

Committee: Strategic Development	Date: 17 th June 2010	Classification: Unrestricted	Agenda Item No: 9.2
Report of: Corporate Director of Development and Renewal		Title: Applications for planning permission and conservation area consent.	
Case Officer: Richard Humphreys		Ref: PA/09/2323 and PA/09/2324	
		Ward: Weavers	

1. APPLICATION DETAILS

Location: Land bounded by Hackney Road and Austin Street including Mildmay Mission Hospital, E2 7NS.

Existing use: Mildmay Mission Hospital, a church, a family care centre and open car parks.

Proposal:

1. Application for planning permission for the demolition of existing buildings and redevelopment to provide a campus of seven buildings from one to nine storeys providing 139 residential units, a new building for Mildmay Hospital (2,795 sq metres), a new building for the Shoreditch Tabernacle Baptist Church (423 sq metres), a commercial unit (72 sq metres) (Use Classes A1-A4 or B1) fronting onto Hackney Road, new landscape amenity areas, parking, servicing and cycle bay provision, highway works and all necessary enabling works.

2. Application for conservation area consent for the demolition of existing buildings.

The application for planning permission is accompanied by an Environmental Impact Assessment pursuant to the Town And Country Planning (Environmental Impact Assessment) Regulations 1999.

Drawing Nos: **Masterplan:** 1417/P/020, 1417/P/040, 1417/P/070A, 1417/P/080, 1417/P/081, 1417/P/099F, 1417/P/100 J, 1417/P/101E, 1417/P/102F, 1417/P/103F, 1417/P/104F, 1417/P/105F, 1417/P/106E, 1417/P/107C, 1417/P/108D, 1417/P/109F, 1417/P/200B, 1417/P/201A, 1417/P/202A, 1417/P/203A, 1417/P/220, 1417/P/300A, 1417/P/301A, 1417/P/302A, 1417/P/303, 1417/P/304.

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, emerging LDF, interim planning guidance inc City Fringe AAP		Development Control 020 7364 5338

Blocks A & B: 1417/P/AB/100, 1417/P/AB/101, 1417/P/AB/102, 1417/P/AB/103, 1417/P/AB/104, 1417/P/AB/105, 1417/P/AB/106, 1417/P/AB/300, 1417/P/AB/301, 1417/P/AB/302, 1417/P/AB/303, 1417/P/AB/304, 1417/P/AB/305.

Block C: 1417/P/C/100C, 1417/P/C/101B, 1417/P/C/102B, 1417/P/C/103B, 1417/P/C/104B, 1417/P/C/105B, 1417/P/C/106B, 1417/P/C/300A, 1417/P/C/301A, 1417/P/C/302, 1417/P/C/350.

Block D: 1417/P/D/100B, 1417/P/D/101B, 1417/P/D/102B, 1417/P/D/103B, 1417/P/D/104C, 1417/P/D/300A, 1417/P/D/301A, 1417/P/D/302, 1417/P/D/350.

Block E: 1417/P/E/099D, 1417/P/E/100C, 1417/P/E/101B, 1417/P/E/102B, 1417/P/E/103B, 1417/P/E/104B, 1417/P/E/105B, 1417/P/E/106B, 1417/P/E/107B, 1417/P/E/108B, 1417/P/E/109B, 1417/P/E/250, 1417/P/E/300A, 1417/P/E/301A, 1417/P/E/302A, 1417/P/E/303A, 1417/P/E/350.

Block F: 1417/P/F/099D, 1417/P/F/100D, 1417/P/F/101C, 1417/P/F/102C, 1417/P/F/103C, 1417/P/F/104C, 1417/P/F/300B, 1417/P/F/301B, 1417/P/F/302A, 1417/P/F/303A, 1417/P/F/304, 1417/P/F/350.

Block G: 1417/P/G/100C, 1417/P/G/101B, 1417/P/G/102B, 1417/P/G/103B, 1417/P/G/104B, 1417/P/G/105B, 1417/P/G/300B, 1417/P/G/350.

Landscape: NMMSK01.01-April 2010, NMMSK01.02-April 2010.

Transport

CSK005 Rev P10.

**Conservation
area consent
PA/09/2324**

1417/P020, 1417/P040, 1417/P041, 1417/P070A and 1417/P071.

Environmental Statement Volumes 1, 2 & 3 with Non-Technical Summary and Additional Regulation 19 Information dated 3rd February 2010.

Design and Access Statement.

Planning Statement.

Statement of Community Involvement.

Energy Strategy January 2010 (amended).

Applicant:

Paddington Churches Housing Association and the Homes and Communities Agency (H&CA).

Owners:

Mildmay Mission Hospital
London Baptist Property Board Limited

Trustees of Shoreditch Tabernacle Baptist Church
Harbhalan Singh Rehinsi

- Listed buildings** Adjoining, the Shoreditch Tabernacle Church Hall (the Tab Centre), 2 -12 Columbia Road and the Leopold Buildings, Columbia Road are listed Grade 2.
To the south west, St. Leonard's Church is listed Grade 1. St. Leonard's churchyard boundary walls, gates and railings are listed Grade 2.
To the south, numerous buildings within the Boundary Estate, including Virginia Primary School, are listed Grade 2.
- Conservation area** The site lies partially within the Council's Hackney Road Conservation Area.
The Council's Boundary Estate Conservation Area adjoins to the south.
St. Leonard's Church, and both sides of Kingsland Road to the north, lie within the London Borough of Hackney's Kingsland Conservation Area.
The South Shoreditch Conservation Area, in the London Borough of Hackney, lies to the west.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1. The local planning authority has considered the particular circumstances of the applications against policies contained in The London Plan 2008, the saved policies in the Tower Hamlets Unitary Development Plan 1998, the Council's interim planning guidance 2007, the Council's LDF Core Strategy Development Plan Document (Submission Version December 2009), associated supplementary planning guidance, and Government Planning Policy Guidance and has found that:
- Shoreditch Tabernacle Baptist Church detracts from the character and appearance of the Hackney Road Conservation Area and its demolition is justified in accordance with policy DEV28 of the Council's Unitary Development Plan 1998, policy CON2 of the Council's interim planning guidance 2007 and national advice in PPS5 – Planning and the historic environment.
 - The provision of residential accommodation on the site is supported by policy 3A.1 of The London Plan, the Proposals Map of the Council's interim planning guidance 2007 (Development site CF1), policies CRF1 and CRF41 of the Council's City Fringe Action Area Plan interim planning guidance 2007, together with policy SP02 of the Core Strategy Development Plan Document December 2009, which seek to increase London's supply of housing including within the City Fringe.
 - The provision of a new hospital and a church on the site is supported by policies 3A.17 3A.18 of The London Plan, policies SCF1 and CFR3 of the Council's interim planning guidance 2007 and policy SP03 of the Core Strategy Development Plan Document December 2009, which seek to enhance social infrastructure and community facilities.

- The density of the scheme would not result in the overdevelopment of the site and any of the problems typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of The London Plan 2008, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim planning guidance 2007, which seek to provide an acceptable standard of development throughout the borough.
- The new buildings in terms of height, scale, design and appearance are acceptable in line with national advice in PPS5: Planning and the historic environment, policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12 and 4B.14 of The London Plan 2008, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1, DEV2, CON1 and CON2 of the Council's interim planning guidance 2007, policy CRF39 of the Council's City Fringe Action Area Plan and policy SP10 of the Core Strategy Development Plan Document December 2009, which seek to ensure development is of a high quality design, preserve or enhance the character and appearance of conservation areas and preserve the setting of listed buildings.
- The proposed affordable housing arrangements are acceptable in line with The London Plan policies 3A.9, 3A.10, policies HSG3 and HSG4 of the Council's interim planning guidance 2007 and policy SP02 of Core Strategy Development Plan Document December 2009.
- The proposed residential mix would be satisfactory in line with policy HSG2 of the Council's interim planning guidance 2007 and policy SP02 of Core Strategy Development Plan Document December 2009.
- Subject to minor revisions required by condition, transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policy T16 of the Tower Hamlets Unitary Development Plan 1998 and policies DEV16, DEV17, DEV18 and DEV19 of the Council's interim planning guidance 2007, which seek to ensure developments can be supported within the existing transport infrastructure.
- Sustainability and renewable energy matters are appropriately addressed in line with policies 4A.7 – 4A.9 of The London Plan, policies DEV5 – 9 and DEV 11 of the Council's interim planning guidance 2007, and policy SP11 of the Core Strategy Development Plan Document December 2009 which seek to ensure developments reduce carbon emissions and result in sustainable development through design measures, water quality, conservation, sustainable drainage, sustainable construction materials, air pollution and air quality.
- Contributions have been secured towards open space provision, cultural facilities, highway improvements, and education provision, together with the implementation of travel plans and car restricted arrangements. This is in line with Regulation 122 of the Community Infrastructure Levy Regulations 2010, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Tower Hamlets Unitary Development Plan 1998 and policy IMP1 of the Council's interim planning guidance 2007, which seek to secure planning obligations that

are necessary to make development acceptable in planning terms.

- The submitted Environmental Impact Assessment supplemented by Additional Information is satisfactory, including the cumulative impact of the development, with mitigation and safeguarding measures to be implemented through conditions and a recommended legal agreement.

3. RECOMMENDATIONS

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

A. Any direction by The Mayor of London.

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

- (a) To provide 50 units of affordable housing in a tenure split 72:28 social rented : intermediate (36 rental units :14 intermediate units).
- (b) A £250,000 Open Space and Green Grid contribution to be spent in accordance with the Council's Open Space Strategy and Green Grid Strategy.
- (c) A £150,754 contribution towards Leisure Facilities.
- (d) A £33,488 contribution towards Library/Idea Stores.
- (e) A £234,498 contribution towards Education.
- (f) A £112,050 towards highway improvements comprising:
 - Gascoigne Place / Columbia Road junction improvement.
 - Gascoigne Place / Virginia Road junction improvement.
 - Pedestrian and traffic management improvement works in the streets adjacent to Arnold Circus.
 - Street lighting improvement works in the area.
 - Work in relation to parking bays on Hackney Road.
 - Alterations to Local Area Parking.
- (g) To implement an approved Travel Plan comprising a Residential Travel plan, Workplace Travel plan, a Service Management Plan and a Construction Management Plan.
- (h) To implement a "walkways agreement" for walkways crossing the development site.
- (i) Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
- (j) To provide and maintain public access to the new public open space within the development at hours to be agreed.
- (k) To implement a public art works strategy.

(l) To participate in the Council's Access to Employment and / or Skillsmatch programmes.

(m) To participate in the Considerate Contractor Protocol.

(n) Any other planning obligation considered necessary by the Corporate Director Development & Renewal.

3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

3.3. That the Head of Planning is delegated power to issue the planning permission and impose conditions (and informatives) to secure the following:

3.4 **Conditions**

1. 3 year time limit.
2. The following details to be submitted, approved and implemented:
 - Typical elevation details to include facing material specifications at 1:20 scale for each building block.
 - A mock up of typical elevations of each building to include window frames, balconies and facing materials.
 - Elevations at scale 1:20 showing the junctions of Blocks B and D with the TAB Centre.
 - Details of acoustic glazing and ventilation to the residential accommodation adjacent to Hackney Road.
 - A Noise Assessment of plant, air conditioning, and ventilation systems together with the means of mitigation.
 - A landscaping scheme to include hard and soft finishes, any gates, walls and fences, green / brown roofs, external lighting and CCTV system to be submitted and approved.
 - The means of mitigating the exposed corners of Blocks C, E and F from the effects of wind.
 - Revised details of servicing / loading bay arrangements for the new church and the existing TAB Centre.
 - Revised details of car parking arrangements between Blocks G and F.
 - A Car Park Management Plan, to include details of the one-way operation of the basement car park.
 - Full details of the bicycle parking arrangements for each land use and visitor parking, together with locker and shower facilities for non residential uses.
 - A public art works strategy.
3. Approved landscaping scheme to be implemented.
4. To submit for written approval a Travel Plan comprising a Residential Travel Plan, Workplace Travel Plan, a Service Management Plan and a Construction Management Plan.
5. Decontamination.
6. A heat network, sized to the space heating and domestic hot water requirements of the development, shall be installed and operational prior to the full occupation of the development and shall thereafter serve all spaces within the development. The network shall be supplied with heat from either:

- An external district heating system; or
 - Heat generating plant installed in a single energy centre located at the proposed development and that upon completion of the scheme shall include a CHP system with a total capacity of at least 50 kWe and supplemented by gas boiler system.
7. The development shall include a minimum of 350 m² of photovoltaic panels with a minimum rating of 18.0 kWp.
 8. The energy efficiency and CHP system shall be implemented in accordance with the Energy Report January 2010 (amended) hereby approved, and thereafter shall be retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
 9. Prior to the occupation of the residential element of the development, the developer shall submit to the local planning authority for written approval, a Code for Sustainable Homes assessment where the development achieves a minimum of a "Code Level 4" rating (Design Stage Certification) which shall be verified by the awarding body. The sustainable design and construction measures shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
 10. Prior to the occupation of the hospital element of the development, the developer shall submit for approval in writing by the local planning authority a BREEAM assessment where the hospital element of the development shall seek to achieve an "Excellent" rating and as a minimum achieve "Very Good" rating which shall be verified by the awarding body. Thereafter, the approved sustainable design and construction measures shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
 11. The development authorised by this permission, other than demolition and ground works, shall not commence until the Council (as local planning authority and the highway authority) has approved in writing a scheme of highway improvements necessary to serve the development being alterations to the adopted length of Hackney Road, Austin Street and Virginia Road.
 12. Hours of construction time limits (08.00 to 18.00) Monday to Friday, 08.00 to 13.00 Saturdays and not at all on Sundays or Bank Holidays.
 13. Piling hours of operation time limits (10.00 to 16.00 Mondays to Fridays, 10.00 to 13.00 Saturdays) and not at all on Sundays or Bank Holidays.
 14. No Class A3 (Café / restaurant) or Class A4 (Drinking establishment) use shall commence until details of the means of fume extraction, to include noise mitigation measures, have been submitted and approved by the local planning authority. Thereafter, the approved measures shall be implemented and maintained for the duration of the use unless alternative arrangements are approved in writing by the local planning authority.
 15. No use within Class A1 (Shop), Class A3 (Restaurant / café) or Class A4 (Drinking Establishment) shall operate in the ground floor of Block G on Hackney Road outside the hours of 7.00 am to 12.00 pm (midnight).
 16. No doors shall open directly onto the public highway or Coopers Gardens.
 17. 20% of the total parking provision shall be provided with an electric vehicle charging point.

18. Other than where required by conditions applied to this planning permission, the development shall be carried out in accordance with the approved plans listed in the Schedule to the planning permission.
19. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.5. **Informatives**

1. Planning permission subject to a section 106 agreement.
2. Planning permission under section 57 only.
3. Wheel cleaning facilities during construction.
4. Consultation with the Council's Department of Traffic and Transportation regarding alterations to the public highway and section 278 of the Highways Act.
5. Sustainable Drainage Techniques.
6. Consultation with Thames Water.
7. Consultation with the London Fire and Emergency Planning Authority.
8. The provision of green and brown roofs.
9. Protected species (Bats and Black Redstarts).
10. Consultation with the Council's Environmental Protection Dept, Mulberry Place (AH), PO Box 55739, London E14 with regard to Condition 5 (Decontamination).
11. Consultation with Transport for London regarding the preparation of a Travel Plan comprising a Residential Travel plan, Workplace Travel plan, a Service Management Plan and a Construction Management Plan.
12. Consultation with Transport for London regarding the relocation of the bus stop on Hackney Road.
13. The Council's preference for the use of "Sheffield" bicycle stands.
14. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

3.6. That, if within 3 months of the date of this Committee, the legal agreement has not been executed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

3.7. 2. That the Committee resolves to **GRANT** conservation area consent.

3.8. That the Head of Planning is delegated power to impose conditions on the conservation area consent to secure the following:

Conditions

1. Demolition works must be begun before the expiration of three years.
2. Works for the demolition of the buildings or structures, or any part thereof, shall not commence before a valid construction contract to carry out and complete the works of redevelopment of the site for which planning permission has been granted has been entered into and evidence of such contract has been supplied to the local planning authority.
3. Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

4. **PROPOSAL AND LOCATION DETAILS**

Proposal

4.1. Application is made for full planning permission and conservation area consent for the demolition of existing buildings and redevelopment of the Mildmay Hospital site to provide a campus of seven separate buildings from one to nine storeys in height. The proposed scheme requires the demolition of all the existing buildings on the site (excluding the TAB Centre which is not within the application site). In addition, new pedestrian / vehicular routes through the site, and public open spaces, would be created.

4.2. The proposed development comprises:

- 139 residential units (16,285 sq. metres comprising 413 habitable rooms);
- A new church (423 sq. metres);
- A new specialist hospital (2,795 sq. metres); and,
- A commercial unit on Hackney Road (72 sq. metres) for use within Use Classes A1 (Shop), A2 (Financial services), A3 (Café /restaurant), A4 (Drinking establishment) or B1 (Business);
- Public and managed amenity space of 1,740 sq. metres, dedicated play space of 256 sq. metres and new public realm of 912 sq. metres.

4.3. Key elements of the scheme may be summarised as follows:

Block A would contain a triple height space for the new church on the ground floor level with three levels of deck access flats above. The building would be the equivalent of six storeys fronting onto Hackney Road. Blocks A and B would form one continuous block that wraps from Hackney Road into the site along the south side of a new roadway (to be known as Coopers Gardens), to connect with the existing Tab Centre.

Block B would provide street accessed flats and maisonettes on the ground floor, with a combination of deck accessed flats and flats off an internal stair core above. The building would step down from the corner of Hackney Road to four storeys.

Block C would front onto the north side of Austin Street. The ground floor would provide access to maisonettes and a communal entrance to flats above. The building would rise from five to six storeys.

Block D would also be located on the north side of Austin Street, east of Block C. Maisonettes would be accessed from street level with a communal entrance to flats above. The building would be four storeys with the top floor set back from the parapet.

Block E would be located partly on the site of the existing Hospital building close to the east edge of the site. Again maisonettes would be accessed from street level with a communal entrance to flats above. The building would rise from 5 to 9 storeys towards the centre of the site.

Block F is the new hospital and would be located parallel to the boundary wall to the rear of properties on Columbia Road. The building would rise from one to four storeys but is typically three storeys tall.

Block G would be located adjacent to 40 Hackney Road at the entrance way to the site. The building would be five storeys tall with commercial use at ground floor and a communal entrance to flats above.



Ground floor Master plan. Source Environmental Statement



Illustrative View. Source Environmental Statement

- 4.4. It is intended that the scheme will be delivered as part of the Homes and Communities Agency Public Land Initiative (PLI) to bring forward development on Public Sector controlled assets. This initiative is intended to provide Deficit Funding to bridge the financial viability gap for the Mildmay scheme.

Site and surroundings

The site

- 4.5. The application site measures approximately 0.82 hectares. It is situated to the south east of Hackney Road and north of Austin Street. It is currently occupied by the Mildmay Mission Hospital, the Shoreditch Tabernacle Baptist Church, and the Family Care Centre, Sir Graham Rowlandson House. The Grade II listed Church Community Hall (known as the TAB Centre) adjoins. The applications do not provide for any works to the TAB Centre.

4.6. The Mildmay Mission Hospital and neighbouring buildings

Mildmay Hospital comprises several buildings, including the original Mission Hospital built in 1892. Two wings were added onto the building: an extension to provide a nurses' home in 1926 to the south of the original west wing, and an out-patients ward in 1938 south of the original east wing. In 1965, a further extension was added onto the north end of the building. The hospital currently provides specialist treatment to HIV/AIDS patients. The main hospital buildings are now vacant and the hospital function is carrying on temporarily in the Family Care Centre building on Austin Street. Also contained on the site is a car park associated with the Mildmay Mission Hospital.

4.7. Sir Graham Rowlandson House and the Family Care Centre (known as Spencer House)

Sir Graham Rowlandson House is a three-storey building alongside Spencer House on Austin Street, towards the south west of the site. It was built between 1969 and 1974 as a nurses' home. Planning permission was granted in 1994 to partially demolish and extend the building and change the use to a mother and child/baby unit. The resultant extension is Spencer House, built in 1994. The mother and baby unit was discontinued in 2003 and the building currently temporarily houses the relocated Mildmay Mission Hospital.

4.8. The Shoreditch Tabernacle Baptist Church

Towards the centre of the site is Shoreditch Tabernacle Baptist Church built in 1962. The current building is a poor replacement of a more substantial Victorian Church, damaged in World War II, which fronted Hackney Road and was a prominent presence in the street. This presence was lost when the Church was re-built and set back from the building line. It is now isolated from the street by a car park and the main northern vehicular / pedestrian access to Mildmay Hospital.

The surrounding area

- 4.9. Immediately to the west of Mildmay Hospital, Hackney Road forms a major intersection with Shoreditch High Street that runs south, with Kingsland Road that runs north, and with Old Street that runs to the west. The boundary between the boroughs of Tower Hamlets and Hackney runs along Hackney Road and partially along Austin Street turning south along Boundary Road.
- 4.10. On the south side of Hackney Road, the adjoining development Nos. 2-12 Hackney Road, west of the hospital entrance, comprises a Victorian terrace accommodating the George and Dragon Public House and ground floor premises used for Use Classes A1, A2 and A3 with residential accommodation

above.

- 4.11. No. 40 Hackney Road (occupying the site of 32-40 Hackney Road) immediately east of the hospital entrance, is a modern 4 storey block of 14 residential flats erected in 2003. At the rear, facing the hospital site, No. 40 Hackney Road is provided with windows and balconies at 1st to 3rd floor levels. The ground floor has metal railing on the rear boundary some 2 metres high.
- 4.12. Opposite the site on Hackney Road and along Kingsland Road in the Borough of Hackney, development is typically low rise Victorian terraces 4 and 5 storeys high and include the entrance to Perseverance Works.
- 4.13. Columbia Road runs east from Hackney Road and on its southern side Nos. 2-12 Columbia Road comprise a part 3, part 4 storey Grade 2 listed Victorian terrace with commercial premises on the ground floor (Use Classes A1 and A3) with three ground floor units apparently in residential use. The upper floors comprise residential accommodation. At the rear, facing the application site, Nos. 6-12 Columbia Road have 3 storey rear extensions with flank windows facing into light wells. The main rear walls of Nos. 2-12 Columbia Road contain windows at all four levels with the ground floor windows hidden behind a vegetated brick boundary wall to the hospital 2.5 metres to 3 metres high.
- 4.14. East of No. 12 Columbia Road, running to the junction with Gascoigne Place, the Leopold Buildings (erected by the Improved Industrial Dwellings Company Limited) is also Grade II listed and comprises part 5, part 6 storey Victorian flatted residential accommodation circa 1872. At the rear, all levels of the Leopold Buildings are provided with windows and there are also a number of glazed staircase extensions. Leopold Buildings is separated from the existing hospital building by a brick boundary wall approximately 2.5 metres high.
- 4.15. East of Gascoigne Place, on the south side of Columbia Road, development comprises modern low rise residential accommodation at 2 to 4 storeys.
- 4.16. On the north side of Columbia Road, opposite the Leopold Buildings, lies Cuff Point, a 15 storey local authority residential point block erected in 1974. To the east of Cuff Point is the single storey Columbia Market Nursery School, modern 4 storey residential accommodation, and Old Market Square, a development of 4 storey residential blocks circa 1964.
- 4.17. Immediately east of Mildmay Hospital, and south of the Leopold Buildings, lies the 1966 development comprising Dunmore Point, a 14 storey residential point block and two 4 storey residential blocks called Wingfield House that front the north side of Virginia Road.
- 4.18. Opposite Dunmore Point, directly facing Mildmay Hospital, the east side of Gascoigne Place consists of a Victorian terrace of 3 storey dwellinghouses Nos. 1-15 consecutive.
- 4.19. Opposite Wingfield House, on the southern side of Virginia Road, are 3 and 4 storey residential blocks that abut the northern boundary of the Council's Boundary Estate Conservation Area.
- 4.20. The Boundary Estate Conservation Area, immediately south of Mildmay Hospital, comprises a semi-formal, late 19th-century housing estate, made up

of twenty (Grade-II listed) purpose-built housing blocks and Virginia Primary School. The majority of the blocks are five stories high each individually designed to reflect its position within the estate and its relationship to its surroundings. The raised central garden, known as Boundary Gardens (Arnold Circus), is the centre point of the estate, with the housing blocks arranged on seven unequally placed streets radiating from this focal point. The scale of the area is roughly uniform throughout the estate. The 4 or 5 story housing blocks are the main buildings in the conservation area and dominate the character. The architectural language of the estate is of the Arts and Crafts Movement. Arnold Circus is included in English Heritage's Register of Parks and Gardens of Historic Interest.

- 4.21. On the south side of Austin Street, immediately south of Mildmay Hospital, lies Coll Sharp Court, (No. 26 Austin Street) a modern 3-storey block of flats. To the west, Nos. 6-16 Austin Street comprise a modern block of 2-storey dwellinghouses and flats with a third level of accommodation in a mansard roof. On the corner of Austin Street and Boundary Street lies the former 2-storey Conqueror Public House (Nos. 2-4 Austin Street) recently converted into a retail unit and flats.
- 4.22. West of Boundary Street, in the London Borough of Hackney, lies St Leonard's Church and church grounds. The church, circa 1736, is included in the Statutory List Grade 1 and the churchyard boundary walls, gates and railings are listed Grade 2. The church has a high tower, cupola and spire in Portland stone prominent against the skyline when viewed from the west. St. Leonard's Church, and both sides of Kingsland Road to the north, lie within the London Borough of Hackney's Kingsland Conservation Area. The character of the Kingsland Conservation Area comprises a dense urban grain with buildings typically three to four storeys high.
- 4.23. West of St Leonard's Church lies Shoreditch High Street and the South Shoreditch Conservation Area both in the London Borough of Hackney. The character of the conservation area may be summarised as predominantly Victorian mercantile accommodating buildings typically 4-5 storeys.
- 4.24. Included within the South Shoreditch Conservation Area, east of a disused elevated railway line and the former Shoreditch Main Line Station, is the former Shoreditch Town Hall (No. 380 Old Street) and Shoreditch Magistrates Court both Grade 2 listed.

Public transport availability

- 4.25. The area is well served by public transport and significant improvements are under construction. Old Street Station on the Northern Line of the Underground Railway lies 750 metres to the west of Mildmay Hospital. Liverpool Street Main Line Station with connections to the Central, Circle, Hammersmith & City and Metropolitan underground lines is approximately 1 kilometre to the south west.
- 4.26. The site is also served by a number of London bus services. Routes 26, 48 and 55 serve Hackney Road and routes 67, 149 242 and 243 have stops on Kingsland Road within a 5 minute walk of the appeal site.
- 4.27. As part of Transport for London's Five Year Investment Programme, the East London Line, which closed for upgrading in 2007, is being extended in two

phases. Phase One which fully reopened in May 2010 extends the line north to Dalston Junction and south to New Cross, Crystal Palace and West Croydon. This involved building new stations at Dalston, Haggerston, Hoxton and Shoreditch. A further extension to Highbury & Islington from Dalston Junction is planned to open by February 2011. This further extension will give passengers interchange to the Victoria Line on the Underground Railway and National Rail services. It will also link the East London Line with the North London Railway, currently Silverlink's North London Line, to form the beginning of an orbital railway around the capital. The East London Line has been re-named the East London Railway. Collectively the railways will be known as London Overground.

- 4.28. The new station at Shoreditch lies on Bethnal Green Road near the junction with Shoreditch High Street some 400 metres south east of Mildmay Hospital. The new station at Hoxton is some 460 metres to the north of Mildmay Hospital at Geffrye Street (immediately east of Kingsland Road) in the Borough of Hackney.
- 4.29. The western part of the site had a public transport accessibility level (PTAL) of 6a on a scale of 1 (low) to 6 (high) and the eastern part a PTAL of 5. The whole site probably scores PTAL 6a following the recent infrastructure improvements.

Material planning history

- 4.30. On 6th October 2006, the Council refused planning permission for the demolition of existing buildings (excluding the TAB Centre) and redevelopment of Mildmay Hospital to provide a campus of six buildings comprising a part five, part six storey building along Hackney Road to provide a new church and retail space with residential units above; a five storey building to provide offices with residential units above; a six storey building along Austin Street to provide a Primary Care Centre and residential units; three storey town houses along Austin Street with adjoining commercial/retail premises, a 23 storey residential building incorporating social services facilities and a four storey hospital facility and detoxification unit; parking, servicing and cycle bay provision, landscaping and highways works.
- 4.31. The Refusal Reason may be summarised as follows:
- “The development would be insensitive to the context of the surrounding area, by reason of design, mass, scale, height and use of materials. The development would have an adverse impact upon the residential amenity of surrounding owners/occupiers particularly in terms of impact on daylight and sunlight and overlooking from the proposed roof terrace of the hospital building.”*
- 4.32. An appeal to the Secretary of State against the refusal of planning permission was subsequently withdrawn undetermined.
- 4.33. On 8th October 2008, the Council designated the Hackney Road Conservation Area. The sole building within the application site that lies in the newly designated area is Shoreditch Tabernacle Baptist Church.

5. POLICY FRAMEWORK

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

5.2. **Spatial Development Strategy for Greater London (The London Plan 2008)**

Policies	2A.1	Sustainability criteria
	3A.1	Increasing London’s Supply of Housing
	3A.2	Borough housing targets
	3A.3	Maximising the potential of sites
	3A.5	Housing choice
	3A.6	Quality of new housing provision
	3A.7	Large residential developments
	3A.8	Definition of Affordable Housing
	3A.9	Affordable housing targets
	3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
	3A.17	Addressing the needs of London’s diverse population.
	3A.18	Protection and Enhancement of social infrastructure and community facilities
	3A.20	Health objectives
	3A.21	Locations for health care
	3A.22	Medical excellence
	3A.24	Education facilities
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.3	Sustainable Transport
	3C.9	Increasing capacity and quality of public transport
	3C.23	Parking strategy
	3D.8	Open space and green infrastructure
	3D.12	Open space strategies
	3D.13	Children and young people’s play strategies
	3D.14	Nature conservation and biodiversity
	4A.1	Tackling climate change
	4A.2	Mitigating climate change
	4A.3	Sustainable design and construction
	4A.4	Energy assessment
	4A.5	Heating and cooling networks
	4A.6	Decentralised energy
	4A.7	Renewable Energy
	4A.9	Adapting to climate change
	4A.11	Living roofs and walls
	4A.12	Flooding
	4A.13	Flood risk management
	4.A.14	Sustainable drainage
	4A.16	Water supply and resources
	4A.17	Water quality
	4A.19	Improving air quality
	4B.1	Design principles for a compact city
	4B.2	Promoting world class architecture and design
	4B.3	Enhancing the quality of the public realm
	4B.5	Creating an inclusive environment
	4B.6	Safety, security and fire prevention
	4B.8	Respect local context and communities
	4B.10	Large scale buildings, design and impact

4B.11	London's built heritage
4B.12	Heritage conservation
5C.3	Opportunity areas in North East London
6.A.4	Planning obligation priorities
6A.5	Planning obligations

5.3. Tower Hamlets Unitary Development Plan 1998 (saved policies)

Proposals:

1. The site is unallocated on the Proposals Map of the Tower Hamlets Unitary Development Plan 1998.
2. The background assessment area of the protected vista of St Paul's Cathedral from Westminster lies to the south.

Policies:

ST23 - High Quality Housing
 ST25 - Housing to be adequately served by all infrastructure
 ST28 - Restrain unnecessary use of private cars
 ST30 - Improve safety and movement for all road users
 ST37 - Enhancing Open Space
 ST43 - Public Art
 ST47- Provision of training Initiatives
 ST49 - Provision of social and community facilities
 ST50 - Provision of medical services
 DEV1 - Design Requirements
 DEV2 - Environmental Requirements
 DEV3 – Mixed Use Development
 DEV4 - Planning Obligations
 DEV12 - Provision of Landscaping
 DEV50 - Noise
 DEV51 - Contaminated land
 DEV55 - Development and Waste Disposal
 DEV56 - Waste Recycling
 DEV69 - Efficient Use of Water
 HSG7 - Dwelling Mix and Type
 HSG13 - Internal Space Standards
 HSG16 - Housing Amenity Space
 T16 - Traffic Priorities for New Development
 T18 - Pedestrians and the Road Network
 T21 - Pedestrians Needs in New Development
 OS9 - Children's Play space

5.4. Interim planning guidance: Tower Hamlets Core Strategy and Development Control Plan September 2007

Proposals:

1. Action Area Plan Boundary
2. Development site CF1.
3. The Boundary Estate Conservation Area is shown to the south.
4. The background assessment area of the protected vista of St Paul's Cathedral from Westminster lies to the south.

Development Control Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV8	Sustainable drainage
	DEV9	Sustainable construction materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	DEV25	Social impact assessment
	HSG1	Determining residential density
	HSG2	Housing mix
	HSG3	Affordable housing
	HSG4	Social and Intermediate Housing ratio
	HSG7	Housing amenity space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating provision of affordable housing
SCF1	Social and Community Facilities	
CON1	Listed buildings	
CON2	Conservation areas	
CON3	Protection of historic parks and gardens	
Planning standards	Standard 1	Noise
	Standard 2	Residential Waste Refuse and Recycling Provision
	Standard 3	Parking
	Standard 4	Tower Hamlets Density Matrix
	Standard 5	Lifetime Homes

**5.5. Interim planning guidance: Tower Hamlets City Fringe Action Area Plan
September 2007**

Policies	CRF1	City Fringe spatial strategy
	CRF2	Transport and movement
	CRF3	Health provision
	CRF4	Education provision
	CRF5	Open space
	CFR6	Infrastructure and services
	CRF7	Infrastructure capacity
	CRF8	Waste
	CRF38	Employment, residential, retail and leisure uses in Weavers sub-area
	CRF39	Design and built form in Weavers sub area
	CRF40	Local connectivity and public realm in Weavers sub area
CRF41	Site allocations in Weavers sub-area. Site CF1	

Mildmay Hospital. Preferred uses:

- Residential (C2/C3)
- Retail (A1, A2, A3, A4)
- Employment B1
- Public Open Space

5.6. **Core Strategy Development Plan Document (Submission version December 2009)**

Strategic objectives:

SO3	Achieving wider sustainability.
SO7	Deliver housing growth to meet London Plan targets.
SO8	Socially balanced and inclusive communities / housing choice.
SO10	Creating healthy and liveable neighbourhoods.
SO12	Creating a green and blue grid.
SO14	Dealing with waste.
SO20 & 21	Creating attractive streets and spaces.
SO22	Protect and improve access to heritage assets.
SO23	Promote a borough of well designed, high quality buildings.
SO24	To achieve a zero carbon borough.
SO25	Delivering place making.

Strategic policies

SP02	Housing delivery.
SP03	High quality health care facilities.
SP04	Delivering a network of open spaces.
SP05	Waste Management Strategy.
SP09	Street hierarchy.
SP10	Protect and enhance heritage assets.
SP11	Carbon emission reduction target of 60%.
SP12	Improve, enhance and develop a network of sustainable places.
Shoreditch Vision	Reinforcing and reflecting the historic qualities in Shoreditch to shape future growth.

5.7. **Supplementary Planning Guidance**

Residential Space.
Designing Out Crime.
Landscape Requirements.
The Mayor of London's Housing Supplementary Planning Guidance.
The Mayor of London's Housing Strategy February 2010
The Mayor of London's SPG "Providing for Children and Young Play and Informal Recreation,"

5.8. **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing

PPS5	Planning and the historic environment
PPG13	Transport
PPS22	Renewable Energy
PPG24	Noise

5.9. **Community Plan**

The following Community Plan objectives relate to the application:

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

6. **CONSULTATION RESPONSE**

6.1. The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application. The accompanying Environmental Impact Assessment has been supplemented to provide additional information which has been subject to statutory publicity and public notification including press and site notices.

Greater London Authority (Statutory consultee)

6.2. At Stage 1, the Mayor advised:

- Mix of uses: The proposed mix of uses accords with London Plan policies.
- Housing: The residential density is appropriate and the scheme successfully maximises the potential of the site. The mix of units, housing choice and spatial standards are acceptable. It is not possible to determine whether the proposal maximises affordable housing in accordance with London Plan policies. There would be insufficient children's play space contrary to London Plan policy.
- Design: The scheme proposes a high quality design with acceptable layouts and relationship with surrounding buildings.
- Inclusive design: The proposal broadly accords with London Plan policy 4B.5 and draft replacement Plan policy 7.2.
- Climate change mitigation. The proposals are acceptable in principle subject to further information and revisions to the energy strategy.
- Transport. A car-free development is supported but further information is required in order to ensure that the scheme complies with London Plan policies.

6.3. The Mayor also advised that the following remedies could address the deficiencies:

- Housing – Further discussions are required to ensure that the maximum reasonable amount of affordable housing is being provided. The applicant will need to redress children's play space provision.
- Energy: Further information is required in relation to baseline carbon emissions, district heating, the CHP and cooling systems and renewable energy.

- Transport: Further discussions required with TfL regarding access points, pedestrian environment, cycle parking, framework travel plan and a commitment to developing service management and construction management plans.

6.4. (Officer comments:

- Affordable housing: Subsequently, the Mayor has advised that as the H&CA supports the application, and are indeed funding it through the Public Land Initiative, it appears the scheme has been scrutinised.
- Energy: Further information on the energy strategy has been supplied and the solar panels have been increased from 160 sq metres to 320 sq. metres. Conditions are recommended to ensure the implementation of the submitted energy strategy.
- Children's Play Space. The scheme includes public and managed amenity space of 1,740 sq metres and dedicated play space of 256 sq. metres. The Council's Policy and Development Manager - Cultural Services advises that the offered £250,000 to enhance open space off site should be accepted).

Transport for London

6.5. Satisfied with the revision of both the site access layout at Hackney Road and the southbound bus stop. Requests a condition or section 106 obligation to secure a Non-residential Travel Plan, a Delivery and Servicing Plan and a Construction Management Plan which should be prepared in conjunction with TfL. Satisfied that the level of cycle parking proposed for the non-residential elements is in line with London Plan policy standards and guidance. Satisfied with the proposed improvements to the public realm.

6.6. (Officer comments: An appropriate condition and section 106 Head of agreement are recommended.

Government Office for London (Statutory consultee)

6.7. No representations received.

Natural England (Statutory consultee)

6.8. The site currently has little ecological value. The proposed green roofs are supported but the Council should encourage a more innovative design to include a brown roof to provide a habitat for black redstarts.

(Officers comment: A recommended condition requires the submission and approval of a landscaping scheme to include green /brown roofs and a habitat for black redstarts. A recommended informative advises that the scheme to provide green and brown roofs should be more innovative than the provision of sedum matting).

Environment Agency (Statutory consultee)

6.9. No objection. Recommends that the developer investigates the use of Sustainable Drainage Techniques.

6.10. (Officer comments: An appropriate informative is recommended).

London Borough of Hackney (Statutory consultee)

6.11. No representations received.

English Heritage (Statutory consultee)

6.12. In terms of scale, the current proposal which does not include a tower element is a significant improvement over the previous scheme. The existing Tabernacle Church is a low key post war building. The proposed replacement is much more assertive and will have more impact on conservation area views. Any permission should be conditioned to ensure that the proposed distinctive Hackney Road façade, incorporating intricate brickwork details and deep set windows, is fully realised. The proposed loss of the older portions of the Mildmay Hospital is regrettable. The application should be determined in accordance with national and local policy guidance and the basis of the Council's specialist conservation advice.

6.13. (Officer comment: A condition is recommended to require the development to be undertaken in accordance with the submitted plans. The older part of Mildmay Hospital is not listed, does not lie within the Hackney Road Conservation Area and consent is not required for its demolition. National policy considerations and Development Plan policy are assessed in Section 8 below. In terms of urban design and built heritage, it is considered that the scheme is policy compliant).

Commission for Architecture and the Built Environment (CABE)

6.14. Supports the urban design strategy and believes the approach has resulted in a very successful piece of city planning. The architectural language is accomplished and articulates the large urban blocks well. The success of the project depends on the quality of materials and architectural detailing being carried through to construction and this needs careful controlled by condition to prevent any watering down of the design.

6.15. (Officer comments. Appropriate conditions requiring the approval of details of the elevations and facing materials, together with the implementation of the approved details are recommended).

The Garden History Society

6.16. No representations received.

The Victorian Society

6.17. No representations received.

Thames Water Plc

6.18. No objection regarding water infrastructure. Requests an informative regarding a water main that crosses the development site.

6.19. (Officer comments: An appropriate informative is recommended).

Metropolitan Police Crime Prevention Officer

6.20. No representations received.

London Fire and Emergency Planning Authority

6.21. Requests to be consulted regarding fire service access and water supplies.

6.22. (Officer comments. An appropriate informative is recommended)

Tower Hamlets Primary Care Trust

6.23. No representations received.

Conservation and Design Advisory Group

- 6.24.
- Uncomfortable with the height and bulk of the gateway building (Block G) on Hackney Road and its relationship with the new church. A proposed sloping roof (a common theme throughout the development) jars with the context of Hackney Road and elsewhere.
 - Block E considered too large with unconvincing geometry and a lack of natural light internally. Block D – the lowest and slimmest – is the most successful in terms of scale and context. Many elevations very austere – with large expanses of brickwork and uncomfortably high parapets.
 - Metal work balconies should be used throughout rather than some metal some fully glazed.
 - Good residential architecture mostly forms a streetscape but some aspects / blocks do not.
 - The tenure mix is well distributed with family accommodation well located with direct access to the ground floor.
 - The area is severely deficient in public open space and the applicants should consider contributions to upgrade existing underused spaces.
 - Concerned that there should be provision of well lit play / green space benefiting from sunlight from midday onwards.
 - Regrets the lack of public use along the western ground floor along Hackney Road (the location of the new church). Shops could humanize the scale of the development.
 - There should be increased use of solar panels.

6.25. (Officer comments: Block G, located adjacent to 40 Hackney Road at the entrance way to the site would be five storeys tall. Together with the new church it would form a gateway to the development and the height would be similar to the entrance to Perseverance Works opposite on Hackney Road. The roof profile of the church would help to form a unique development and add interest to the overall composition. Block E is set back within the site and is considered appropriate within the context. Bulk, massing and height have been carefully modelled to have limited impact on the townscape and are considered acceptable. No objections are raised by English Heritage and the design, including detailing, is supported by CABE and the Greater London Authority.

The development includes public and managed amenity space of 1,740 sq metres, dedicated play space of 256 sq. metres and new public realm of 912 sq metres. Nevertheless, the H&CA acknowledges that the scheme is deficient in open space and proposes a mitigating financial contribution to enhance open space provision off site.

Whilst additional shops on Hackney Road could be appropriate, no planning objection is seen to a new church on a site where one existed for over 100 years.

The area of solar panels has been increased from 160 sq. metres to 320 sq. metres).

Environmental Protection

- 6.26. Recommends that any planning permission is conditioned to secure, the means of mitigating the accommodation for road noise, noise from plant, air conditioning and ventilation systems, the details of the means to control noise and odour from any Class A3 or A4 use in the proposed small commercial unit on Hackney Road, and the decontamination of the site. Advises that there would be impact on the daylight and sunlight reaching residential properties in Austin Street but conditions would be acceptable as British Standards would be met. Sunlight and overshadowing conditions would be satisfactory.
- 6.27. (Officer comment: Appropriate conditions are recommended).

Affordable Housing Team

- 6.28. The amount of affordable housing within this development exceeds the Council's minimum 35% requirement and the split between affordable rent and intermediate tenures is also acceptable.

Transportation and Highways

- 6.29. No objections in principle subject to the following matters being addressed.

The potential impact on local amenity is a concern outside the hours of the Controlled Parking Zone, including weekends. The current on-site parking for all uses (hospital, church and the TAB Centre) is to be lost. The church is being increased and there is potential for displaced parking impact. In order to protect local amenity, measures should be in place to upgrade the CPZ as necessary.

The following matters should be reserved by condition:

- No doors to open over the public highway or Coopers Gardens.
- Details of the shared surface design.
- Travel Plan.
- A Car Park Management Plan.
- 20% of the parking provision should be installed with an electric vehicle charging point.
- Revised details of loading arrangement for the new Church and the TAB Centre.
- Revised details of car parking arrangements between Blocks G and F.
- The provision of cycle parking secured for each lad use.
- Scheme of highway improvement works.

There should be a section 106 agreement to secure "car free" arrangements, and to fund highway improvements in the local area comprising:

- Gascoigne Place / Columbia Road junction improvement.

- Gascoigne Place / Virginia Road junction improvement.
- Pedestrian and traffic management improvement works in the streets adjacent to Arnold Circus.
- Street lighting improvement works.
- Work in relation to the relocation of parking bays on Hackney Road due to the new access arrangements.

A condition and informative regarding a section 278 Agreement under the Highways Act to fund necessary highway works adjacent to the site is sought.

- 6.30. (Officer's comments: The developer has agreed to fund any necessary alterations to the Controlled Parking Zone and the highway improvements requested. Appropriate Heads of agreement and / or conditions are recommended to secure the other matters. The developers have indicated that these are satisfactory).

Children's Services (Education Development)

- 6.31. The proposed dwelling mix is assessed as requiring a pooled contribution towards the provision of 19 additional primary school places @ £12,342 = £234,498.
- 6.32. (Officer's comments: The applicants have agreed to the requested education contribution and an appropriate Head of agreement is recommended).

Policy and Development Manager - Cultural Services

- 6.33. Recommends that the H&CA's offer of £250,000 towards open space is accepted. Requests that this be spent in accordance with the Council's Open Space Strategy and Green Grid Strategy. Believes that securing this funding should address a number of the issues raised by the Columbia Road Neighbourhood Association (see paragraph 7.8 below).

A section 278 agreement under the Highways Act should secure highways improvements in the immediate vicinity of the site including Hackney Road and Austin Street, which have been highlighted as problem areas by the Neighbourhood Association.

In addition, CLC also request the following contributions:

- £150,754 towards Leisure Facilities.
- £ 33,488 towards Library/Idea Stores.

The justification for the contribution towards Leisure Facilities is that Sport England as the Department for Culture, Media and Sport (DCMS) agency tasked with implementing sports policy have developed a sports facility calculator for section 106 purposes. This calculates (based on population figures and research based demand data) the amount of water space, sports halls and pitches required by new developments. It then uses building cost index figures to calculate the cost associated. The model generates a total leisure contribution of £150,754 for the Mildmay development based on an assumed population uplift of 322.

The justification for contribution towards Library/Idea Stores this is that Museums,

Libraries and Archives (the sector DCMS agency) has developed a tariff approach to section 106 contributions towards libraries and archives. This assumes a requirement of 30 sq m of library space per 1,000 of population. The standard uses construction index figures and applies a cost of £3,465 / sq m for London. This results in a per capita cost of £104. On the basis of a population uplift of 332, a Library/Idea Stores contribution of £33,488.00 (322 x 104) is requested.

- 6.34. (Officer comment: Heads of agreement, which the developers have indicated are satisfactory, are recommended).

Landscape Development Manager

- 6.35. The whole borough is deficient in public open space and this part is particularly deficient at between 0.8 - 1.2 ha / 1000 population. A section 106 contribution to open space and play space provision in the vicinity of the site should be made available for improvements to publicly accessible open spaces in accordance with the Open Space Strategy and the Tower Hamlets Green Grid Strategy. A significant amount of street tree planting in the vicinity is also required. The Tower Hamlets Green Grid has three routes in the immediate vicinity of this development site running along Columbia Road / Calvert Avenue, around Arnold Circus and beyond / Swanfield St and Virginia St; all of them continue across the borough.

Section 106 contributions to support off-site improvements, as identified within these two strategies, would allow some of the issues raised by the Columbia Road Neighbourhood Association (see paragraph 7.8 below) to be addressed

Investing as the residents suggest would not address the deficiency of open space provision within the site as acknowledged by the H&CA. Investing public funding on land adjacent to Dunmore Point and Wingfield House is not supported unless full public access is agreed by the RSL owner of the land. This may be proposed and agreed via forthcoming work in the Year 1 Business Plan for the Tower Hamlets Green Grid. While St Leonard's Church Gardens are a park that local Tower Hamlets residents would want to use, they lie outside the borough boundary and outside the proposal made by the H&CA.

- 6.36. (Officer comment. The H&CA has offered a £250,000 Open Space and Green Grid contribution to be spent in accordance with the Council's Open Space and Green Grid Strategy to enhance open space provision off site).

Waste Policy and Development

- 6.37. No representations received.

Corporate Access Officer

- 6.38. No representations received.

Energy Officer

- 6.39. No objection in principle. Recommends conditions to ensure the delivery of energy efficiency measures and renewable energy.
- 6.40. (Officer comment: Appropriate conditions are recommended).

7. LOCAL REPRESENTATION

7.1. A total of 418 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The applications have also been publicised in East End Life and on site. The Additional Information supplementing the Environmental Statement has also been subject to statutory publicity and consultation with neighbours and local groups. The number of representations received from neighbours and local groups following publicity is as follows:

No of individual responses:	Objecting:	Supporting:
15	2	13

No. of petitions received: 0

7.2. There is general support to the redevelopment of Mildmay Hospital with the revised application considered a significant improvement over the earlier scheme. Material points made in favour of the development are as follows:

- The scheme will improve the area; provide a 21st Century hospital, new homes, and a church. The scheme is much lower and less dense than the previous application.
- The redevelopment is of vital importance to the Shoreditch Tabernacle Baptist Church and residents in the area. The plans will transform, revitalise, and distinguish a run down, neglected part of Hackney Road.
- The design is good and looks exciting.
- Pleased that the monstrosity of a hospital is being knocked down.
- The proposal is conscientious and well balanced, respecting the historic character of the area whilst adding to the social and aesthetic value of the site.
- The enhancement in public access and open space, the differentiation of the architectural elements of the church, hospital, the flats and maisonettes are all praiseworthy.

7.3. Two letters from neighbours provide qualified support. One resident of Columbia Road, whilst endorsing the development as a whole, is concerned about security to the rear of properties on Columbia Road as access could be obtained from the hospital grounds.

7.4. A resident on the ground floor of 40 Hackney Road, whilst also supporting the development due to its positive impact on the area and the people living there, has a similar security concern. It is requested that the area of the development site at rear of 40 Hackney Road (part of the Hospital grounds – Block F) should have restricted access and provided with a wall and gate at least 2.4 metres high. The refuse area at the rear of Block G should be shielded from view, kept tidy and constructed to preclude smells.

7.5. (Officer comment: Nos. 2-12 Columbia Road are provided with a vegetated brick boundary wall to the Hospital 2.5 metres to 3 metres high. The ground floor rear of 40 Hackney Road is provided with metal railings some 2 metres high. The new hospital would be provided with a front boundary wall / railings

and gates to Coopers Gardens of between 3.00 metres to 3.4 metres high. These arrangements would provide increased security to 40 Hackney Road and Nos. 2-12 Columbia Road. The refuse area at the rear of Block G would be enclosed but not roofed).

7.6. Material objections raised by two neighbours may be summarised as:

- Whilst contemporary design is very welcome, the Hackney Road elevation is not of sufficient design quality and does not sit comfortably with adjacent buildings and the varied street frontage. It is too high and should reflect the cornice line of existing neighbours. The elevation should be more active perhaps with shop fronts.
- Austin Street is a quiet one-way street and the scheme will impact on Nos. 2-16. Instead of the car park opposite, there would be 4 storey high apartments overlooking Nos. 6 -14 Austin Street. This would completely change the feel of the street. Light would be very much reduced as the street is narrow and the new building opposite would be very close, especially at the Nos. 6, 8A, 8B and 10A end. There would be overlooking (including from balconies) with privacy destroyed, loss of sky views and sense of open space blocked out. If the buildings were lower and further back it may not be such a change.

7.7. (Officer comment: The new church (Block A) on the Hackney Road frontage would be well crafted in brick. It would be triple height with three storeys of residential accommodation above. The adjoining Block G, located adjacent to 40 Hackney Road at the entrance to the site, would be five storeys tall. Both buildings would form a gateway to the development and would be of similar height to the entrance to Perseverance Works opposite on Hackney Road. Bulk, massing and height have been carefully modelled to have limited impact on the townscape and are considered acceptable. No objections are raised by English Heritage and the design is supported by CABE and the Greater London Authority.



View looking east along Hackney Road. Source Environmental Statement

Environmental Protection advises that there would be impact on the daylight and sunlight reaching residential properties in Austin Street but conditions would be acceptable as British Standards would be met – see detailed comments at

paragraph 8.55 below.

The distance between the new Block D and the existing housing on the south side of Austin Street (balcony to habitable room) would be between 6.4 m and 8.8 m. The supporting text to the Council's UDP policy DEV3 says that new development should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres between opposite habitable rooms is said to reduce inter-visibility to a degree acceptable to most people. This figure is to be applied as a guideline depending on the design and layout concerned. The 18 metre distance is usually applied at the rear and there is no distance mentioned in the UDP that specifically applies across roads, which is typically less than 18 metres in much of Tower Hamlets. The difficulty is caused by Austin Street being an historic narrow, single track road. If a street frontage is to be reinstated here, and the character and appearance of the adjoining Hackney Road Conservation Area enhanced, it is inevitable that the buildings will be in close proximity. On balance, arrangements are considered satisfactory given the design and layout concerned and the central urban location).

Columbia Road Neighbourhood Action Group (CNAG)

- 7.8. Acknowledges the proposal as a considerable improvement over the previous application in 2007. The layout and massing of the built forms are acceptable to most CNAG members. Whilst welcoming the inclusion of a commercial use on the ground floor of Block G on Hackney Road, urges that neither this, nor any other commercial / retail use, is used for a bar or a 24 hour convenience store. Strongly encourages commercial uses at ground floor level of Block C on Austin Street, as opposed to the continuous residential use and the bike store proposed.
- 7.9. CNAG add that the area has limited public open space and the surrounding streets suffer from poor quality public realm. It is important that as well as developing the public / communal space within the site, the developer and the Council work together to improve the local context by extending the proposed public realm treatment to the opposite side of any open space that forms a part of the development. Any section 106 funds for public realm improvements should be spent in the immediate vicinity to integrate the development into the area. The areas in need of improvement are said to be Hackney Road, Austin Street, the junction of Virginia Road, Austin Street and Hocker Street, St. Leonard's Church Yard, and the open space along the eastern edge of the application site which borders Dunmore Point and Wingfield House.
- 7.10. (Officer comment: It is considered appropriate to locate a Class A1 (Shop) or a Class A4 (Drinking establishment) within the ground floor commercial unit on Hackney Road. The Council is unable to differentiate between shop uses and thereby prohibit a convenience store. To protect residential amenity, a condition is however recommended that any shop, restaurant / café or drinking establishment within the commercial unit, should not operate outside the hours of 7.00 am to 12.00 pm (midnight).

The ground floor of Block C on Austin Street is not considered suitable for commercial use due to servicing difficulties on a single track one-way street and the application does not propose commercial use in this location.

As explained, the developers have offered a section 106 financial contribution to

mitigate the open space deficiency, and also to fund highway improvements in Gascoigne Place, Columbia Road, Virginia Road and in the streets adjacent to Arnold Circus. Investing section 106 funds on the grounds of Dunmore Point and Wingfield House, as suggested by the CNAG, would not address the deficiency in open space on-site, as these areas are housing association amenity land. Unless public access is agreed by the RSL (which may occur as part of the implementation of the Green Grid), public funding cannot be invested in these areas. St Leonard's Churchyard lies within the Borough of Hackney and using section 106 funding for its improvement would prove difficult).

Virginia Primary School

- 7.11. The governors, staff and parents of Virginia School agree with CNAG that the proposal is a considerable improvement over the previous scheme and the layout and massing of the built forms are acceptable to most of those who would be affected. The School requests funding assistance to refurbish and redevelop the old premises manager's house, located in the playground, into a 'multi-agency wing' and parent/child learning space.
- 7.12. (Officer comment: It is not considered that the refurbishment of the old premises manager's house into a 'multi-agency wing' would meet the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010, as the project is not necessary to make the proposed development of Mildmay Hospital acceptable in planning terms.

Mildmay UK

- 7.13. Urges acceptance of the proposed development. Mildmay UK is Europe's only specialist unit for people with HIV related Neuro Cognitive Impairment. People worldwide look to Mildmay for good practice, guidance and as a centre of excellence. Advises that a restricted service is currently operating on the Austin Street site. The plans under consideration offer an opportunity to meet the changing health & social care needs of the HIV+ community and will enable increased capacity and jobs.

OPEN Shoreditch (A coalition comprising Jago Action Group, South Shoreditch Community Association, North Brick Lane Residents' Association, Spitalfields Community Association, Spitalfields Society, Spitalfields Trust, Columbia Neighbourhood Action Group, Columbia Tenants' and Residents' Association, Friends of Arnold Circus and Spitalfields Small Business Association).

- 7.14. The application is a considerable improvement, and a more compatible scale of development, compared to the previous scheme. Pleased that the developers have consulted the local community and taken on board a number of concerns. Supports commercial uses on the ground floor of Block G on Hackney Road but says it should not be used for licensed premises or a convenience store. Also reiterates CNAG's desire to see the local context improved by extending the proposed public realm treatment.
- 7.15. (Officer comment: As mentioned, it is considered that the commercial unit on Hackney Road within Block G would be a suitable location for a Class A1 (Shop), a Class A3 (Restaurant / café) or Class A4 (Drinking establishment). OPEN Shoreditch's concern appears to be connected to a social problem concerning the use of St. Leonard's Churchyard for alcohol consumption. The Council is unable to control individual types of shop and it is unlikely that such a

problem would be alleviated if a shop or licensed premises was not permitted within the new building).

Shoreditch Tabernacle Baptist Church

7.16. Commends the application. The worshipping community of Shoreditch Tabernacle have met in a building on this site for over 100 years. In addition to new high quality housing, the development offers new facilities for Mildmay Hospital and a new church that will complement the TAB Centre and offer a home to a cluster of community initiatives. Looks forward to managing the proposed garden as a green and hospitable space for residents of the new development and users of the TAB Centre and the Church.

7.17. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

8. MATERIAL PLANNING CONSIDERATIONS

8.1. The main planning issues raised by the applications that the Committee must consider are:

- Proposed land use.
- Density.
- The demolition of Shoreditch Tabernacle Baptist Church.
- The design of the buildings, whether the setting of adjoining listed buildings would be preserved, and whether the character and appearance of the Hackney Road and Boundary Estate Conservation Areas would be preserved or enhanced.
- Sunlight, daylight and wind.
- Affordable housing arrangements.
- Dwelling mix.
- Access and servicing arrangements.
- Amenity space, play space and landscaping.
- Sustainable development/ renewable energy.
- Planning obligations.

Land use

8.2 The site is unallocated on the Proposals Map of the Tower Hamlets Unitary Development Plan 1998. On the Proposals Map of the Council's interim planning guidance 2007, the site is shown as development site CF1. Policy CRF1 within the City Fringe Action Area Plan 2007 provides allocations within the Weavers sub-area with the following preferred uses for Site CF1 Mildmay Hospital:

- Residential (C2/C3)
- Retail (A1, A2, A3, A4)
- Employment B1
- Public Open Space

The proposed development accords with the land uses specified.

8.3. The provision of residential accommodation on the site is also supported by

policy 3A.1 of The London Plan which, together with policy SP02 of the Council's LDF Core Strategy Development Plan Document December 2009, seek to increase London's supply of housing including within the City Fringe.

- 8.4. The provision of a new hospital and a church is supported by policies 3A.17 and 3A.18 of The London Plan, policies SCF1 and CFR3 of the Council's interim planning guidance 2007, and policy SP03 of the LDF Core Strategy Development Plan Document December 2009, which seek to enhance social infrastructure and community facilities in the borough.
- 8.5. In reaching its decision of October 2006, to refuse planning permission for the earlier proposed redevelopment of the hospital, which included the same land uses as now proposed, the Strategic Development Committee had no land use objection.
- 8.6. In summary, the redevelopment of Mildmay Hospital for residential purposes, a new hospital, a new Shoreditch Tabernacle Baptist Church and a commercial unit within Use Classes A1-A4 or Class B1 with new landscape amenity areas is supported by development plan policy and no land use objection is raised.

Density

- 8.7. The Government's Planning Policy Statement 1: Delivering Sustainable Development 2005 (PPS1) supports making efficient use of land. It advises that this should be achieved through higher density, mixed-use development and returning previously developed land and buildings back to beneficial use which is all as proposed.
- 8.8. London Plan policies 4B.1 and 3A.3 outline the need for development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of a compact city, and public transport accessibility. Table 3A.2 of The London Plan provides guidelines on density in support of policies 4B.1 and 3A.3.
- 8.9. Policy CP20 of the Council's interim planning guidance 2007, reflects guidance set out in The London Plan and seeks to maximise residential densities on individual sites taking into account local context, site accessibility, housing mix and type, achieving high quality design, well designed homes, maximising resource efficiency, minimising adverse environmental impacts, the capacity of social and physical infrastructure and open spaces, and to ensure the most efficient use of land within the borough.
- 8.10. The City Fringe Action Area Plan, at paragraph 4.84, states that housing densities within the Weavers sub-area should be assessed against the criteria in policy HSG1 of the interim planning guidance 2007, and be within the range 300-1,100 habitable rooms per hectare.
- 8.11. Policy HSG1 of sets out a number of criteria which should be taken into account when determining the appropriate residential density for a site including:
 - *The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;*
 - *The local context and character;*
 - *The need to protect and enhance amenity;*

- *The need to incorporate good design principles;*
- *The provision of the required housing mix (including dwelling size and type, and affordable housing);*
- *Access to a town centre (particularly major or district centres);*
- *The provision of adequate open space, including private and communal amenity space and public open space;*
- *The impact on the provision of services and infrastructure, including the cumulative impact; and*
- *The provision of other (non-residential) uses on a site.*

8.12. For 'urban' sites with a PTAL range between 4 to 6, Table 3A.2 of the London Plan and Planning Standard 4: Tower Hamlets Density Matrix, say appropriate density for residential developments mostly of flats with low parking provision (as proposed) should be within the range 200 – 700 habitable rooms to the hectare (55 - 225 units per hectare).

8.13. The proposed residential density is 504 habitable rooms (170 dwellings) per hectare which is within the guidance. Subject to ensuing design matters outlined in HSG1 (above) being satisfactory, this density is considered appropriate.

Demolition of Shoreditch Tabernacle Baptist Church

8.14. In determining the application for conservation area consent for demolition, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Hackney Road Conservation Area.

8.15. Planning Policy Statement 5: Planning for the Historic Environment 2010 (PPS5) provides guidance on the conservation of the historic environment. Paragraph 7 details that the Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

8.16. PPS5 policy HE7 details the policy principles guiding the determination of applications for consent relating to all heritage assets. It states that local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset).

8.17. PPS5 policy HE8 reiterates that the effect of an application on the significance of a heritage asset or its setting is a material consideration in determining planning applications. Paragraph HE9.1 goes on to state:

"There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be."

8.18. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Local planning authorities are advised by policy HE9.2 to refuse consent if an application would lead to

substantial harm or total loss of significance, unless special justification applies.

- 8.19. UDP policy DEV28 says that proposals for the demolition of buildings in conservation areas will be considered against the following criteria:
1. The desirability of preserving or enhancing the character or appearance of the area;
 2. The condition of the building;
 3. The likely costs of repair or maintenance of the building;
 4. The adequacy of efforts to maintain the building in use; and
 5. The suitability of any proposed replacement building.
- 8.20. Policy CON2 3 of the Council's interim planning guidance 2007 says that applications for the demolition of buildings that make a positive contribution to the character and appearance of a conservation area will be resisted.
- 8.21. Policy SP10 of the LDF Core Strategy Development Plan Document December 2009 is to protect and enhance heritage assets.
- 8.22. The existing 1960's church is a very low key, post war building which replaced a grand 19th Century church that was bomb damaged. The current building does not make a positive contribution to the Hackney Road Conservation Area both by its architecture, which is undistinguished, and its positioning in the designated area, set back from and breaking the road frontage to Hackney Road. The proposed replacement church would be a much more assertive building which would recreate the original street line both preserving and enhancing the conservation area.
- 8.23. It is considered that the demolition of the existing church is justified by national guidance and the Council's planning policies outlined above. Provided the Committee agrees that the proposed replacement building would preserve or enhance the character and appearance of the conservation area, no objection is raised to the loss of the existing building.

The design of the buildings, the effect on setting of listed buildings and the character and appearance of the Hackney Road and Boundary Estate Conservation Area.

- 8.24. As well as the duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, that requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area; section 66 of the Act places a further duty on the Council, in determining whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of the listed building.
- 8.25. National advice in PPS1 states:
- “Good design should contribute positively to making a better place for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”*
- 8.26. National advice in PPS3: Housing (paragraph 48) emphasises that *“good design is fundamental to using land efficiently”* and that local planning authorities should facilitate good design by identifying the distinctive features that define

the character of a particular area.

- 8.27. Advice in PPS5: Planning for the Historic Environment 2010 (paragraph 7) details that the Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. Paragraph HE7.5 says that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. It adds that the consideration of design should include scale, height, massing, alignment, materials and use.
- 8.28. PPS5 policy HE8 reiterates that the effect of an application on the significance of a heritage asset or its setting is a material consideration in determining planning applications. Paragraph HE9.1 goes on to state:
- “There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.”*
- 8.29. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Local planning authorities are advised by policy HE9.2 to refuse consent if an application would lead to substantial harm or total loss of significance, unless special justification applies.
- 8.30. Part 4B of the London Plan focuses on design, recognising that good design will create a better city to live in and assist in attracting economic investment to help create a more prosperous city. The London Plan at Policy 4B.1 (Design for a compact city) requires that development should, inter alia, maximise the potential of sites, create or enhance the public realm, provide or enhance a mix of uses, be accessible, usable and permeable for all users and be sustainable, durable and adaptable. Policy 4B.2 advises that the Mayor will seek to promote world class architecture and design. Policy 4B3 seeks the enhancement of the public realm and policy 4B.5 requires development to meet the highest standards of accessibility and inclusion. Policy 4B.10 requires all large scale proposals to be of the highest quality design especially in terms of impact on views, the wider and local townscape context, and local environment impact.
- 8.31. UDP policy DEV1 states that development should take into account and be sensitive to the character of the surrounding area in terms of bulk, scale and use of materials. Proposals should not result in over-development, normally maintain the continuity of street frontages and take account of existing building lines, roof lines and street patterns. UDP Policy DEV2 seeks to protect the amenity of residential occupiers and the environment, and incorporate the principles of sustainable development including the use of energy efficient design and materials.
- 8.32. Core Policy CP4 of the Council's interim planning guidance seeks to ensure that development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. In achieving good design development should:
- *Respect its local context, including the character, bulk and scale of the surrounding area;*
 - *Contribute to the enhancement or creation of local distinctiveness;*

- *Incorporate sustainable and inclusive design principles;*
- *Protect amenity, including privacy and access to daylight and sunlight;*
- *Use high quality architecture and landscape design; and*
- *Assist in creating a well-connected public realm and environments that are easy to navigate.*

8.33. Policy DEV1 of the Council's interim planning guidance requires development to protect, and where possible seek to improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. Policy DEV2 requires development to be designed to the highest quality standards, incorporating principles of good design, including:

- *Taking into account the local character and setting of the development site;*
- *Enhancing the unique characteristics of the surrounding area;*
- *Protecting notable features within the site;*
- *Protecting the historic environment; ensuring design of the public realm is integral to the development proposal;*
- *Ensuring development and the public realm are designed at a human scale and are comfortable and useable for pedestrians;*
- *Providing clear definition and an appropriate degree of enclosure of the public realm;*
- *Creating visual interest in the urban environment and contributing to its legibility and permeability;*
- *Ensuring the use of high quality building materials; and*
- *Ensuring development is easily adaptable and maximises sustainability.*

8.34. The Shoreditch Vision set out in the LDF Core Strategy Development Plan Document (Submission version December 2009) is reinforcing and reflecting the historic qualities in Shoreditch to shape future growth. The strategy says that Shoreditch will build on the diverse heritage, culture and enterprise that it shares with its neighbouring borough, Hackney. It will accommodate and encourage sustainable growth through the synthesis of old and new and maintaining the character and townscape qualities.

8.35. Applicable LDF objectives are SO22, which seeks to protect and improve access to heritage assets, and SO23 which promotes a borough of well designed, high quality buildings. Policy SP10 is to protect and enhance heritage assets.

8.36. The proposed design demonstrates a fundamental shift of approach compared to the previous application refused in 2006. It is considered that the proposed site layout has been successfully informed by the applicants' urban design analysis of the area. The proposed layout represents a piece of a city with network of public routes and open spaces which respect the historic street pattern. The development would create a sequence of new public, managed and private spaces and reintroduce historic street patterns through the site, improving permeability between Austin Street and Hackney Road. These spaces would be of benefit to existing residents in the local area, as well as prospective residents of the proposals and other future users of the site, including local community groups who would have access to the new church

garden.

- 8.37. The proposed development proposes a new public space in front of the retained Tab Centre and Block E which is intended to be the main public gathering space within the scheme, with planting and seating arranged to create a landscaped space intended for flexible use.
- 8.38. The proposed Austin Street buildings respect the existing street edge and building heights. The Hackney Road frontage would be marked by the new church which would be crafted in intricate brickwork. Building entrances, pedestrian movement have also been well thought through and would result in a safer and more hospitable public realm.
- 8.39. The proposed development would reinstate (with some minor realignment) a connection between Hackney Road and the centre of the site to be known as Coopers Gardens. A route south from Coopers Gardens would connect through to Austin Street. The alignment of Coopers Gardens from west to east allows for the potential future connection through to the Gascoigne Estate to the east of the site.
- 8.40. Bulk, massing and height are considered acceptable, having been carefully modelled to have limited impact on the townscape. Block E would provide the maximum height but is set back from the street edge and is considered appropriate in the context. Also, the unique sloping roof profile is considered to add interest to the overall composition.
- 8.41. The principal building which is impacted by this development is the Tabernacle Church Hall (the TAB Centre) circa 1890, listed Grade II and lying within the Hackney Road Conservation Area. Here the townscape, post WWII, was severely degraded removing the building from its original urban context. The new development would re-establish an appropriate urban street for the TAB centre with enclosure to the north and south, whilst to the east its amenity, and setting, would be enhanced by the introduction of open space. Whilst the new buildings adjacent would be of greater height, it is not considered overall that this would be detrimental to the setting of the listed building, which would benefit from being in a more enclosed urban framework with the character and appearance of the conservation area both preserved and enhanced.
- 8.42. The setting of other important listed buildings would also be impacted by the development, particularly St. Leonard's Church, listed Grade I. Here the development would provide an improved backdrop to the churchyard, but nothing in the scale or architecture of this backdrop would detract from the setting of the listed church. The significant views of the spire and portico from the west would remain unaffected.
- 8.43. At the Leopold Buildings on Columbia Road, also within the Hackney Road Conservation Area and listed Grade II, there would be some inter visibility at the rear of the building, but this is not considered harmful to the setting of the Leopold Buildings. The set-piece frontage would remain unaffected by the development.
- 8.44. The other principal conservation area to be affected by the development is the Boundary Estate to the south. The principal view is down Hocker Street. Here the vista would be closed by a new building. However, the scale, massing and overall facade rhythm is considered appropriate to the buildings on the

Boundary Estate, the character and appearance of which would again be both preserved and enhanced.

- 8.45. It is considered that the proposals demonstrates a high quality design and a true mix of uses that would integrate well with the surroundings in accordance with national advice in PPS1 & PPS5, The London Plan, the saved policies of the Tower Hamlets Unitary Development Plan 1998 and the Council's interim planning guidance 2007.

Sunlight, daylight and wind

- 8.46. Tower Hamlets' Unitary Development Plan 1998 policy DEV 2 states:

"All development should seek to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions".

- 8.47. Interim planning guidance policy CP4 states

"The Council will ensure development creates buildings and spaces of high quality design. In achieving good design, development should protect amenity, including privacy and access to daylight and sunlight."

Policy DEV1 states:

"Development is required to protect, and where possible seek to improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms." For further guidance it refers to the BRE Report Site layout planning for daylight and sunlight – A guide to good practice.

Sunlight

- 8.48. The Building Research Establishment (BRE) guidelines for sunlight conditions throughout the development would be met.

Daylight

- 8.49. The BRE advises that a reduction in daylight exceeding 20%, below the 27% Vertical Sky Component (VSC) guideline, will be noticeable. It adds that numerical guidelines should be interpreted flexibly and alternative values may be used according to the site context. When the 2007 application was considered, the Council's case was that reductions of 30% would be acceptable in this central urban location.

- 8.50. Whereas the VSC test assesses potential daylight, Appendix C of the BRE Guidance describes the methodology of a further test used to assess the quality of daylight within new developments. Whilst this is predominantly for use in new developments, it is a more reliable test of interior day lit conditions. This test calculates the average daylight factor (ADF) by way of a mathematical formula that takes into account the light available outside the window, by reliance not only on the VSC value, but also the size of the window itself, the comparable

size of the room and reflective co-efficients of internal room surfaces. British Standard BS: 2806 Part 2 recommends minimum ADF values of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.

- 8.51. The findings of the Environmental Statement on daylight conditions that would result from the development may be summarised as follows:
- 8.52. **40 Hackney Road:** The analysis shows that all of the rooms tested will retain more than 70% of their VSC levels and the ADF values will meet the minimum standard as set out in BS8206: Part 2. Therefore, there will be a negligible impact on these properties.
- 8.53. **2-12 Columbia Road:** The VSC levels in the proposed condition all retain over 80% of their existing value and there is virtually no change to the daylight distribution with the rooms. Therefore, there would also be a negligible impact to these properties.
- 8.54. **Coll Sharp Court, 26 Austin Street:** All of the windows retain over 70% VSC indicating a negligible impact. The BS recommended minimum ADF values would be exceeded. There are 3 windows that would see an increase in their daylight and therefore experience a minor beneficial impact from the scheme.
- 8.55. **2-16 Austin Street:** There would be losses in VSC levels of between 20% and 53% from the existing values. Ordinarily, this would give an adverse impact. The problem is caused by the narrowness of Austin Street. However, account needs to be given to the fact that the land opposite Nos. 2-16 Austin Street is an open car park which at present results in unobstructed daylight to the buildings to the south. Within the properties the daylight distribution and resultant ADF values would all exceed the British Standard recommended ADF values for new development. Environmental Protection advises that the rooms would remain adequately lit.
- 8.56. **6-12 Hackney Road:** VSC levels in the proposed condition would retain more than 70% of the existing value and therefore the impact would be negligible.
- 8.57. **TAB Centre residential unit:** The kitchen would have a major adverse impact as the VSC levels would be reduced by over 85% and the VSC will not meet the minimum BS for kitchens at 2% ADF. However, this is a kitchen within a community centre not part of residential accommodation. Further, this could be mitigated by a reconfiguration of the room and adding another window in the south wall, although this would need planning permission and listed building consent. The impact on other rooms would be negligible as although VSC levels would be reduced by over 30%, the rooms still exceed the minimum British Standard for ADF.
- 8.58. In conclusion, properties on the south side of Austin Street show that VSC levels would be reduced beyond limits which would ordinarily give rise to an adverse impact. The cause is due to the effect of the narrow width of Austin Street and the increase in mass on an undeveloped open car park. However, all of the rooms still exceed the minimum British Standard for ADF. As such, it is considered that the rooms would remain adequately lit. One kitchen area located within the TAB Centre would be adversely impacted upon given that the ADF value of 1.94% is below the minimum recommended guidance of 2%. However, an internal reconfiguration of the room and adding another window in the south wall would mitigate the loss of daylight and sunlight and improve the

ADF value in accordance with the BRE Guidance.

- 8.59. Within the development, there is one north facing living room in Block B (out of a total of some 82 habitable rooms) that would not achieve the minimum recommended ADF. In Block D, there are two living rooms (out of 45 habitable rooms) that fail to meet the minimum recommended ADF standard. This is only due to overhead balconies. When providing balconies for amenity space, it is sometimes unavoidable to diminish daylight levels and one must trade off daylight for amenity space or vice versa. In Block E, there is just one west facing living room (out of a total of some 173 habitable rooms) that would not achieve the minimum recommended ADF. However, the daylight distribution within the room is excellent as nearly all the room would be lit. Elsewhere the development would meet or exceed British Standard minima and it considered that overall the development would provide satisfactory daylight conditions for its residents.

Amenity space

- 8.60. Analysis of overshadowing of the new amenity space between the rear of the church and remainder of the adjoining new development has been undertaken for each hour between 8am and 5pm on March 21st. Whilst there is some transient overshadowing to the open space to the east of the proposed Block E in late afternoon, there is no overshadowing at midday or in the morning. There would be no additional permanent overshadowing within the context of the tests recommended in the BRE guidance.

Wind

- 8.61. The Environmental Statement concludes the wind conditions within the site are expected to be safe for pedestrians and suitable for leisure walking or better during the windiest season. The wind microclimate around exposed corners of Blocks C, E and F are expected to be suitable for their intended use following the incorporation of suitable mitigation, as required by a recommended condition. All the remaining entrances are expected to be suitable for the intended pedestrian use. All the thoroughfares within and around the site are expected to be suitable for the intended pedestrian use and no further mitigation measures are required. In the presence of the proposed development, the wind microclimate in the surrounding area is expected to be the same or better than the existing situation.

Affordable housing arrangements

- 8.62. Policy 3A.9 of The London Plan 2008 identifies the Mayor's strategic target that 50% of housing should be affordable and within that, 70% should be social housing and 30% intermediate provision. The policy also promotes mixed and balanced communities.
- 8.63. London Plan policy 3A.10 requires boroughs to seek the maximum reasonable amount of affordable housing. Targets should be applied flexibly, taking account of individual site costs, any public subsidy and other scheme requirements. Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision.
- 8.64. The Mayor's draft London Plan intends to abolish the previous Mayor's 50 per

cent affordable housing planning target. Instead, it adopts a new regional planning target for an average net supply of at least 13,200 new affordable homes each year in London, taking into account economic viability and the likely availability of public sector investment. Borough-level targets are asked to take account of this regional planning target and evidence of housing requirements at local, sub-regional and regional levels. From 2011 on, local affordable housing targets will primarily be set through the London boroughs' planning policies as set out in their local development frameworks.

8.65. Core policy CP22 of the Council interim planning guidance 2007 says:

1. *The Council will aim to maximise all opportunities for affordable housing on each site, proposing new residential dwellings in order to achieve a 50% affordable housing target, across the borough, from all sources.*
2. *The Council will seek a minimum of 35% affordable housing provision on developments proposing 10 new dwellings or more.*

8.66. Interim planning guidance policy HSG3 1 states that in seeking to negotiate the maximum reasonable amount of affordable housing, the Council will have regard to:

- The economic viability of the proposal, including individual site costs;
- The availability of public subsidy;
- Other planning contribution requirements;
- The need to ensure new housing developments contributes to creating sustainable communities, including being responsive to housing needs.

8.67. Strategic Objective SO8 of the Council's LDF Core Strategy Deposit Version 2009, seeks to ensure that housing contributes to the creation of socially balanced communities by offering housing choice reflecting the Council's priorities for affordable and family homes.

8.68. Calculated by residential unit, the development would provide 36% affordable housing (50 units) in a tenure split 72:28 social rented : intermediate as follows:

- 139 units
- 89 units market rented
- 36 units social rented
- 14 units intermediate

Considered by habitable room, the scheme would provide 44.8% affordable housing in a tenure split 81%:19% social rented : intermediate as follows:

- 413 habitable rooms
- 228 market rented
- 149 social rented
- 36 intermediate

8.69. The amount of affordable housing within the development exceeds the Council's minimum 35% requirement and the split between affordable rent and intermediate tenures is considered acceptable as the proposed provision (36% by unit and 44.8% by habitable rooms) would accord with the Council interim planning guidance 2007. All of the dwellings are designed to be lifetime homes compliant and 10% of the units are designed to be wheelchair accessible.

- 8.70. The Mayor has advised that as the H&CA supports the application, and are funding it through the Public Land Initiative, it appears the scheme has been scrutinised to ensure that it maximises affordable housing.

Dwelling mix

- 8.71. Policy HSG2 of the Council's interim planning guidance says the Council will require that sites providing social rented housing provide it in accordance with the housing mix outlined in Table DC1: Housing Mix as follows:

Table DC1: Housing Mix	
Housing Type	Social Rented Housing as a percentage (%) of units
Studios	0
One bedroom	20
Two bedroom	35
Three bedroom	30
Four bedroom	10
Five and six bedroom	5

- 8.72. Policy HSG2 also says that the Council will require that both the intermediate housing and market housing components of housing provision contain an even mix of dwelling sizes, including a minimum provision of 25% family housing, comprising 3, 4 and 5 plus bedrooms.

- 8.73. A breakdown of the residential units is shown below.

Unit size	Total units in scheme	social rent		intermediate		private rent	
		scheme units	scheme %	scheme units	scheme %	scheme units	scheme %
studio	0	0	0%	0	0%	0	0%
1 bed	64	4	11%	7	50%	53	60%
2 bed	45	11	31%	6	43%	28	31%
3 bed	20	13	36%	1	7%	6	7%
4 bed	8	6	17%	0		2	2%
5 bed	2	2	6%				
TOTAL	139	36	100%	14	100%	89	100%

- 8.74. Within the affordable housing tenure the provision of family sized units exceeds the Council's targets, achieving 58% of the 36 units proposed. In the

intermediate and market rent tenures, the family housing provision is less good, only achieving 7% and 9% respectively.

- 8.75. The original mix put forward for this scheme provided a different number of intermediate units, located in several of the blocks. This mix provided 27% family units (6 x 1 bed, 5 x 2 bed, 4 x 3 bed). However, the scheme has been changed in response to a new funding initiative from the Homes & Communities Agency (H&CA). The 89 private rent units are funded under the Private Rent Sector Initiative, designed to help bring in private investment into this scheme. The development is being brought forward by a partnership between Genesis Housing Group and the H&CA, under the H&CA's Public Land Initiative. The PRSI investment model required a redesign of tenure locations, placing all the private rent units within separate blocks or cores, where previously the market tenure had been located in blocks also containing intermediate housing units. This shift of tenures has resulted in a smaller number of family units being available for the intermediate tenure, reducing the percentage from 27% to 7% (7 x 1 bed, 6 x 2 bed, 1 x 3 bed).
- 8.76. The private rent units only provide 9% of units as family sized dwellings. This mix has been approved by the H&CA in terms of its suitability for private investment. The site is in an area likely to achieve high rents and larger units are likely to be outside the affordability range of local families. The scheme is also designed around some important non-housing outputs, the hospital and the new church building, and the site would not support the additional amenity and child play space that would be required with additional family units (see below).
- 8.77. The Mayor's Housing Strategy February 2010 seeks to increase the number of family sized units and seeks 42% (LBTH 45%) of all social rented housing and 16 % of intermediate housing (LBTH 25%) to have three bedrooms or more. The Mildmay proposal would provide 67% of all social rented and 7% of intermediate housing with three bedrooms or more. Given the high proportion of family units in the social rented sector (21 family units out of a total of 36), the scheme is considered satisfactory.

Access and servicing arrangements

- 8.78. The site is located in an area of good access to public transport (PTAL 6a) where one is low and six is high. There are accessible bus services on Hackney Road, Underground Services at Old Street Stations and London Overground Services at the new Shoreditch (Bethnal Green Road) and Hoxton (Geffrye Street) Stations.
- 8.79. Just 14 car parking spaces for disabled people are proposed with existing open car parks removed. This would accord with the maximum standard of 0.50 per dwelling set out in the Council's interim planning guidance. There would be a reduction in trip generation by car and there would not be any detrimental effect on the highway network which would operate within capacity. Existing car parking spaces would be lost. This may impact on existing arrangements within the CPZ and the applicants have agreed to fund any alterations to controlled parking arrangements that may prove necessary. There would be 199 cycle parking spaces in accordance with standards.
- 8.80. Coopers Gardens would provide a significantly improved pedestrian route between Hackney Road and Austin Street.

- 8.81. Overall, access and servicing arrangements are considered satisfactory and policy compliant, although it is recommended that revised details of loading bays for the Church and the TAB Centre, and certain car parking arrangements, are reserved for subsequent approval. The developer has also agreed to submit and implement an approved Travel Plan comprising a Residential Travel Plan, Workplace Travel plan, a Service Management Plan and a Construction Management Plan as requested by the Greater London Authority and the Council's Head of Transportation and Highways.

Amenity space, play space and landscaping

- 8.82. The application includes public and managed amenity space of 1,740 sq metres, dedicated play space of 256 sq. metres and new public realm of 912 sq metres. There would also residential amenity terraces.
- 8.83. Policy 3D.13 of The London Plan says that the London boroughs should ensure that housing developments make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.
- 8.84. Using the methodology within the Mayor's SPG "Providing for Children and Young Play and Informal Recreation," the Greater London Authority anticipates approximately 232 children. The SPG sets a benchmark of 10 sq. m of usable play space per child, with under 5 play space to be provided on site.
- 8.85. Using the SPG formula, the applicants have provided a estimates of Age Specific Child Play Space as follows:

Age Specific Child's Play Space		
	Percentage	Sq. metres
0 – 4 years	39%	267 sq m
5-11 years	37%	253.3 sq. m
12 – 16 years	24%	164.3 sq m
	100%	685. sq m

- 8.86. The scheme is proposing to provide defined play space in two locations totaling 256 sq. metres. The applicants envisage this would provide for the 0-4 year old age group. Set against the GLA's Supplementary Planning Guidance for play provision the scheme would result in a shortfall of just 11 sq metres and is considered satisfactory. There is an additional 690 sq. metres of managed amenity space in the central courtyard around one of the defined play spaces at the centre of the site. There would also be private amenity spaces at ground floor level and balconies and terraces totaling a further 1,548 sq. metres provided as part of the scheme and a further 912 sq. metres of public realm. The applicants have not sought to allocate the public realm area as play space but there is potential for this area to be used on a more informal basis.
- 8.87. The provision for older children would be via a £250,000 contribution to the Council to enhance open space off site which the Council's Policy and Development Manager - Cultural Services recommends is accepted.
- 8.88. It is considered that the submitted landscaping proposals for the site itself

indicate compliance with UDP policy DEV12 – ‘Landscaping and trees’. The details are not complete and it is recommended that any planning permission is conditioned to require the approval and implementation of a detailed landscaping scheme for the site to include details of green and brown roofs, external lighting, and a CCTV system.

Sustainable development / renewable energy

- 8.89. The Greater London Authority and the Council’s Energy Officer are content that the proposed amended energy strategy complies with policies 4A.1 to 4A.9 of The London Plan, policies CP38, DEV5 to DEV9 of the Council’s interim planning guidance 2007, together with national advice in PPS22: Renewable Energy.

Planning obligations

- 8.90. Planning obligations can be used in three ways: -

- (i) To prescribe the nature of the development to ensure it is suitable on planning grounds. For example, by requiring a given proportion of housing is affordable;
- (ii) To require a contribution to compensate against loss or damage that will result from a development. For example, loss of open space;
- (iii) To mitigate the impact of a development. For example, through increased public transport provision.

- 8.91. In accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, planning obligations can only constitute a reason for granting planning permission where they meet the following tests:

- (a) The obligation is necessary to make the development acceptable in planning terms;
- (b) The obligation is directly related to the development; and
- (c) The obligation is fairly and reasonably related in scale and kind to the development.

- 8.92. All the recommended obligations meet the relevant tests and the applicants have agreed the following matters that have been requested:

8.93. **Greater London Authority (Transport for London)**

Requests a condition or a section 106 obligation to secure a Non-residential Travel Plan, a Delivery and Servicing Plan and a Construction Management Plan.

8.94. **LBTH Head of Transportation and Highways**

Requests “car free” arrangements, the implementation of a Travel Plan and the funding of highway improvements comprising:

- Gascoigne Place / Columbia Road junction improvement.
- Gascoigne Place / Virginia Road junction improvement.
- Pedestrian and traffic management improvement works in the streets adjacent to Arnold Circus.

- Street lighting improvement works in the area.
- Work in relation to parking bays on Hackney Road.
- Alterations to Local Area Parking (the CPZ).

.....£112,050

This contribution does not include section 278 highway works which would be subject to a separate agreement at a later stage.

8.95. LBTH Policy and Development Manager - Cultural Services

Requests:

Open Space and Green Grid contribution.....£250,000
 Leisure facilities contribution.....£150,754
 Libraries /Idea Store contribution.....£ 33,488

8.96. LBTH Children’s Services (Education Development)

Requests a pooled contribution to fund 19 additional primary school places.....£234,498

8.97. Total recommended financial contribution.....£784,790

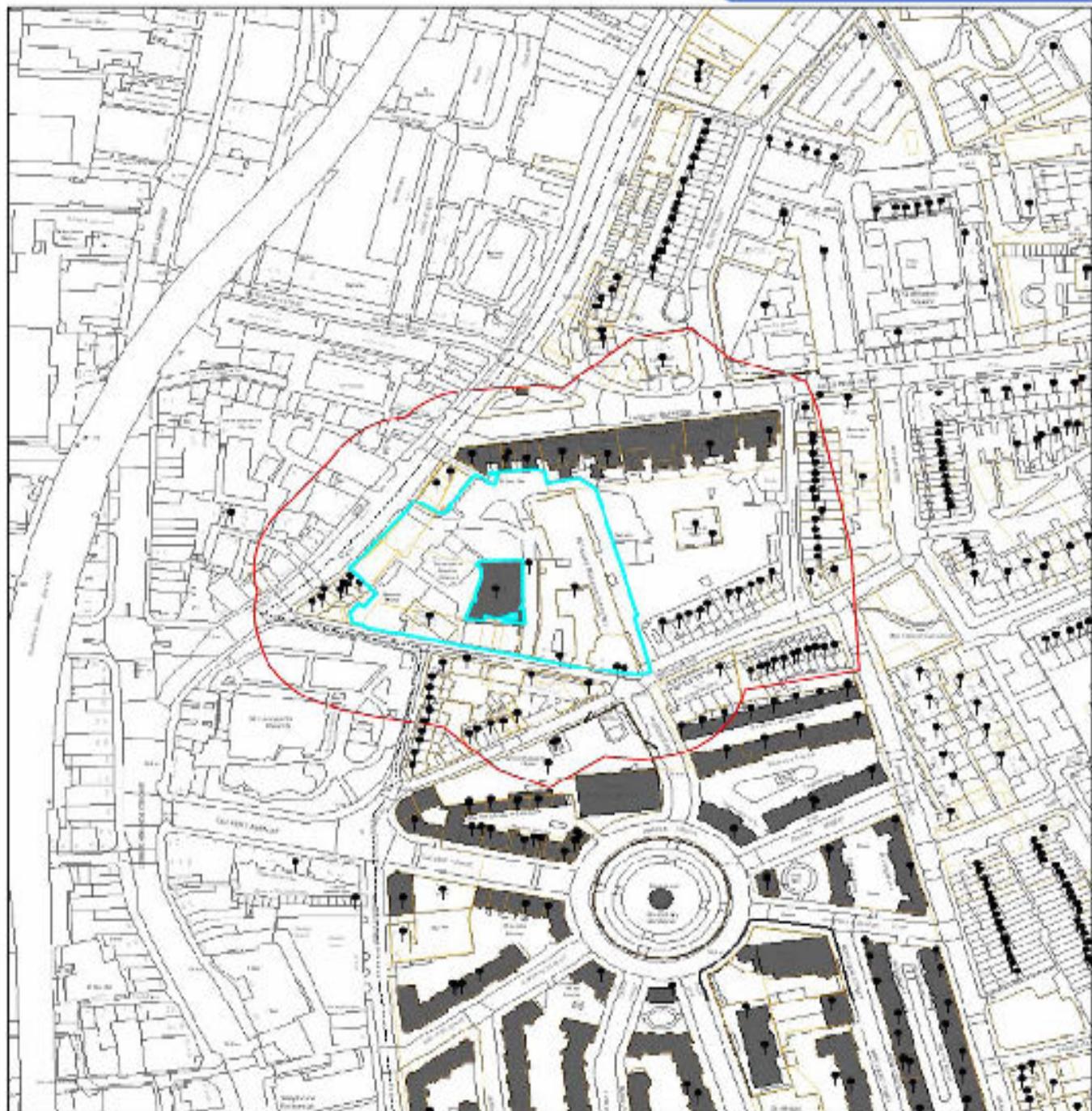
8.98. In addition, the applicants have offered the following obligations:

- To provide 50 units of affordable housing (46.4% affordable housing by habitable room in a tenure split 81:19 social rented : intermediate).
- To implement a public art works strategy.
- To provide and maintain public access to the new public open space within the development.
- A walkways agreement allowing public use of the walkways crossing the development site.
- To participate in the Council’s local labour and construction initiatives (Access to Employment and / or Skillsmatch programmes).
- To participate in the Considerate Contractor Protocol.
- To enter into a section 278 Agreement under the Highways Act to secure localised highway improvements.

9. CONCLUSION

9.1. All relevant policies and considerations have been taken into account. Planning permission and conservation area consent should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office (c) Crown Copyright London Borough of Tower Hamlets LA096568