 As such, officers consider it reasonable to refuse the application based on insufficient information given officers are unable to confirm the effects of the proposal and how any effects could be adequately mitigated to ensure amenity is protected as required. As such the application is contrary to London Plan Policies 7.6, LP 7.7, CS policy SP10(4), MDD policies DM24, DM25, DM26, Emerging Local Plan policy S.DH1 and the Sustainable Design and Construction SPG.

Waste

- 7.302 Development Plan policies require adequate refuse and recycling storage and management and the re-use of demolition and construction materials. Waste storage for the commercial and residential elements of the scheme are proposed in different locations which is appropriate.
- 7.303 Block A refuse is to be collected directly from Cambridge Heath Road. Block B refuse is proposed to be wheeled by the management team on site to the internal loading bay on Birkbeck Street. Block C and D is proposed to be stored in the basement and is positioned via the separate refuse lift for collection from the loading bay. Commercial refuse is to be collected from a separate integral bin store adjacent to the loading bay. All waste storage would be within 30m of units, as required.
- 7.304 Final details of the waste storage, including the number of bins across all types and bulky storage, would be secured via condition however initial assessment by the Waste officer show that the spaces provided are acceptable.

Biodiversity

- 7.305 The applicant has submitted a preliminary ecological appraisal report which notes that the site is not currently supporting high levels of biodiversity given the site is largely buildings and hard surfaces which have negligible potential for bat roosts.
- 7.306 In line with the appraisal report, Council's Biodiversity Officer notes that small areas of buddleia scrub have the potential to support nesting birds. A condition will be applied to require vegetation clearance taking place outside the nesting season to prevent harm to nesting birds, or a survey undertaken before clearance to ensure no birds are nesting.
- 7.307 The loss of the existing scrub would be a very minor adverse impact on biodiversity. Policy DM11 requires developments to provide biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP).
- 7.308 The application includes five communal roof top terraces and a separate PV + maintenance roof (tallest tower, see plan HTA-A-XX-R-DR-010-R rev A) and areas of soft landscaping are proposed across of all these as well as ground level. The soft landscaping includes ornamental planting, which could be of biodiversity value if it includes a good range of nectar-rich plants chosen to provide forage for bees and other pollinating insects for as much of the year as possible. This will be secured via condition.

7.309 An updated roof plan was submitted by the applicant which shows the proposed location and extent of the biodiverse green roof. The applicant has confirmed that all main roof space that isn't used for communal amenity space will be biodiverse green roof, with the final details to be secured via condition. This is acceptable to the Biodiversity officer who has recommended a condition to meet other LBAP targets through enhancements such as bat boxes, nest boxes and bee boxes.

Arboriculture

7.310 An Arboricultural Impact Assessment has been undertaken for the site which confirms the presence of 11 trees on site, along with a small 'pioneer group' of plants on the eastern boundary. None of the trees on site are subject to a Tree Protection Order or are located within a Conservation Area which would provide automatic protection. However, the planning system requires Local Authorities to have a statutory duty to consider the protection and planting of trees when assessing applications.

7.311 Council's Tree Officer has reviewed the submitted assessment and is content with the categorisations of the trees on site. The majority of trees on site fit into categories B and C of the BS5837 tree grading criteria. One tree, a London Plane which fronts Bethnal Green Road, is classified as category A (good). This street tree is of importance to the wider streetscape amenity, characteristic of the capital city's urban realm and will be retained along with all other trees on site except for those discussed in the next paragraph. The measures to protect these trees would be dealt with via the standard compliance with plans and reports condition and a specific condition regarding the tree protection measures listed in the submitted assessment, including that any works within the Root Protection Area must be carried out under arboricultural supervision.

7.312 The application proposes to remove three trees, these being trees T1 (Tree of Heaven), T10 (Black Mulberry) and T11 (Black Mulberry) as shown on Appendix A of the submitted Assessment. All trees are classified as category C (poor) and will be adequately mitigated through the planting of four new trees on site, to be secured via condition, these are identified in the landscape proposals submitted with three being located in the lane between the buildings and one located at the north-west corner of the site adjacent the arches. The planted trees will need to be pollution hardy species, native to the UK and semi-mature 'instant impact' trees in line with BS3936 Nursery Stock specification for trees and shrubs and secured within a wider landscaping condition.

Flood Risk and Drainage

7.313 The site is within Flood Zone 1 and has no significant risk of surface water flooding. The proposal has been reviewed by Council officers and the GLA who confirmed on 01/04 that they were satisfied with the application from a flood risk perspective. As such the proposal is considered in compliance with London Plan policy table 5.13 and Local plan policy DM13.

7.314 To ensure flood risk is not increased elsewhere a detailed surface water drainage scheme as outlined in the report would be secured via planning condition.

Thames Water

7.315 Thames Water has raised no objection in regards to combined water network infrastructure capacity. A standard piling condition will be applied as the development is within 15m of a strategic sewer.

7.316 Thames Water have identified an inability of the existing water network infrastructure to accommodate the needs of the proposed development. Thames Water have not been able to agree a way forward with the applicant so have recommended a prior to occupation condition requiring that either all water network upgrades required to accommodate the additional flows

from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied

Land Contamination

7.317 Subject to standard conditions, the proposals are acceptable from a land contamination perspective and that any contamination that is identified can be satisfactorily dealt with.

Infrastructure Impact

7.318 The site is within the Residential 2 zone for LBTH CIL. It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £894,670 (inclusive of social housing relief and exclusive of indexation, flexible commercial GIA charged at higher level) and Mayor of London CIL of approximately £432,110 (inclusive of social housing relief and exclusive of indexation, LBTH is a band 2 borough).

7.319 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.

7.320 The applicant would be required to meet the following financial contributions that are sought through the Council's Planning Obligations SPD:

- £72,836 towards construction phase employment skills training
- £10,644.18 towards end-user phase employment skills training
- £277,020 toward carbon emission off-setting

7.321 8 construction phase apprenticeships would be required for this development.

7.322 Developer to exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets (this would be implemented within a s106 agreement if the application was approved)

7.323 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

Local Finance Considerations

7.324 Assuming that the Council delivers its annual housing target of 3,931 units, the Council would be liable for a New Homes Bonus payment of approximately £24m over 4 years. Due to the introduction of a new threshold approach by the Government it is not possible to provide an exact amount of New Homes Bonus the proposed development would deliver; officers estimate that the proposal could deliver around to £1,200,000 over 4 years.

Human Rights & Equalities

7.325 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.

7.326 The proposed provision of new business space and homes would meet inclusive design standards and 19 homes (10%) would be wheelchair accessible, 9 of which will be within the affordable element of the scheme. Two blue badge spaces are provided, with the option for two more on-street if needed. These standards would benefit future employees and residents, including disabled people, elderly people and parents/carers with children. The proposed

affordable housing would be of particular benefit to groups that are socially/economically disadvantaged. It is also considered that the application has undergone the appropriate level of consultation with the public and Council consultees.

7.327 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

8.1 That subject to any direction by the Mayor of London, **planning permission is REFUSED** for the following reasons:

1. Affordable housing offer, split and viability

The proposed affordable housing split at 46:54 in favour of intermediate tenure does not accord with Council's policy which requires a 70:30 split in favour of rented tenure.

The application fails to deliver the maximum reasonable amount of affordable housing on site that could be generated by the development and does not meet the 50% threshold required by the GLA Affordable Housing and Viability SPG which is applied as the site is 'public land'.

As such the proposal is not in accordance with the National Planning Policy Framework (NPPF) (2019), Chapter 5, and development plan policies including London Plan policy 3.12 (MALP 2016), the GLA Affordable Housing and Viability SPG (2017), Core Strategy policy SP02 (2010), Managing Development Document policy DM3 (2013) and Emerging Local Plan policies S.H1 and D.H2 (2019).

2. Residential mix

Specific housing mix targets are set within Managing Development Document policy DM3 to account for housing issues local to Tower Hamlets; such as the need for family sized dwellings and social rented tenures. The proposed unit mix across all housing types does not accord with the current targets of Managing Development Document policy DM3 (2013) and does not accord with the principles set out within development plan policies including Core Strategy policy SP02 (2010) or within Emerging Local Plan policies S.H1 and D.H2 (2019). The proposal is also contrary to Chapter 5 of the National Planning Policy Framework (NPPF) (2019).

3. Wind/microclimate

Insufficient wind/microclimate information has been provided and as such Council cannot ensure that amenity to residents and the public realm will not be negatively affected or that the proposed mitigation methods are sufficient or appropriate to mitigate any adverse effects. The application is therefore contrary to development plan policies including London Plan policies 7.6 and 7.7 (MALP 2016), Core Strategy policy SP10(4) (2010), Managing Development Document (2013) policies DM24, DM25 and DM26, Emerging Local Plan policy S.DH1 (2019) and the Mayor of London Sustainable Design and Construction SPG (2014) which all seek to protect existing and future amenity.

4. Highway Safety

The scheme proposes an overreliance on Birkbeck Street which would create conflicts between users i.e. cycling, pedestrian, accessible parking spaces and servicing vehicles

which will be required to reverse onto or off the site, endangering public safety. The scheme would therefore have adverse and unacceptable effects on the safety of the public highway and is contrary to Chapter 6 of the National Planning Policy Framework (NPPF) (2019) and development plan policies including London Plan policy 6.1 (MALP 2016), policies SP08 and SP09 of the Core Strategy (2012), policy DM20 of the MDD (2012) and policies S.TR1, D.TR2, D.TR4 of the Emerging Local Plan (2019).

It is also considered that the Highways issues presented on site are a symptom of over-development and as such the proposal is also contrary to London Plan policy 3.4 (MALP 2016), the Mayor of London Housing SPG (2016), Core Strategy policy SP02 (2010), MDD policy DM24 (2012) and Emerging Local Plan policy D.DH7 (2019).

5. Design and heritage

The proposed layout, height and massing arrangement poorly relate to the site and are considered out of keeping with the site context, townscape and heritage assets.

The proposal does not successfully integrate the proposed uses on site with the surrounding area, does not improve the permeability of the area and creates an overbearing relationship to adjacent sites. The scheme does not have regard to the form, function and structure of the area and does not make an overall positive contribution to wider area and as such, the proposal is not considered to be of the highest quality.

Less than substantial harm would be caused to adjacent heritage assets which have not been justified and are not outweighed by the public benefits of the scheme.

The proposal is not considered to be of the highest quality and is contrary to NPPF Chapters 12 and 16 (2019) and development plan policies including London Plan policies 3.5, 7.4, 7.5, 7.6, 7.7 and 7.8 (MALP 2016), Core Strategy policy SP10 (2010), Managing Development Document policies DM23, DM24, DM26 and DM27 and Emerging Plan policies S.DH1, D.DH2, S.DH3 and D.DH4 (2019).

It is also considered that the design and heritage issues presented on site are a symptom of over-development and as such the proposal is also not in accordance with London plan policy 3.4, Housing SPG, LBTH Core Strategy policy SP02, LBTH MDD policy DM24 and emerging plan policy D.DH7.

6. Planning Obligations

In the absence of agreed heads of terms and a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for employment, skills, training and enterprise and transport matters the development fails to mitigate its impact on local services, amenities and infrastructure.

The above would be contrary to the requirements of development plan policies including policies SP02 and SP13 of the LBTH Core Strategy (2010), policy 8.2 of the London Plan (MALP 2016), LBTH's Planning Obligations SPD (2016) and policy D.SG5 of the Emerging Local Plan (2019).

Appendix 1

Drawings

Title	Author	Ref	Date
Cambridge Heath Basement Floor Plan	Tower Hamlets Asset Management	Plan No. 1/1	Sep 2011
Cambridge Heath Road Ground	Tower Hamlets Asset Management	Plan No.1	July 2009
Cambridge Heath Road Ground B and C	Tower Hamlets Asset Management	Plan No. 2	July 2009
Cambridge Heath Road First	Tower Hamlets Asset Management	Plan No. 3	July 2009
Cambridge Heath Road Second	Tower Hamlets Asset Management	Plan No. 4	July 2009
Cambridge Heath Road Third	Tower Hamlets Asset Management	Plan No. 5	July 2009
Cambridge Heath Road Fourth	Tower Hamlets Asset Management	Plan No. 6	July 2009
Bay Elevation and Section Block A	hta	HTA-A_BA-E_DR_3100	12/07/2018
Bay Elevation and Section Block B	hta	HTA-A_BB-E_DR_3101	12/07/2018
Bay Elevation and Section Block C	hta	HTA-A_BC-E_DR_3102	12/07/2018
Bay Elevation and Section Block D	hta	HTA-A_BD-E_DR_3103	12/07/2018
Elevation 1	hta	HTA-A_XX_E1_DR_0150 rev B	06/12/2018
Elevation 2	hta	HTA-A_XX_E2_DR_0151 rev B	06/12/2018
Elevation 3 and 4	hta	HTA-A_XX_E3E4_DR_0152 rev B	06/12/2018
Elevation 5 and 6	hta	HTA-A_XX_E5E6_DR_0153 rev B	06/12/2018
Wheelchair Unit Type 1	hta	HTA-A_XX-UN_DR_3001	06/07/2018
Wheelchair Unit Type 2	hta	HTA-A_XX-UN_DR_3002	06/07/2018
Wheelchair Unit Type 3	hta	HTA-A_XX-UN_DR_3003	06/07/2018
Wheelchair Unit Type 4	hta	HTA-A_XX-UN_DR_3004	06/07/2018
Wheelchair Unit Type 5	hta	HTA-A_XX-UN_DR_3005	06/07/2018
7th Floor and Roof Plans Block A and B	hta	HTA-A-AB-070R-DR-0207	06/07/2018
Roof Plan Blocks C & D	hta	HTA-A-CD-0R-DR-0222	06/07/2018

3rd and 4th Floor plans Blocks C & D	hta	HTA-A-CD-0304-DR-0213	06/07/2018
5th and 6th Floor plans Blocks C and D	hta	HTA-A-CD-0506-DR-0215	06/07/2018
7th and 8th Floor plans Blocks C and D	hta	HTA-A-CD-0708-DR-0217	06/07/2018
9th and 10th Floor plans Blocks C and D	hta	HTA-A-CD-0910-DR-0219	06/07/2018
11th and 12th Floor plans Blocks C and D	hta	HTA-A-CD-1112-DR-0220	06/07/2018
13th and 14th Floor plans Blocks C and D	hta	HTA-A-CD-1314-DR-0221	06/07/2018
Existing Elevations	hta	HTA-A-D01_DR_0031	06/07/2018
Proposed Context Elevations East and South Elevations	hta	HTA-A-XX_E7_DR_0170	06/07/2018
Proposed Context Elevations West and North Elevations	hta	HTA-A-XX_E8_DR_0171	06/07/2018
7th Floor Plan Proposed Site Plan	hta	HTA-A-XX-07-DR-0107	06/07/2018
8th Floor Plan Proposed Site Plan	hta	HTA-A-XX-08-DR-0108 rev A	02/11/2018
9th Floor Plan Proposed Site Plan	hta	HTA-A-XX-09-DR-0109	06/07/2018
10th Floor Plan Proposed Site Plan	hta	HTA-A-XX-10-DR-0110	06/07/2018
11th Floor Plan Proposed Site Plan	hta	HTA-A-XX-11-DR-0111	06/07/2018
12th Floor Plan Proposed Site Plan	hta	HTA-A-XX-12-DR-0112	06/07/2018
13th Floor Plan Proposed Site Plan	hta	HTA-A-XX-13-DR-0113	06/07/2018
14th Floor Plan Proposed Site Plan	hta	HTA-A-XX-14-DR-0114	06/07/2018
15th Floor Plan Proposed Site Plan	hta	HTA-A-XX-15-DR-0115	06/07/2018
Roof Plan Proposed Site Plan	hta	HTA-A-XX-R-DR-010R rev A	02/11/2018
Sections A and C	Ht0a	HTA-A-XX-SASC-DR-2203-	06/07/2018
Sections B and E	hta	HTA-A-XX-SBSE-DR-2202-	06/07/2018
Section D	hta	HTA-A-XX-SD-DR-2204	06/07/2018
Section F	hta	HTA-A-XX-SF-DR-2201	06/07/2018
Public Realm Landscape Strategy (Phase 1)	RPS	JSL2784_100	
Roof Terrace Landscape Strategy	RPS	103	06/07/2018
Topographic Survey Sheet 2	Point 2 Surveyors	P1208/T/02	March 2016
Existing location and site plan	hta	HTA-A_D01_DR_0001	06/07/2018
Basement & Ground Floor Plan	hta	HTA-A-XX-00-DR-1100	10/08/2018

Existing Site Plan			
First & Second Floor Plan Existing Site Plan	hta	HTA-A-XX-00-DR-1101	10/08/2018
Third & Fourth Floor Plan Existing Site Plan	hta	HTA-A-XX-00-DR-1103	10/08/2018
Basement & Ground Floor plans Blocks C & D	hta	HTA-A-CD-0B00-DR-0210 rev B	06/02/2019
1 st Floor Plan Proposed Site Plan	hta	HTA-A-XX-01-DR-0101 rev A	06/02/2019
Basement Plan Proposed Site Plan	hta	HTA-A-XX-B-DR-010B rev B	06/02/2019
Ground Floor Blocks A & B	hta	HTA-A-AB-00-DR-0200 rev A	06/02/2019
3 rd and 4 th Floor plans Blocks A and B	hta	HTA-A-AB-0304-DR-0203 rev A	06/02/2019
5 th and 6 th Floor plans Blocks A and B	Hta	HTA-A-AB-0506-DR-0205 rev A	06/02/2019
Ground Floor Plan Proposed Site Plan	hta	HTA-A-XX-00-DR-0100 rev A	06/02/2019
3 rd Floor Plan Proposed Site Plan	Hta	HTA-A-XX-03-DR-0103 rev A	06/02/2019
4 th Floor Plan Proposed Site Plan	Hta	HTA-A-XX-03-DR-0104 rev A	06/02/2019
5 th Floor Plan Proposed Site Plan	Hta	HTA-A-XX-03-DR-0105 rev A	06/02/2019
6 th Floor Plan Proposed Site Plan	Hta	HTA-A-XX-03-DR-0106 rev A	06/02/2019

Submission documents

Title	Author	Ref	Date
Daylight, Sunlight and Overshadowing Report	Point 2 Surveyors	P1208	July 2018
Design and Access Statement	hta	TEL-LEB_HTA- A_DOC_DAS issue 02	20/07/2018
Heritage and Visual Impact Statement	JLL		August 2018
LEB Building (255- 279 Cambridge Heath Road) Scheme Viability Report - Executive Summary	Telford Homes Plc		August 2018
Affordable Housing Viability Assessment	Cushman & Wakefield		August 2018
Air Quality Assessment	WSP	003	July 2018
Arboricultural Impact Assessment	RPS	JSL2784_775	11 th June 2018
Archaeological Baseline & Impact	RPS	JAC 23223	September 2017 (Rev)

Assessment			
BREEAM Pre-assessment Report	Greengage	Final	July 2018
Commercial and Retail Impact Assessment	Savills		June 2018
Landscape Proposals	RPS	JSL2784_REV3	JULY 2018
Energy Statement	Greengage	Final / 02	July 2018
Flood Risk Assessment and Outline Drainage Strategy	WSP	70031971	July 2018
Heritage and Visual Impact Assessment	JLL		July 2018
Microclimate Assessment	hta	Final 03	July 2018
Noise and Vibration Report	WSP	70031971-005-R2	June 2018
Phase 1 Desk Top Study Report	Herts & Essex Site Investigations	14024	April 2017
Planning Statement	CMA Planning		July 2018
Statement of Community Involvement	Curtin & Co		March 2018
Sustainability Statement	Greengage	Final / 02	July 2018
Transport Assessment	WSP	70031971	July 2018
Preliminary Ecological Assessment	RPS	OXF10200_871a	July 2018
Affordable Housing Viability Assessment	Cushman & Wakefield		August 2018

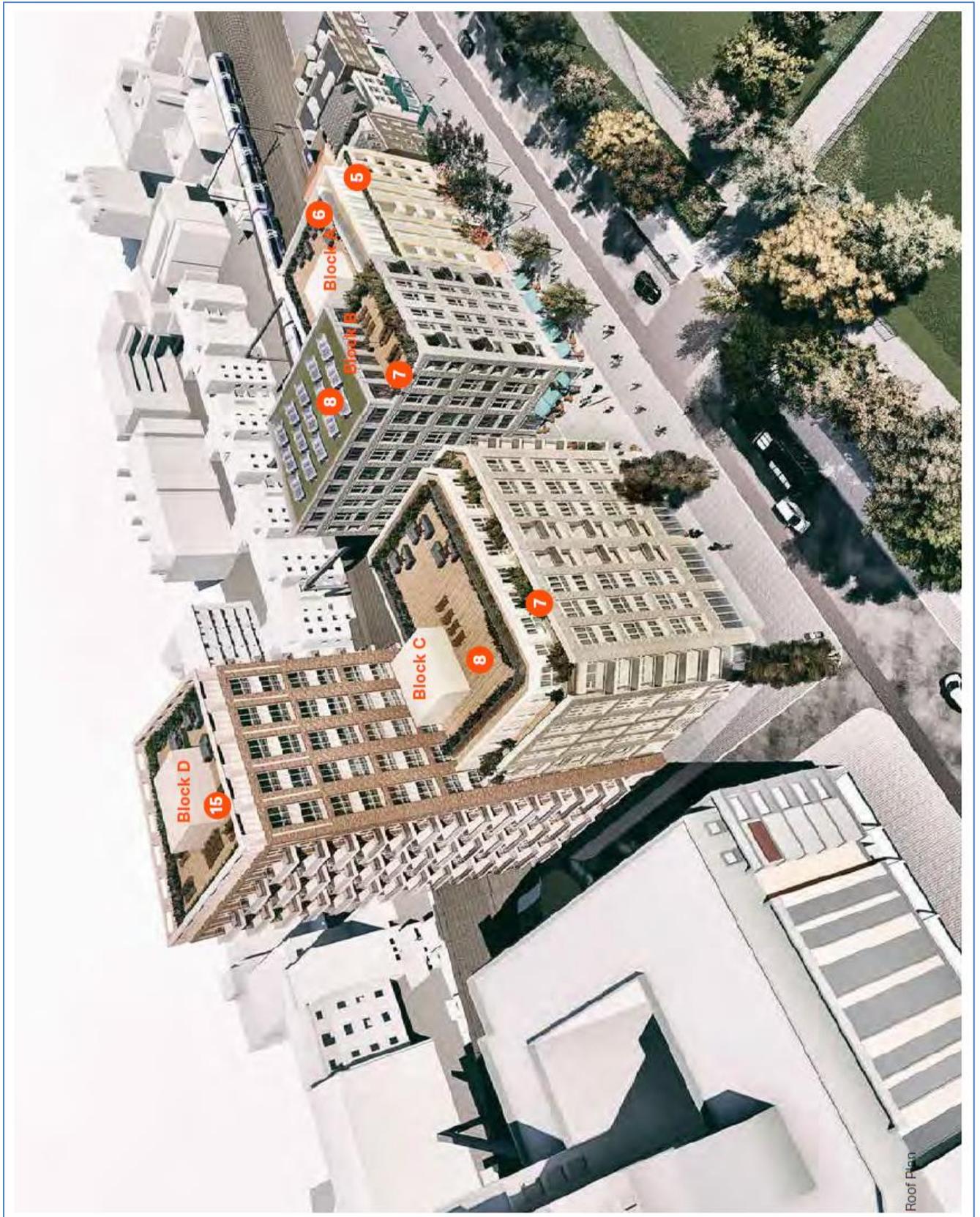
Post Submission documents (latest documents only)

Title	Author	Ref	Date
Schedule of Accommodation – 189 units	hta	Rev J	26/07/2018
Former LEB Building (Case Number 4329) <i>(regarding flooding)</i>	WSP		01/10/2018
GLA ref: 4329 Former LEB Building – consultation comment responses <i>(re air quality)</i>	WSP		05/10/2018
GLA ref: 4329	WSP		05/11/2018

Former LEB Building – consultation comment responses (noise and vibration) by			
Former LEB site LBTH and statutory consultee responses	HTA		06/12/2018
Microclimate assessment addendum	hta	01 Final	06/12/2018
Letter of Support	Notting Hill Genesis		12/12/2018
Microclimate assessment addendum 2	Hta	01 Final	22/02/2019
Microclimate assessment Addendum 2	hta	TEL-LEB_HTA-S_RP_0502_	February 2019
GLA ref: 4329 Former LEB Building – Energy Centre Update (addendum)	WSP		18/01/2019
Former LEB site LBTH and statutory consultee responses	HTA		11/02/2019
Construction Management Plan			June 2018 (<i>received 11 Feb 2019</i>)
Viability response (confidential)	Cushman & Wakefield		11 February 2019
RE: 255-279 Cambridge Heath Road – Daylight and Sunlight	Point 2 Surveyors		14/02/2019
RESPONSE TO LBTH PLANNING APPLICATION COMMENTS	WSP		15/02/2019
Cover letter dated	CMA Planning		18/02/2019
RE: LEB Building - updated waste strategy	Email from Adam Williams of CMA Planning		21/02/2019
LEB - responses to planning comments	Email from Adam Williams of CMA		26/02/2019

	Planning		
Letter to GLA re Drainage Strategy	WSP	70025147	7 March 2019
RESPONSE TO LBTH PLANNING APPLICATION COMMENTS (<i>related to car parking, cycle parking, deliveries and servicing, public highway, highway works</i>)	WSP		<i>Received 12/12/2018</i>
RESPONSE TO TFL PLANNING APPLICATION COMMENTS (<i>related to car parking, walking and cycling and freight</i>)	WSP		<i>Received 10/12/2018</i>
LEB DEVELOPMENT - ENERGY STRATEGY RESPONSE	Greengage		<i>Received 12/12/2018</i>

Appendix 2 - Additional images



Proposed overall design with storeys annotated



CGI of the communal amenity terrace for Blocks C and D

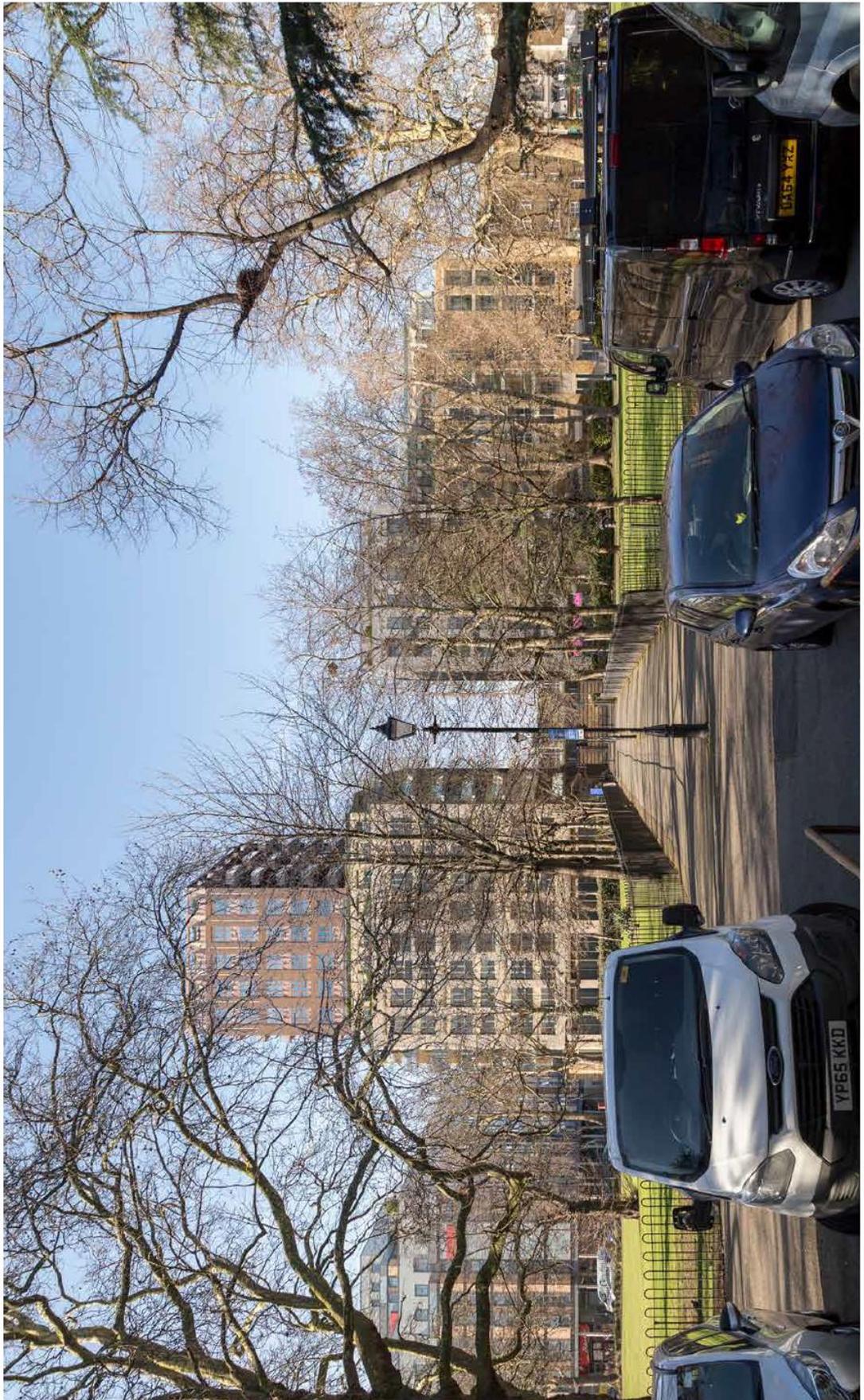
Street Views - St John on Bethnal Green



Street Views - Paradise Row



Street Views - Bethnal Green Library

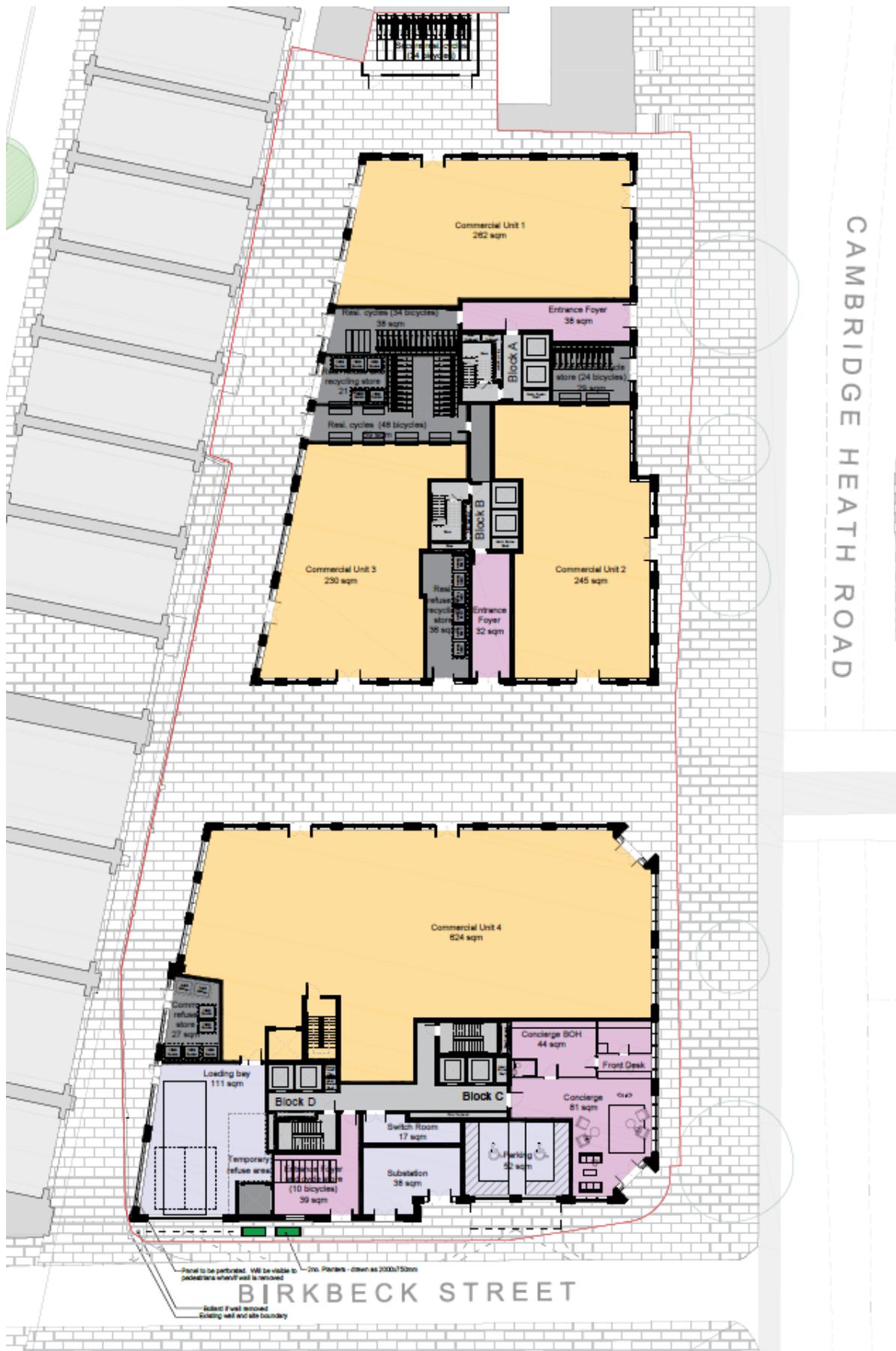


Street Views - western entrance to Bethnal Green Gardens

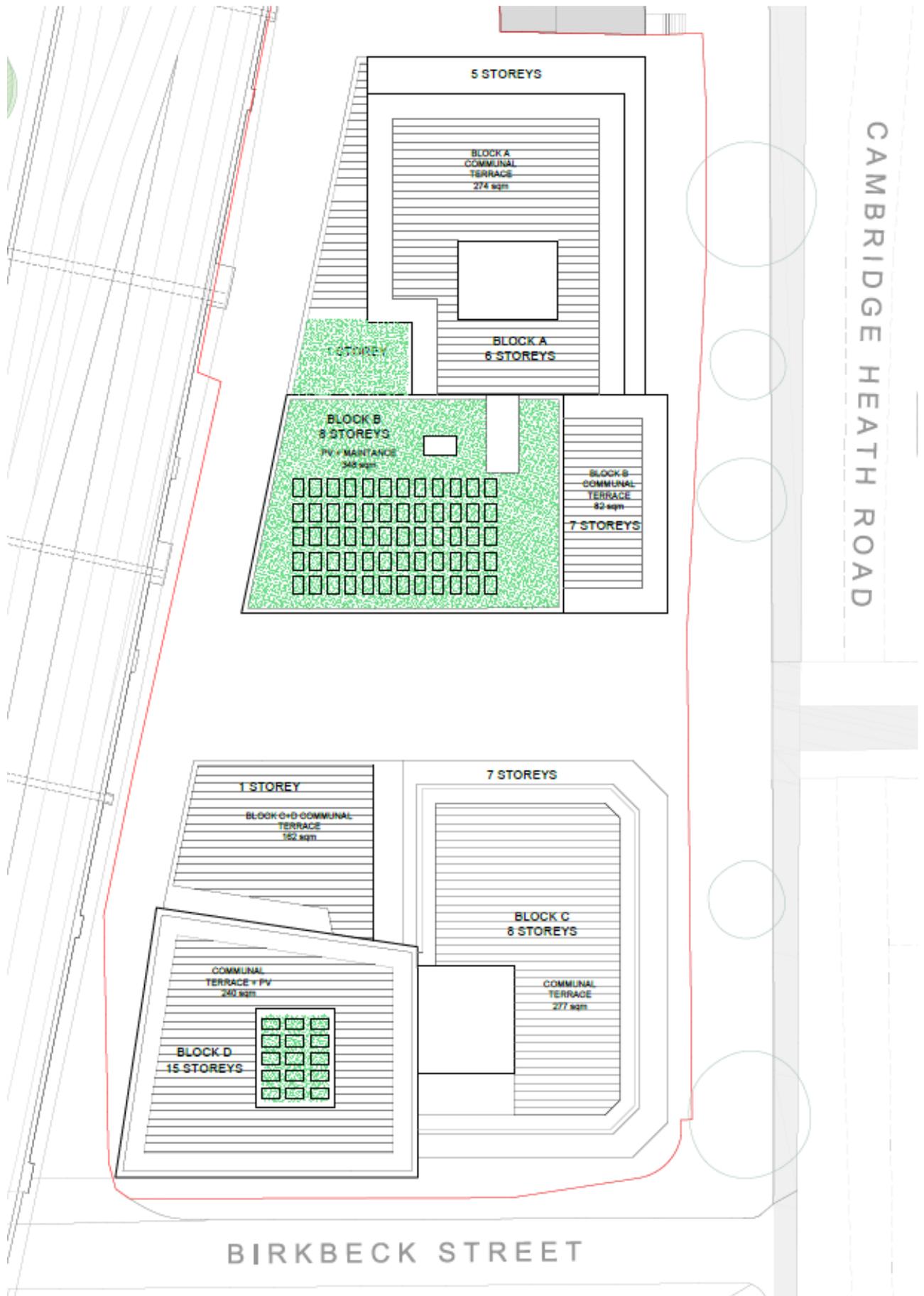


Street Views - Bethnal Green underground station

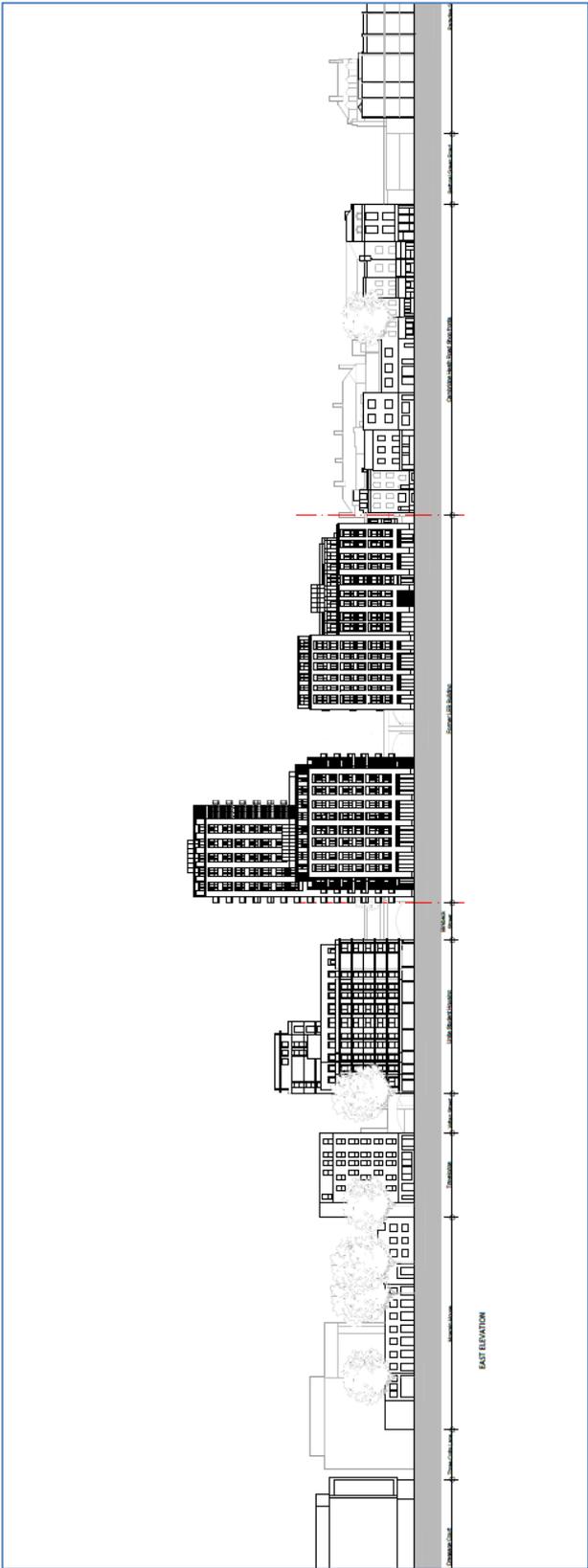




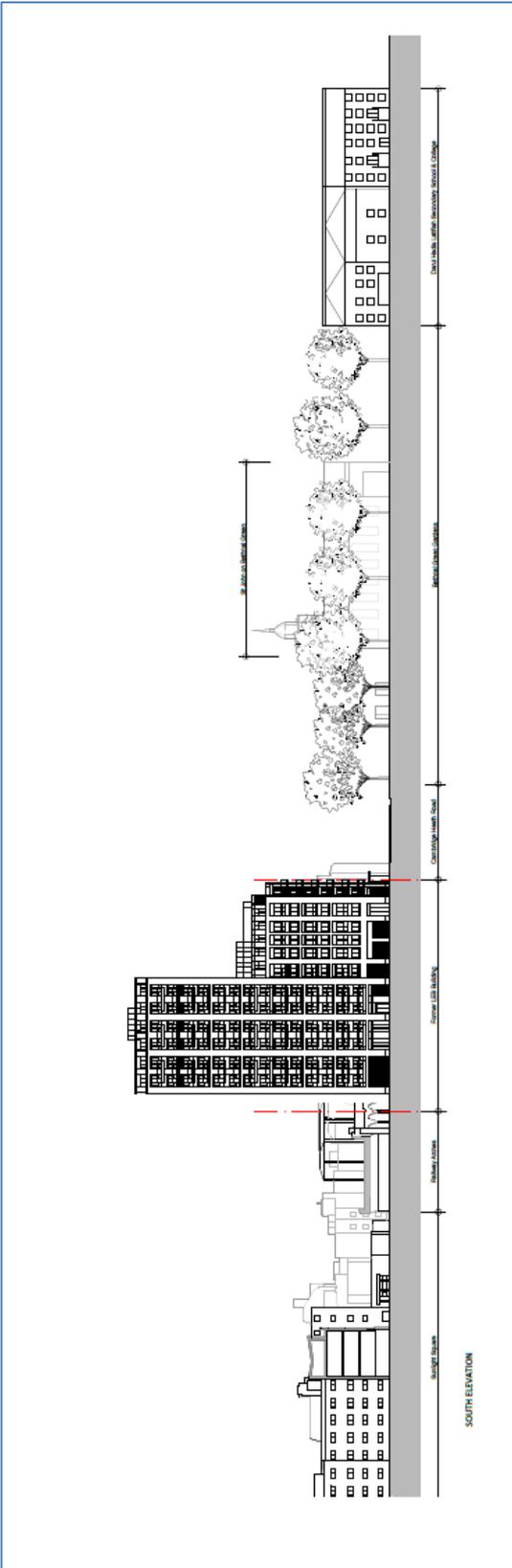
Proposed ground floor plan



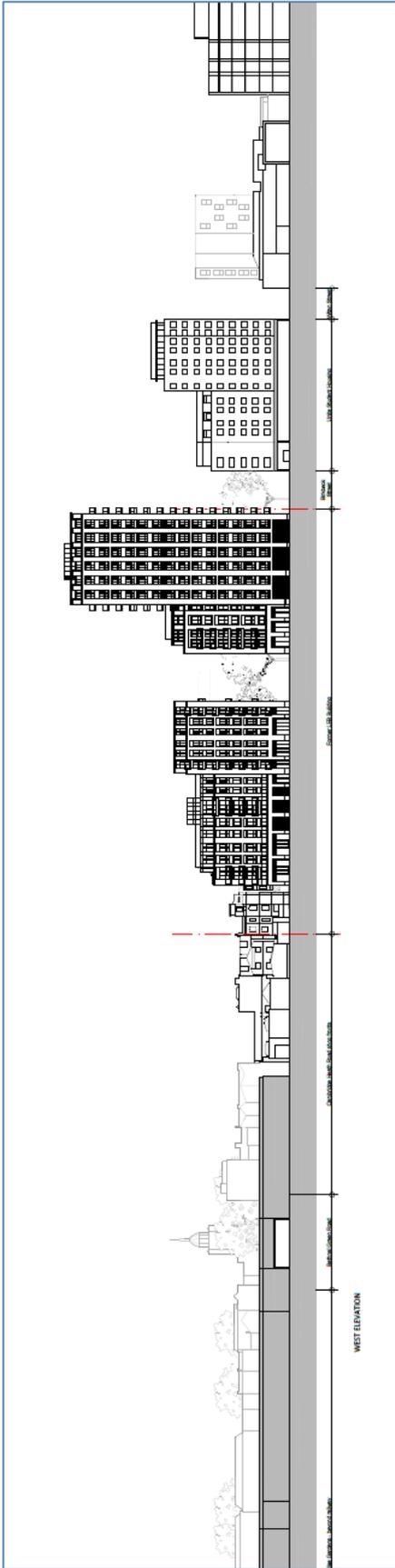
Proposed roof plan



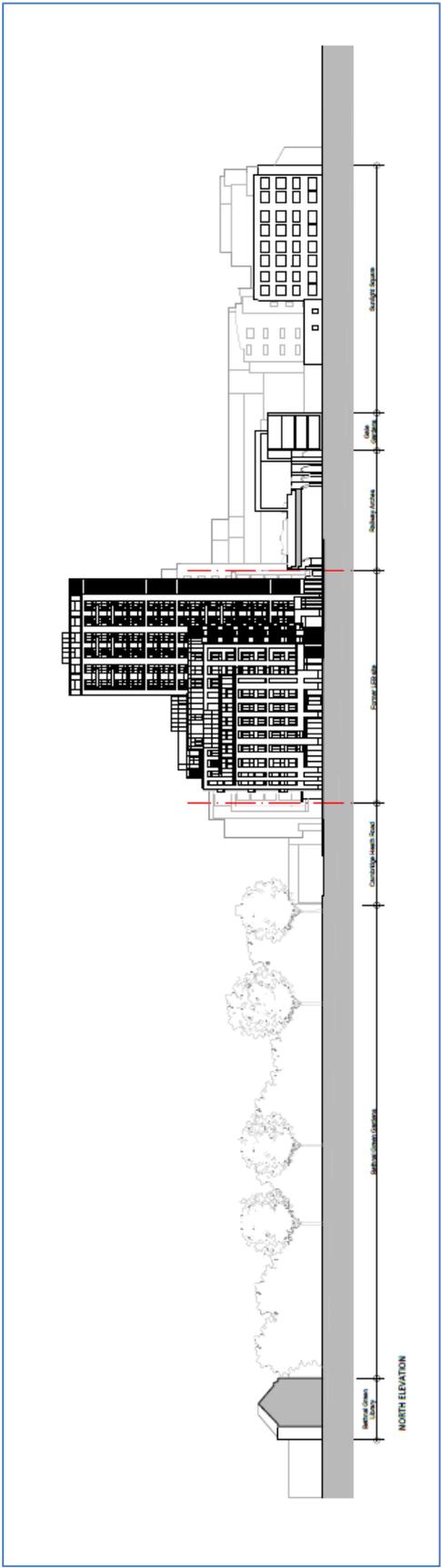
Context – East elevation



Context – North elevation



Context – West elevation



Context – South elevation

Existing site photos







