

Committee: Development	Date: 13 th July 2010	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision Conservation Area Consent for Decision	
Case Officer: Mandip Dhillon		Ref No: PA/10/925 (Full Planning Permission) PA/10/926 (Conservation Area Consent)	
		Ward(s): St Dunstons and Stepney	

1. APPLICATION DETAILS

Location: Fulneck, 150 Mile End Road, London

Existing Use: Residential (Use Class C3)

Proposal: Demolition of existing block and erection of part four, part six storey building to provide 412sqm commercial floorspace comprising retail (Use Class A1), financial and professional services (Use Class A2), restaurant/cafe (Use Class A3), business (Use Class B1) and /or non-residential institution (Use Class D1) to the ground floor, together with 78 residential units, car/bicycle parking, refuse/recycling facilities and access, landscaping and amenity proposals.

Drawing No's: 456-001(P); 456-002(P);456-003(P); 456-004(P); 456-010(P)A; 456-011(P)A; 456-012(P)B; 456-013(P)B; 456-014(P)B; 456-015(P)B; 456-016(P)B; 456-017(P)A; 456-030(P)B; 456-031(P)B; 456-032(P)B; 456-034(P)B; 456-035(P)A; 456-036(P)B; 456-037(P)B; 456-038(P)A; 456-040(P); 456-041(P); 456-038(P)A; 456-SK-187

Supporting documentation

Design and Access Statement, Townscape and Visual Impact Assessment and Statement of Community Involvement dated May 2010

Planning Statement dated May 2010

Landscape Proposals dated March 2010

Transport Assessment dated May 2010

Air Quality Assessment dated April 2010

Noise Assessment dated April 2010

Energy Strategy Report dated May 2010

Preliminary Code for Sustainable Homes Assessment dated May 2010

Sustainable Design and Construction dated May 2010

Daylight and Sunlight Analysis dated April 2010

Daylight Factor Summary Report dated April 2010

Schedule of Materials Ref 456.S02

Floorspace Schedule Revision P

Supplementary images of Balcony screens

Applicant: Southern Housing Group

Owner: Southern Housing Group

Historic Building: N/A

Conservation Area: Stepney Green

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- The proposal makes efficient use of the site with a high-density mixed use redevelopment and as such accords with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), HSG1 of the Council's Interim Planning Guidance (2007) and policy S07 of the Core Strategy Development Plan Document Submission Version (2009), which seek the maximum intensity of use compatible with local context.
 - The proposal provides an acceptable amount of affordable housing and mix of units overall and as such complies with policies 3A.5 and 3A.9 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan (1998) and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 (5) of the Core Strategy Development Plan Document Submission Version (2009), which seek to ensure that new developments offer a range of housing choices.
 - The density of the scheme does not result in any of the significant adverse impacts typically associated with an overdevelopment, and is therefore acceptable in terms of policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998) and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development is sensitive to the capability of a site and that it does not have an adverse impact on neighbouring amenity.
 - The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the compliance with relevant BRE Guidance and the urban context of the site and as such accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998) and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007) and policy SP10 (4a) of the Core Strategy Development Plan Document Submission Version (2009), which seek to ensure development does not have an adverse impact on neighbouring amenity.
 - The quantity and quality of housing amenity space, communal space, child play space and open space is acceptable and accords with Planning Policy Statement 3: Housing, policies 3A.6, 3D.13 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998) and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) and policy SP02(6) of the Core Strategy Development Plan Document Submission Version (2009), which seek to improve amenity and liveability for residents.
 - The building height, scale, bulk, design and relationship of the proposed development are acceptable and accord with Planning Policy Guidance 15, policies 4B.1, 2, 3 and 5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV2 of the Council's Unitary Development Plan (1998) and policies DEV1, DEV2, DEV3, DEV4 and CON2 of the Council's Interim Planning Guidance (2007) and policy SP10 of the Core Strategy Development Plan Document Submission Version

(2009), which seek to ensure buildings are of a high quality design, sensitive to the character of the Stepney Green Conservation Area and context of a site.

- The demolition of the existing structures on-site and the erection of the proposed building enhances the appearance and character of the Stepney Green Conservation Area, the setting of adjoining and nearby Grade II listed buildings by the provision of a high quality building. The proposal therefore accords with the requirements of saved policy DEV28 of the Council's Unitary Development Plan (1998), Interim Planning Guidance (2007) policy CON2, policy SP10 of the Core Strategy Development Plan Document Submission Version (2009) and the advice in PPS5, which seek to ensure high quality development that enhances the character of Conservation Areas.
- The safety and security of the scheme is acceptable, when balanced against other policy objectives to promote permeability and accessibility. The development accords with policy DEV1 of the Council's Unitary Development Plan (1998) and policy DEV4 of the Council's Interim Planning Guidance (2007), which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- Transport matters, including parking, access and servicing, are acceptable and accord with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16 and T18 of the Council's Unitary Development Plan (1998) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and accord with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.
- The proposed development will provide appropriate contributions towards the provision of affordable housing, health care, education facilities, transport and communities, leisure and cultural facilities in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan (1998) and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

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

A The prior completion of a legal agreement to secure the following planning obligations:

- a) Fifty-five units (75% of proposed habitable rooms) of affordable housing comprising of 100% social rent units.
- b) A contribution of £35,000 for a feasibility study into the mitigation of any possible impact upon traffic movements at the Anchor Retail Park exit at Mile End Road.
- c) A contribution of £64,163 to mitigate for the demand of the additional health care facilities.
- d) A contribution of £83,020 for highway improvement works including traffic calming proposals.

- e) A contribution of £25,000 towards off-site open space provision.
- f) A contribution of £66,014 towards Leisure Facilities within the borough.
- g) A contribution of £14,715 towards Library/Idea Store Facilities within the Borough.
- h) A contribution of £98,736 towards the provision of primary school places within the borough.
- i) The completion of a car free agreement.
- j) A Parking Management Strategy to allocate on site parking spaces
- k) A commitment to utilising employment initiatives in order to maximise employment of local residents.
- l) A commitment to landscape land to the south of the application site, within the Stepney Green estate (within the blue line boundary and detailed within the Landscaping Strategy) including the provision of a childrens play area.
- m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.4 Conditions:

1. Three year time limit
2. Consent granted in accordance with Schedule of Drawings
3. Samples / pallet board of all external facing materials (including reveals and cladding) and typical details to be approved prior to commencement of works
4. Obscure glazing to all windows proposed within flank elevation facing Gracehill House
5. Details of all shopfronts to be submitted at a scale of 1:20
6. Detail of landscaping scheme to include hard and soft landscaping, any gates, walls, fences and a Landscape Maintenance and Management Plan
7. Delivery and Servicing Plan
8. Travel Plan
9. Cycle parking to be provided as shown and maintained
10. Provision of electric charging points at 20% of the car parking spaces
11. Approved landscaping and green and brown roofs to be implemented
12. Construction Management Plan and Construction Logistics Plan
13. All residential accommodation to be completed to lifetimes homes standards plus at least 10% wheelchair accessible
14. All disabled parking bays to be designed and constructed in accordance with the standards described in the Department for Transport 'Inclusive Mobility' guidance.
15. Implementation of sustainable design and renewable energy measures
16. Removal of permitted development rights to erect fences or gates
17. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
18. Hours of operation of commercial unit (7.00am until 11.00pm on any day)
19. No commercial unit shall be larger than 235sqm (GEA)

20. Detail of ventilation and extract equipment for commercial units
21. Detail of Highway Works to be completed through S278 agreement
22. Detail of glazing including measures to reduce noise transmission
23. Scheme of lighting and CCTV
24. Details of energy efficiency measures
25. Detail biomass system including flue
26. Details of Code for Sustainable Homes assessment (Code Level 4)
27. Scheme for surface water drainage
28. Balcony privacy screens to be implemented in accordance with approved plans
29. No Class A3 (Cafe/restaurant) use shall commence within the development site until details of the means of fume extraction, to include noise mitigation measures, have been submitted and approved by the local planning authority. Such measures to be implemented and maintained for the duration of the use.
30. Arboricultural Impact Report to be submitted to identify impact upon trees located on the public highway footpath of A11, Mile End Road
31. To ensure the internal noise levels are met within the proposed development, the following glazing is required to be installed: Mile End Road elevation glazing must have RW 40-45 (4-100-6) window specifications. Stepney Green and Hannibal Road elevation glazing must have RW 35-40 (6-100-6) window specifications. All other windows (located facing Gracehill/communal amenity space) must have RW 33-35 (6-12-6) window specifications
32. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.5 Informatives

- 1) Section 106 required
 - 2) Section 278 required
 - 3) Express consent required for the display of advertisements
 - 4) Wheel cleaning facilities during construction
 - 5) Change of use only as permitted by Part 3 of the Town and Country Planning (General Permitted Development) Order 1995.
 - 6) The applicant is advised that the shared vehicular and pedestrian access should be adequately landscaped to avoid conflict between pedestrians and vehicles. The landscaping details submitted for approval (Condition 4) should provide details of appropriate materials in this location, such as tarmac in the vehicle route and bonded gravel in the pedestrian route.
 - 7) Any other informative's considered necessary by the Corporate Director Development & Renewal.
- 3.6 That, if within 6-weeks of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.
- 3.7 **2. That the Committee resolves to GRANT conservation area consent.**
- 3.8 That the Corporate Director Development & Renewal is delegated power to impose conditions on the conservation area consent to secure the following:

Conditions:

1. Three year time limit
2. Demolition works must be carried out simultaneously as part of the completion of development for which planning permission has been granted
3. Construction Management Plan
4. Any other condition(s) considered necessary by the Corporate Director Development & Renewal

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Conservation area consent is sought for the demolition of Fulneck House and planning permission is sought for the redevelopment of the site to provide a part four, part six storey building fronting Mile End Road and wrapping around onto Stepney Green and Hannibal Road. A second much smaller element of housing is located along the western boundary of the application site. Two, two-storey houses are proposed along this boundary forming the only other built development within the application site. The central area of the application site is proposed as communal amenity space for the proposed residents.
- 4.2 The proposed development comprises of 78 residential units, together with 412 square metres of flexible floorspace comprising of a mix of retail (Use Class A1), financial and professional (Use Class A2), restaurant/cafe (Use Class A3), business (Use Class B1) and/or non-residential institution (Use Class D1).
- 4.3 The proposal includes a basement level car park providing 40 vehicular parking spaces, 7 of which are for disabled purposes. 102 cycle parking spaces are provided throughout the site and 9 motorcycle spaces.

Site and Surroundings

- 4.4 The site, which measures 0.35 hectares, is one of four residential blocks on the Stepney Green Estate which was built in the 1960's. The existing Fulneck building is a 'T' shaped building located in the northern part of the Stepney Green Estate, fronting Mile End Road. Immediately to the south of Fulneck is the Gracehill building, which sits almost parallel to Fulneck Houses' principal elevation fronting Mile End Road. The other blocks within the Stepney Green estate comprise Ockbrook and Fairfield House.
- 4.5 Fulneck is a brick built, flat roofed, four storey residential block comprising 30 x 2 bedroom maisonettes arranged across three linked blocks forming a 'T' shape. The building and its surrounding area appear to be in poor condition. An existing basement provides 22 car parking spaces for the site, plus additional surface level car parking comprising 7 garages (facing Gracehill) and 19 surface level spaces, accessed via Hannibal Road. It must be noted that the basement car park which accommodates 22 car parking spaces appears to be permanently locked and was empty at the time a site visit was undertaken in June 2010.
- 4.6 The application site is not listed but is located within the Stepney Green Conservation Area. There are numerous listed buildings located within the vicinity of the application site. To the west of the site, 90-124 Mile End Road comprise a stretch of Grade II listed buildings which are 3 storeys in height. To the east of the site, 166 and 168 Mile End Road are Grade II listed buildings and 2a, 4-10 and 12-18 Stepney Green are also Grade II listed. These properties are approximately 4 storeys in height. To the north of the site, on the opposite side of Mile End Road are located a number of Grade II Listed buildings and structures including a drinking fountain, 107, 109, 111 and 113 Mile End Road. The properties are 4 stories in height which includes a basement level. The Anchor Brewery on Cephas Street is also Grade II Listed and located to the northeast of the application site.
- 4.7 The site is well served by public transport links, it is located approximately 250 metres from Stepney Green Underground Station which is served by the District and Hammersmith and City lines. The site is located approximately 650 metres from Whitechapel Station which is served by the East London Line as well as the Hammersmith and City and District lines and in the future will be a Crossrail station. The site is located on the A11 which is a strategic route running from the City of London. There is also a bus stop located directly outside the

application site on Mile End Road. The site has the highest Public Transport Accessibility Level (PTAL) rating achievable of 6a.

- 4.8 In the adopted Unitary Development Plan 1998, the northern section of the application site falls within the Stepney Green Conservation Area. The southern section of the application site has no designations.

Background

- 4.9 A planning and conservation area consent application to redevelop Fulneck was submitted to the Local Planning Authority (LPA) in August 2009. The application was withdrawn by the applicants in November 2009 following objections raised by Officers. The applications sought a development proposal which mirrors the current applications under consideration.
- 4.10 Following the withdrawal of the planning application, the applicant has liaised with Planning Officers at LBTH including Highways Officers with a view to resubmitting this amended scheme.
- 4.11 The current resubmission seeks to overcome the previous concerns raised with an amended design. For ease of reference the main differences between the previous and current scheme comprise
- the increase in distance (set back of the proposed building) between the proposed development and Gracehill House by 2.5 metres.
 - A previously proposed sloping roof has been amended to a flat roof
 - Internal layouts of the family units are now provided with separate kitchen/dining and living rooms.

Planning History

- 4.12 The following planning decisions are relevant to the application:

- 4.13 Site: Fulneck House, 150 Mile End Road

PA/09/1425 Application for full planning permission and conservation area consent for the demolition of existing block and erection of part four, part six storey building to provide commercial floorspace comprising retail (Use Class A1), financial and professional services (Use Class A2), restaurant/cafe (Use Class A3), business (Use Class B1) and/or non-residential institution (Use Class D1) to the ground floor, together with 79 residential units, car/bicycle parking, refuse/recycling facilities and access, landscaping and amenity proposals. This application was withdrawn on 3rd November 2009.

- 4.14 Site: Land to the west of Ockbrook (South of Fulneck House)

PA/07/01232 Planning permission was granted on 4th September 2007 for the demolition of 28 existing garages and 33 storage units. Construction of 8 new affordable dwelling houses of three and four stories in height comprising of 3 x three bedroom, 3 x four bedroom, 1 x four bedroom and 1 six bedroom and 1 x seven bedroom units with private amenity space, landscape improvements to communal open space, the provision of 31 new storage units and the creation of a new vehicle crossing onto Hannibal Road.

- 4.15 126 Mile End Road

PA/10/00514 Planning permission was refused on 1st June 2010 for the erection of a part three and part four storey building plus basement level for mixed-uses, incorporating a restaurant at ground floor and basement level and two residential flats (1 x 1 bed and 1 x 2 beds) on the upper floors.

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 Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV28	Demolition in Conservation Areas
	DEV50	Noise
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	EMP6	Employing local People
	EMP8	Encouraging Small Business Growth
	EMP10	Business Development Elsewhere in the Borough
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Development Affecting Residential Amenity
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	ST34	Viability of District Centres
	ST35	Reasonable Range of Local Shops
	S7	Special Uses
	S10	Requirements for New Shop front Proposals
	OS9	Children’s Playspace

5.5 Spatial Development Strategy for Greater London (London Plan) 2004

Polices	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.9	Affordable Housing Targets
	3A.17	Protection of social infrastructure
	3A.23	Health Impacts
	3A.24	Education Facilities
	3C.1	Integrating Transport and Development
	3C.2	Matching Development with Transport Capacity
	3C.22	Improving conditions for cycling
	3C.23	Parking Strategy
	3D.10	Open Space Provision in UDPs
	3D.13	Children’s and Young people’s play space
	3D.14	Biodiversity and Nature Conservation
	4A.3	Sustainable Design and Construction

4A.7	Renewable Energy
4A.11	Living Roofs and Walls
4A.14	Sustainable Drainage
4A.19	Improving air quality
4B.1	Design Principles for a Compact City
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Sustainable Design and Construction
6A.4	Planning Obligations Priorities

5.4 Core Strategy Submission Version December 2009

SO3	Achieving wider sustainability
S05	Refocusing on our town centres
S06	
SP01	
SO7	Urban living for everyone
SO8	
SO9	
SP02	
SO10	Creating health and liveable neighbourhoods
SO11	
SP03	
SO17	Improving education and skills
SP07	
SO19	Making connected places
SP08	
SO20	Creating attractive and safe streets and spaces
SO21	
SP09	
SO22	Creating distinct and durable places
SO23	
SP10	
SO24	Working towards a zero-carbon borough
SP11	
SO25	Delivering placemaking
SP12	
	Whitechapel Vision Statement LAP 3 & 4

5.3 Interim Planning Guidance for the purposes of Development Control (October 2007)

Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP9	Employment Space for Small Businesses
	CP15	Provision of a Range of Shops and Services
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing and Amenity Space
	CP28	Healthy Living
	CP29	Improving Education Skills

	CP30	Improving open-spaces
	CP31	Biodiversity
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP44	Promoting Sustainable Freight Movement
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP49	Historic Environment
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and 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
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV27	Tall Buildings Assessment
	RT3	Shopping Provision Outside of Town Centres
	RT4	Retail Development and the Sequential Approach
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Affordable Housing
	CON1	Listed Buildings
	CON2	Conservation Areas

5.4 **Supplementary Planning Guidance/Documents**

Residential Space Standards
Designing Out Crime Parts 1 and 2

5.6 **Government Planning Policy Guidance/Statements**

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS5 Planning for the Historic Environment
PPG17 Planning for Open Space, Sport and Recreation
PPG24 Planning and Noise

5.7 **Community Plan** The following Community Plan objectives relate to the application:

A better place for living safely
A better place for living well
A better place for creating and sharing prosperity

6. CONSULTATION RESPONSE

The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

Transport for London (Statutory Consultee)

6.1 Transport for London supports scheme subject to:-

- A financial contribution of £35,000 towards a feasibility study into the mitigation of any possible impact upon traffic movements at the Anchor Retail Park exit at Mile End Road.
- Permit free agreement with the Local Planning Authority
- Submission of a Delivery and Servicing Plan to ensure there is no impact upon the existing serving bay outside of 142 Mile End Road.
- Submission of the Residential Travel Plan through planning condition or Section 106 agreement
- Request for 20% of the car parking spaces to include the provision of electric car charging points
- Submission of a Construction Management Plan and Construction Logistics Plan
- Developer enters into a Section 278 agreement along Mile End Road
- Aboricultural Impact Report is submitted to clarify an possible impact upon trees located on the public highway footpath of A11 Mile End Road.

(Officer Comment: A financial contribution of £35,000 would be secured in a S106 agreement which is considered acceptable. The requested conditions would be imposed on any permission).

English Heritage (Statutory Consultee)

6.2 English Heritage have welcomed the omission of the sloping top edge of the proposed development.

During the 2009 planning and conservation area consent application, English Heritage offered the following advice:

- Set back of upper floors was visually intrusive
- Proposed sloping top edge of upper floors was discordant design feature
- Materials of external facades should be carefully considered

(Officer Comment: The current scheme is considered to have addressed the concerns raised by English Heritage in 2009 as stated by the English Heritage Officer).

Environmental Health- Health and Safety

6.3 No objection was raised to the principle of the proposal.

Environmental Health- Contaminated Land

6.4 To date no comments have been received.

Environmental Health- Daylight and Sunlight

6.5 The Councils Environmental Health Officer is satisfied that there is no impact upon daylight and sunlight of the adjoining properties at Gracehill and the end terrace building on the corner of Hannibal Road. These were the principle areas of concern in the 2009 planning application which was withdrawn. This issue is discussed in more detail under the main

issues section of this report.

Environmental Health- Hazardous Substances

6.6 To date no comments have been received.

Environmental Health- Noise & Vibration

6.7 The Environmental Health Officer has raised some concerns about the Noise Assessment methodology as it has been based on estimated noise exposure.

The implication of the inconsistency with the methods used could lead to inappropriate glazing being used along the Mile End Road, Stepney Green and Hannibal Road facades. The Environmental Health Officer has requested a condition is attached to any planning permission which ensures the appropriate glazing type is applied to the building elevations.

Condition: To ensure the internal noise levels are met within the proposed development, the following glazing is required to be installed:

- Mile End Road elevation glazing must have RW 40-45 (4-100-6) window specifications.
- Stepney Green and Hannibal Road elevation glazing must have RW 35-40 (6-100-6) window specifications.
- All other windows (located facing Gracehill/communal amenity space) must have RW 33-35 (6-12-6) window specifications.

(Officer Comment: The requested condition will be imposed on any planning permission).

Environmental Health- Smell/Pollution

6.8 To date no comments have been received.

LBTH Transport and Highways

6.9 LBTH Highways provided the following comments:

- Concerns raised with the size of the commercial unit (412 square metres) and the possibility that it could be used as a single unit. Deliveries to a unit of 412 square metres could be by large vehicles and with a high frequency, detrimentally impacting upon the highway network.
- No visibility splays have been submitted.
- It was previously (during pre-application discussions) requested to widen the entrance into the site (at Stepney Green and Hannibal Road) and this does not appear to have been done. Given that this is a shared pedestrian and vehicular access point, this is a concern.
- Submission and approval of a Delivery and Servicing Plan.
- Section 106 contribution for traffic calming on Hannibal Road and other highways works in the sum of £83,020.
- Data on trip generation of the commercial occupiers of the unit was also requested.
- Submission of a Construction Management Plan.

(Officer Comments: The applicant has agreed to provide the £83,020 contribution requested. The applicant has also widened the entrance into the site in accordance with the Highways Officers comments and it is considered the concerns raised have now been addressed. The commercial unit will be imposed with a condition to restrict the size of a single unit to be no larger than 235 square metres. This is to prevent large delivery vehicles serving the unit. It is also considered that the trip generation information is therefore not

necessary at this stage, due to the imposition of the condition, however, this information will be assessed as part of the details submitted for approval for the Delivery and Servicing Plan (Condition 5 of the Planning Permission PA/10/925)).

All other conditions and informatives requested would be imposed on any planning permission. The Construction Management Plan condition will also be imposed upon any conservation area consent.

LBTH Landscape Department

6.10 To date no comments have been received.

LBTH Waste Management

6.11 To date no comments have been received

LBTH Education Development Team

6.12 The Councils Education section have assessed the proposal as requiring a contribution towards 8 primary school places totalling £98,736.

(Officer Response: The contribution has been agreed with the developer and would be secured via a S106 agreement).

LBTH Parks and Open Spaces

6.13 An Arboricultural Impact Report is requested by the Arboricultural Officer at LBTH.

(Officer Comment: A condition would be placed on any planning permission to secure the submission of this report.)

LBTH Primary Care Trust

6.14 Tower Hamlets Primary Care Trust have requested a contribution to compensate for the burden on local health care services in the sum of £64, 163.

(Officer response: The contribution has been agreed with the developer and would be secured via Section 106).

LBTH Communities, Leisure and Culture

6.15 The Community, Culture and Leisure department have assessed the planning application based on proposed uplift of population at the application site of 141 people.

It is considered that the following contributions are required as a result of the uplift:

- Open Space contribution of £112,534.69
- Leisure facilities contribution of £66,014
- Library/Idea Store Facilities Contribution of £14,714.96

(Officer Comment: The applicants have offered the following contributions:

- *Open Space: £25,000. In addition, the applicant has agreed to ensure re-landscaping works to the land within the south of the Stepney Green estate are carried out for the benefit of all residents within the estate.*
- *Leisure Facilities: £66,014*
- *Library/Idea Store facilities: £14,714.96*

These total at £105,728.96 these are considered reasonable and in accordance with the relevant statutory tests and national guidance).

7. LOCAL REPRESENTATION

7.1 A total of 167 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual responses: 2 Against: 2 In Support: 0
No. of petitions: 1 (signed by 122 individuals) Against: All In Support: 0

7.2 Density and land use

- Increased overcrowding as a result of the development
- More 3 and 4 bedroom units should be built to accommodate larger families
- density is too high

(Officer Comment: Please refer to section 8 (4) and (5) of the report for further discussion on the above points).

7.3 Design and Impact on Conservation Area

- Building too large and bulky
- Incongruous building
- Overbearing
- Loss of views
- Too high for such a sensitive, historic and visible location
- The overhang at junction of Mile End Road and Stepney Green is not pedestrian friendly design

(Officer Comment: Please refer to section 8 (3) of the report for further discussion on the above points).

7.4 Amenity Impacts

- Increased nuisance as a result of the development
- Loss of natural sunlight to the adjoining properties
- Increase in pollution, street noise and litter
- No equipped children's play area has been provided
- Concerns of safety and security at the access into the site
- Noise impacts of balconies on Hannibal Road
- Overshadowing
- Proposed flats along Mile End Road elevation are too close to traffic

(Officer Comment: Please refer to section 8 (6) and (7) of the report for further discussion on the above points).

7.5 Loss of privacy

- Loss of privacy/overlooking

(Officer Comment: Please refer to section 8 (7) of the report for further discussion on the

above points).

7.6 Impact on local infrastructure

- Increased pressure on local schools, post offices, health centres, GP practices etc.
- Increased congestion and parking problems in local area
- Lack of community facilities within the local area
- There should not be a decrease in car parking spaces given the increase in residential units
- Proposed landscaping only benefits residents of the application site, surrounding local residents do not benefit
- Applicant should have provided a local community hall to meet local needs

(Officer Comment: Please refer to section 8 (9) of the report for further discussion on the above points).

7.7 The following issues were raised in representations that are not considered material to the determination of the application:

- 7.8
- Assurances had been provided to residents by Southern Housing Group that the redevelopment would be wholly affordable housing with no commercial floorspace or market housing.
 - Business model of Southern Housing Group considered objectionable by residents
 - Financial gain of a Social Housing Group considered inappropriate by residents
 - Concern is raised with regard to proposed compensation offered by the applicant to remaining residents.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

- 8.2
1. Land-use
 2. The demolition of Fulneck House
 3. Design and heritage
 4. Density
 5. Housing
 6. Amenity for future occupiers
 7. Impact on amenity of neighbours
 8. Transport Impacts
 9. Other planning matters

Land-use

8.3 There is currently a four storey building on the site which provides 30, two-bedroom residential units (C3). The area to the south east of the application site is used for car parking and within the southwest of the site lies some communal amenity space and existing garages. The application proposes a mixed use development comprising residential (C3) and 412 square metres of commercial floorspace (Use Classes A1/A2/A3/B1 and/or D1).

8.4 Within the adopted Unitary Development Plan 1998 (UDP), Interim Planning Guidance 2007 (IPG) and Core Strategy 2009 (CS), the site is not designated. The existing site is residential and the surrounding area is predominantly residential, therefore the proposal to retain and maximise housing at the application site is considered to be acceptable and in

keeping with the land uses in the area.

- 8.5 The provision of additional housing is a key aim of national, regional and local planning policy and the proposal would accord with policies 3A.1, 3A.3, 3A.5 of the consolidated London Plan 2008, policy CP19 of the IPG and policy S07 and S08 of the CS; which seek to maximise the supply of housing.

Principle of provision of commercial use

- 8.6 The application proposes the provision of 412 square metres of ground floor commercial space fronting Mile End Road. This could be used for uses falling within Classes A1 – Retail Shops; A2 – Financial and Professional services; A3 – Restaurants/Cafes; D1 – Non-Residential Institutions and/ or B1 – Offices.
- 8.7 The provision of this commercial element adds interest and activity to the Mile End Road elevation, continuing the existing commercial street frontage which exists along Mile End Road, directly adjoining the application site to the east and west. It is therefore acceptable in land-use terms as it accords with policy DEV3 of the UDP and policy CP15 of the IPG which encourages mixed use developments and the provision of shops and services to meet the needs of local residents. The potential amenity impacts of these uses are considered below – and are found acceptable in terms of saved UDP policy S7.
- 8.8 At 412 square metres, the level of commercial provision if provided as a single unit is considerable and could impact upon the existing commercial provision adjoining the application site. In order to minimise any possible impact, a condition is proposed to be added to any planning permission restricting a single commercial unit to be no larger than 235 square metres. This restriction will provide a more modest sized commercial unit which is likely to cater for local convenience needs without detriment to the Whitechapel District Centre and other local commercial operators, and as such it would accord with saved UDP policies ST34, ST35 and S7 and policy RT3 of the IPG which seek to provide a range of shopping in the borough, including local shops, within a short walking distance of all residents.

Demolition of the Existing Building

- 8.9 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 Stepney Green Conservation Area.
- 8.10 Saved 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.
- 8.11 Policy CON2 of the Council's IPG states that applications for the demolition of buildings that make a positive contribution to the character and appearance of a conservation area will be resisted.
- 8.12 National advice in PPS5: Planning and the historic environment (PPS5), requires local planning authorities when exercising conservation area controls to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. This

is said to be the prime consideration in determining a conservation area consent application for demolition. Account should be taken of the part played in the architectural interest of the area by the building for which demolition is proposed, and in particular of the wider effects on the building's surroundings and on the conservation area as a whole.

- 8.13 English Heritage advises *"the existing buildings on the site of the current proposal are of no architectural merit"*. Based on the advice provided by English Heritage it is not considered that the existing buildings make any contribution to the character and appearance of the Stepney Green Conservation Area and therefore the principle of demolition of Fulneck House is acceptable, subject to demolition being conditioned to the implementation of an appropriate planning permission. This is in accordance with saved policy DEV28 of the UDP and policy CON2 of the IPG which seek to ensure appropriate development within Conservation Areas.

Design and Heritage

Design

- 8.14 Good design is central to the objectives of national, regional and local planning policy. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These policies are reflected in saved policies DEV1, DEV2 and DEV3 of the UDP; and IPG policies DEV1 and DEV2.
- 8.15 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.16 Policy CP4 of the IPG seeks to ensure new development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.17 The application is not a 'tall building' within the definition set by the Mayor as it is not higher than 30m above ground level, nor does it significantly exceed the height of neighbouring properties.
- 8.18 In considering the design of the proposal, it is important to understand the context of the site. The site occupies an important location on a key route through the Borough. The site is relatively large and occupies a prominent position opposite and in close proximity to a number of Grade II listed buildings.
- 8.19 The current building is of no architectural merit and is not considered to make a positive contribution to the streetscene. The site presents a long blank flank facade to Mile End Road and present a car park and open service area along Stepney Green and Hannibal Road. The buildings are nearly 40 years old and in need of redevelopment.
- 8.20 The proposed design is considered to be of a high quality and will be a positive addition to the Mile End Road street scene. The development therefore accords with the requirements of saved UDP policy DEV1 and policy DEV2 of the IPG which seek to ensure the provision of high quality developments in keeping with the context of the site and surrounding area.

Layout, height, bulk and appearance

- 8.21 The revised scheme is considered to make a positive response to concerns raised by Officers and English Heritage. In particular, there was a concern with the sloping top edge of the building roof profile. This has now been amended to provide a flat roof design and as a result, the overall height of the proposal has decreased from between 0.3 metres along

Hannibal Road to 1 metre at the junction of Mile End Road and Stepney Green.

- 8.22 In principle the height of the proposed scheme is considered to be acceptable as it does not excessively exceed the height of surrounding buildings, including Gracehill to the south of the site. Given the width of Mile End Road, there is no substantial impact on the streetscape, and the stepping back of the upper floors is considered to mitigate any impact upon the short views. The stepping back of the upper floors will mediate any impact upon longer views as the height and bulk of the proposal will be reduced and set into the application site.
- 8.23 The revised scheme is also considered to make a positive response with regard to the need to provide an increased set in between the proposed development and Gracehill. The revised scheme has stepped the building line back and also set in the upper 5th and 6th floors. The revised scheme is now considered to be acceptable at this junction where the buildings interface.
- 8.24 The layout of the proposal alters the built environment along Mile End Road, Stepney Green and Hannibal Road. The frontage of Mile End Road is proposed to incorporate commercial uses which will enliven this busy thoroughfare. Along Stepney Green and Hannibal Road. It is proposed to provide a built edge where there is currently none. This area is currently open and looks into a surface level car park and residential refuse and recycling storage area, it is not considered to be the most desirable outlook for Fulneck House residents and surrounding residents. It is considered that the proposals to provide a street facing built form, with a single vehicular access and a further pedestrian access into the site will enhance the Conservation Area and the built environment to the south of the site.
- 8.25 The revised scheme also proposes to strengthen the access links into the existing communal gardens to the south of the Stepney Green estate. It is proposed to provide a link through the ground floor of the existing Gracehill building allowing residents to travel through the communal area proposed within the application site, through Gracehill House and into the communal gardens which are planned to be re-landscaped, with the provision of a children's play area.
- 8.26 The proposed layout, height, bulk and appearance is considered to be a marked improvement on the existing built form. The bulk and height of the proposed development are considered to be sensitive to the adjacent built form and respond positively to the street scene. The development therefore accords with the requirements of saved UDP policies DEV1 and DEV2 and policies DEV1, DEV2, DEV3 and DEV4 of the IPG, which seeks to ensure development proposals are appropriately set within the context of the site and surroundings and do not impact upon neighbouring amenity.

Impact on the Conservation Area

- 8.27 The site is located in the Stepney Green Conservation Area. In assessing any development proposal in a Conservation Area, the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. PPS5 provides additional advice on the approach to development in Conservation Areas. This document includes the advice that new buildings need not copy their older neighbours in detail, as a variety of styles can add interest and form a harmonious group.
- 8.28 National guidance is carried through to the local level where IPG policy CON2, re-asserts that development in Conservation Areas should preserve or enhance the distinctive character or appearance of that area in terms of scale, form, height, materials, architectural detail and design.
- 8.29 The character of the Stepney Green Conservation Area is identified in the Council's

Conservation Area Appraisal and Management Guidelines. The Conservation Area comprises a long stretch of Mile End Road and surrounding it in Assembly Passage, Louisa Place and Stepney Green itself. The appraisal states:

"The scale and character of the buildings and trees along this route [Mile End Road] give it the quality of a significant boulevard "

- 8.30 The Conservation Area Appraisal and Management Guideline acknowledge that the A11 is a significant route which can accommodate an element of uplift, if sensitively designed.
- 8.31 As discussed above, the height of the buildings is comparable to existing buildings in the area and is appropriate to the character of the Conservation Area. The submitted sequence of views within the Townscapes and Visual Impact Assessment provides further detailing of the impact of the proposed development.
- 8.32 The detailed design and articulation of the Mile End Road facade provides interest within the streetscape. The main elevation of this building, through the use of a variety of materials, set at differing levels on this facade provide character and show attention to detail at design stage. The proposal is considered to enhance the Stepney Green Conservation Area.
- 8.33 In overall terms, the replacement of the existing building with the proposed development is considered to enhance the special character and appearance of the Stepney Green Conservation Area and is appropriate in terms of scale, design and use of materials. The development therefore accords with the requirements of IPG policies CON2 and advice in PPS5.

Impact on adjoining Listed Buildings

- 8.34 There are a number of Grade II listed buildings close to the site. Adjoining the site, there is terrace of Grade II listed properties stretching from 90-124 Mile End Road. To the east of the site, 166 and 168 Mile End Road are Grade II listed buildings and 2a, 4-10 and 12-18 Stepney Green are Grade II listed. To the north of the site, on the opposite side of Mile End Road are located a number of listed buildings and structures including a drinking fountain, 107, 109, 111 and 113 Mile End Road. The Anchor Brewery on Cephas Street is also Grade II listed and located to the northeast of the site.
- 8.35 IPG policy CON1 states that development should not be permitted if it would have an adverse impact on the setting of a listed building, guidance in PPS5 is also relevant.
- 8.36 Currently the setting of these listed buildings is marred by the existing Fulneck House building, which is considered to be of no architectural merit and in need of redevelopment.
- 8.37 The proposals would not detrimentally impact upon the setting of these listed building. It is considered that the current proposal, due to its design, scale and detailing would improve the setting of the listed buildings in the surrounding area. The proposal is considered to be in accordance with policy CON1 of the IPG and PPS5.

Permeability and Security

- 8.38 Saved UDP policy DEV1 and IPG policy DEV4 require development to consider the safety and security of users. Regard should also be given to the principles of Secure by Design. However, these matters must also be balanced against the requirements to promote site permeability and inclusive design.
- 8.39 The pedestrian accesses into the commercial and residential uses are separate. The principle commercial access to the development is via Mile End Road with one further

(smaller) door provided at the junction of Mile End Road and Stepney Green.

- 8.40 The main pedestrian access into the development site is via the shared vehicular and pedestrian entrance, located at the junction of Stepney Green and Hannibal Road. The majority of residents located within units facing Mile End Road and at the junction of Stepney Green will use this access point. The residents of the two houses located in the southwest of the application site will also use this access point. A further access point is provided on Hannibal Road for residents living in the block predominantly fronting Hannibal road. All access routes provide good permeability through to the communal amenity space located to the rear of the site.
- 8.41 It is noted that objectors have raised concerns about security as part of the proposals. However, security of the site would actually be improved as the proposal provides a built edge along Hannibal Road which is currently open. A gate is also proposed at the end of the shared vehicle and pedestrian access route to prevent unauthorised access into the communal amenity area.
- 8.42 As such it is considered that the layout of the development has improved the permeability and security of the application site, and the accessibility through the application site to the Stepney Green estate. The proposal is therefore considered to accord with the requirements of saved UPD policy DEV1 and IPG policy DEV4.

Density

- 8.43 National planning guidance in PPS1: Sustainable Development and PPS3: Housing stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3A.3 – which requires development to maximise the potential of sites, and policy 4B.1 – which details design principles for a compact city. IPG policies CP20 and HSG1 and CS Policies S07 also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.44 The site has an area of 0.35 ha. The application proposes a redevelopment with a residential density of 760 habitable rooms per hectare. In an urban area with a PTAL of 6 London Plan Policy 3A.3 states that a density range of 200-700 hr/ha is appropriate.
- 8.45 In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's Interim Planning Guidance is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.
- 8.46 However, it should be noted that solely exceeding the recommended range is not sufficient reason to warrant refusing a planning application. It would also be necessary to demonstrate that the high density value was symptomatic of an overdevelopment of the site. Typically an overdeveloped site will experience shortfalls in amenity space, experience amenity impacts on adjacent properties and fail to take account of local built form. These specific factors are considered in detail in later sections of the report and are found to be acceptable.
- 8.47 In overall terms, the development makes the most efficient use of land. The proposed mitigation measures, including financial contributions towards local education, healthcare, transport and greenspaces, ensure that the development has no significant adverse impacts and accords with the aims of London Plan policy 3A.3, IPG policies CP20 and HSG1) and policy S07 of the CS.

Housing

Studio	0	0		0	0		0	0		0
1 bed	20	15	60%	20	0	0		5	95%	37.5
2 bed	35	18		35	0			17		37.5
3 bed	15	15		30	0			1		25
4 bed	7	7	40%	10	0	0		0	5%	
5 bed	0	0		5	0		0	0		0
TOTAL	78	55			0			23		

Table 1: Unit Mix

- 8.57 The numerical shortfall in the provision of family sized units needs to be balanced against the value of the type of units being provided. In this case the scheme would provide 15 three bedroom units and 7 four bedroom units, where four of the 4 bedroom units include private back garden amenity space. This type of unit would be ideal for family use and is a particularly valued form of accommodation.
- 8.58 A more policy compliant mix could be achieved, however on balance it is considered that the overprovision of 4 bedroom units and the provision of private amenity space for the family units is adequate justification for the overall shortfall of family accommodation throughout the application site. As such the proposal is considered to be acceptable in terms of policy requirements.

Wheelchair Housing and Lifetime Homes

- 8.59 London Plan policy 3A.5 and IPG policy HSG9 require housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.
- 8.60 It total 9 or 11% of wheelchair accessible units are proposed throughout the application site. There are also 7 dedicated disabled parking spaces in the basement. A lift is located close to each of the accessible units providing access to the basement car park.
- 8.61 In terms of compliance with lifetime homes standards, each home has been designed to comply with Lifetimes Homes Standards. A condition will be included to ensure that these standards are secured.
- 8.62 In overall terms, the units fully comply with lifetime homes standards and are readily adaptable and the level of wheelchair housing provision is in accordance with the requirements of London Plan policy 3A.5 and IPG policy HSG9 (2007)

Amenity for Future Occupiers and Users

Standard of accommodation

- 8.63 London Plan policies 4B.1 and saved UDP policy DEV1 set out general principles of good design. London Plan policy 3A.6 seeks quality in new housing provision. UDP policy HSG13 requires new development to make adequate provision of internal residential space. Supplementary Planning Guidance: Residential Space sets minimum space standards for new development.

Floorspace

- 8.64 The submitted schedule of housing shows that the flats, in all cases, meet or exceed the internal space requirements of supplementary planning guidance. In particular, the revised scheme proposes all units with three bedrooms or more to provide combined

kitchen/dining facilities with a separate living room.

Daylight / Sunlight

- 8.65 The submitted daylight and sunlight study considers proposed light-levels within the proposed development. Daylight Distribution calculations have been determined for those rooms in the development that are likely to receive the least light. These show that all rooms will receive sufficient natural daylight to pass BRE ADF targets, and as such levels of internal lighting are considered acceptable.

Privacy

- 8.66 Within the development, across the central courtyard, a distance of between 26m and 37m separates the proposed Mile End Road block and Gracehill Houses' directly opposing rooms ensuring that future residents will have sufficient privacy. There is a separation of 38m between the proposed dwellinghouse's in the southwest corner of the application site and the Hannibal Road elevation, ensuring that residents will have sufficient privacy.
- 8.67 A number of proposed balconies at the application site, afforded views into adjoining residential units. This was of concern during the application stage, however the applicant sought to resolve this by removing four of the most harmful balconies which were proposed on the smaller two-bedroom flats, and submitting details of proposed balcony screens which are proposed to be installed to ensure the usability of the private amenity space and the privacy of adjoining residents. The proposal accords with saved policy DEV1 of the UDP and policy DEV2 of the IPG which seeks to protect the amenity of future residents.

Noise

- 8.68 The development has been accompanied by a Noise Assessment produced by Mayer Brown Limited. The study notes that the site is affected by road noise and proposes the use of different glazing along certain elevations. As such a condition has been drafted to ensure there is no impact upon future residents. This would be secured by condition.
- 8.69 The commercial units could also have an impact on the development in terms of potential noise and disturbance from machinery / ventilation equipment, or from users. Conditions would be used to require the submission of the detail, and likely noise output from any mechanical equipment for approval. A condition would also prevent the late opening of any commercial use. With these controls the occupants of the development would not suffer from any unreasonable noise or disturbance and the proposal would be acceptable.

Residential Amenity Space

- 8.70 Saved UDP policy HSG 16 requires that new development should make adequate provision of amenity space. IPG Policies CP25 and HSG7 sets minimum space standards for the provision of private, communal and child play space in new developments. London Policy 3D.13 on the provision of child play space is also relevant.
- 8.71 Policy HSG7 requires the development to provide the following private, communal and child play space:-

Category	HSG7 Policy Standard	Number of units	Policy Requirement (sqm)
Ground floor units with 3 or	50	5	250

more beds			
Ground floor units with less than 3 beds	25	4	100
Other 1 bed units and studios	6	19	114
Other 2 or more bedroom units	10	50	500
TOTAL		78	964

Table 2: Private Amenity Space requirement

8.72

	LBTH Policy Requirement	London Plan Policy Req't	Proposed within scheme
Private Amenity Space	964 sq.m	N/A	826
Communal Open Space	118 sq.m	N/A	497
Child Play Space	205sq.m	684sq.m	

Table 2: Proposed Communal and Child Play Space

8.73 In terms of communal amenity and child play space, the scheme requires 323 square metres under LBTH policy HSG7 and 684 square metres under London Plan policy requirements. The scheme proposes a total of 497 square metres. This comprises of the following:

- (a) Informal play space at the application site
- (b) A proposed ball court at the application site
- (c) A children's play area at land to the south of the application site.

8.74 It considered the scheme makes good provision of high-quality amenity space in the form of the large communal landscaped area in the centre of the development, between Fulneck House and the existing Gracehill House. The landscape proposals include the provision of usable outdoor space including a ball court and lawn area to the west and a separate raised lawn (forming the informal play space) to the east of the communal gardens.

8.75 The landscape works also include proposals to link pedestrian routes from the communal amenity space at Fulneck House down to communal gardens located to the south of Stepney Green estate (to the west of Ockbrook House). This is being achieved through the provision of an undercroft link at Gracehill House. The undercroft link will be located at the position of the existing temporary estate office.

8.76 The link through to the southern section of the estate is proposed to provide access to communal gardens which are proposed to be re-landscaped, including the provision of a children's play area (including play equipment).

8.77 The proposal is considered to provide quality communal and child play space in line with the requirements of IPG policy HSG7. It is however acknowledged that the proposal represents a shortfall under the requirement of the London Plan. As such the developer has agreed to provide contributions for off-site open space which will be secured via section 106, which is detailed in section 9 of this report.

8.78 On balance, it is considered that the provision and quality of communal amenity space provided within the application site is acceptable. The proposal is considered to accord

with saved UDP policy HSG 16 (1998) and policy HSG7 of IPG (2007) and London Plan policy 3D.13.

Refuse and recycling

- 8.79 Provision is made for refuse and recycling in three separate stores located on the ground floor. Two stores are provided for residential refuse and recycling and one store is for the sole use of the commercial occupiers. Access to the commercial store for collection is achieved via Mile End Road, and the collection for the two residential stores is undertaken from Hannibal Road to minimise disruption to the road network. None of the refuse and recycling stores are located facing the landscaped communal amenity area. This is satisfactory and accords with requirements of saved UDP policy DEV55, which seeks to ensure development makes adequate provision for the collection and storage of refuse.

Impact on amenity of neighbours

Daylight and Sunlight

- 8.80 Policy DEV2 of the UDP seeks to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions. Policy DEV1 of the IPG states that development should not result in a material deterioration of sunlight and daylighting conditions for surrounding occupants.
- 8.81 The Applicant has submitted a detailed Daylight and Sunlight Report produced by RPS. The submitted study assesses the impact of the development on existing properties surrounding the development site, namely Gracehill House and the corner block at Hannibal Road. The study assesses these properties in particular as they were identified during the course of the previously withdrawn application (PA/09/1425) to require full assessment.
- 8.82 The study also assesses the impact of the development on itself.
- 8.83 The revised scheme has set the building line away from Gracehill at all levels of the proposed development which has reduced any potential impacts on neighbouring occupiers that existed at the time of the previous application.

Daylight:

- 8.84 Daylight is normally calculated by three methods – the vertical sky component (VSC), No Sky Line (NSL) and the average daylight factor (ADF). The submitted study shows that neighbours will suffer from some loss of light. Nevertheless, all worst-case rooms still meet BRE ADF targets. Given compliance with these, and the urban location of the site, the impact of the development on daylight to neighbouring properties is considered acceptable.

Sunlight:

- 8.85 Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight).
- 8.86 It has been assessed that all neighbouring windows will remain above BRE targets. The impact on neighbouring sunlight is therefore considered acceptable.
- 8.87 The submitted study shows that the development will have some impact on neighbours in terms of loss of light, loss of sunlight and overshadowing. However, the study also

demonstrates that these losses do not exceed recommendations given in BRE guidance. Given the urban context and the compliance with BRE guidance the impact is acceptable in terms of UDP policy DEV2 and IPG policy DEV1.

Overlooking / loss of privacy

- 8.88 Saved UDP Policy DEV2 requires that new development should be designed to ensure that there is sufficient privacy for neighbouring residents. The policy states that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 8.89 The main issue is whether the proposed development will result in a significant loss of privacy to neighbouring occupiers – in particular the flank wall of the proposed development facing Gracehill House and the residents of properties in the existing block located at Hannibal Road.

Flank elevation of proposed development and Gracehill House

- 8.90 The revised application has increased the separation distance between the flank wall of the proposed development and the Gracehill House building from 3 metres to 5.2 metres. Small windows are proposed in the flank elevation of the proposed development serving habitable rooms, which will be conditioned to be obscure glazed through a condition. Given only kitchen and bathroom windows exist in the opposing elevation at Gracehill House and the use of obscure glazing the relationship of these blocks is considered to be acceptable.

Hannibal Road elevation and existing Hannibal Road properties

- 8.91 There are windows serving habitable rooms proposed within the development block along Hannibal Road. The opposing elevation comprises existing units at the junction of Stepney Green and Hannibal Road and also contains windows serving habitable rooms. There is a distance of 14 metres between these buildings. Although a degree of overlooking could be possible due to the distance between the properties, relatively few windows are considered to be affected and the relationship is considered to be acceptable given the existing street layout.

Overbearing/Sense of enclosure

- 8.92 Residents have objected to the scheme on the basis that the increase in built development will create a sense of enclosure and be overbearing. This matter always tends to be subjective and cannot be readily assessed in terms of a percentage or measurable loss of light. The development will cause some feeling of increased enclosure by its nature of bringing forward the building line along Hannibal Road. It is considered that the provision of front gardens along Hannibal Road provides a defensible space and will increase the footpath creating a more open built environment along Hannibal Road.
- 8.93 One of the concerns raised during the previous application was the blank and solid appearance of the end facade which faces Gracehill House (the south eastern corner of the proposed building), which had no openings or windows. The applicant has now responded to this concern by increasing the set back of this building to minimise any perception of overbearing. It is not considered that the proposal would adversely impact on the Gracehill House and surrounding residents given the design and layout of the block and the orientation of the Gracehill units.

Noise / disturbance

- 8.94 As detailed at paragraph 8.71 above, a condition is proposed to be imposed to ensure ground floor commercial uses do not impact upon the amenity of existing residents.

- 8.96 Saved Policy DEV50 of the UDP (1998) states that the Council will consider the level of noise from a development as a material consideration. This policy is particularly relevant to construction noise during the development phase. To ensure compliance with this policy conditions would be placed on any permission restricting construction works to standard hours.

Transport Impacts

- 8.97 The site falls in an area with a public transport accessibility level (PTAL) of 6. Mile End Road is a Strategic Cycle Route. The nearest bus stop is located directly outside the application site on Mile End Road. Bus routes 25 and 205 run from outside the application site. Train stations are located at Whitechapel and Stepney Green which are both within a short walking distance of the site.
- 8.98 National guidance on transport provision is given in PPG13: Transport. London Plan policies 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23; and IPG policies CP1, CP41, DEV16, DEV17, DEV18 and DEV19 (2007) in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
- 8.99 Saved UDP policy T16 (1998) requires that consideration is given to the traffic impact of operational requirements of a proposed use and saved UDP policy T18 (1998) seeks to ensure priority is given to the safety and convenience of pedestrians.
- 8.100 The application is supported by a Transport Assessment and framework Travel Plan prepared by Mayer Brown. This report details the policy context and baseline conditions in respect of the local areas public transportation and road network.

Access and Servicing

- 8.101 The application proposes closing the existing access to the south of the site at Hannibal Road. A single new vehicular and pedestrian access to the site and the basement car-park would be provided further to the north of the existing access (at the junction of Stepney Green and Hannibal Road). This access would be a 'shared surface' comprising hard-landscaping that would allow vehicles to enter into the central area. The central area provides a sufficient turning space for large vehicles. Residential refuse stores, biomass fuel delivery and servicing for commercial unit(s) can all be achieved from this central area which will be manned by an on-site care taker.
- 8.102 The proposed access arrangements have been reviewed by the Council's Highway Section and are considered acceptable.

Vehicle Parking

- 8.103 The application proposes 40 car-parking spaces and 9 motorcycle bays. Electric car-charging points would also be provided for 20% of car parking spaces. The proposed level of parking corresponds to a 51% provision and is just above the maximum 50% level permitted by policy. Seven larger wheelchair accessible bays would be provided which also accords with policy. No parking is proposed for the commercial element of the scheme.
- 8.104 Existing tenants at the application site still benefit from a car parking space and it is therefore necessary to manage the reallocation of these spaces when residents are relocated back into the development site. In order to appropriately allocate car parking provision throughout the site for future residents, the s106 would require a Parking Management Strategy to be submitted to ensure that an appropriate car parking proposal is put forward at the application site and implemented accordingly, ensuring that existing

tenants retain their allocated parking spaces.

- 8.105 If planning permission is granted, the developer would agree to enter into a car-free agreement so that no parking permits are issued to new residents to park onstreet. This would prevent additional pressure for on-street parking and reduce congestion and promote alternative modes of transport.
- 8.106 It is noted that some residents consider that the level of car-parking is insufficient. However, given policy objectives to promote sustainability, Officers consider that both residential and commercial parking arrangements are acceptable in terms of London Plan policy 3C.23 and IPG policy DEV19 (2007).

Cycle Parking

- 8.107 The application proposes 102 cycle parking spaces. These are located throughout the site, the majority of which are in three separate secure stores within the basement area (62 spaces) with an additional bike store located at ground floor level (24 spaces). Two further visitor cycle bays are located at the entrance to the commercial units (6 spaces) and one is located within the communal amenity space of the application site for visitors (8 spaces). Two further cycle spaces are located within the loading bay. The level of provision accords with London Plan policy 3C.22 and IPG policy CP40 (2007) and is acceptable.

Impact on local transport infrastructure

Public Transport; Bus and Rail

- 8.108 The transport assessment estimates that additional demand on train and bus services could easily be absorbed into existing capacity. Officers agree with this finding.

Road

- 8.109 LBTH Highways Officers and TfL consider it necessary to propose mitigation in the form of traffic calming and highways improvements works for which the developer has agreed to provide contributions as detailed in section 9 of this report. Given the relatively small scale of this scheme, it is not considered that the cumulative impact of this and other development in the area is likely to be significant. Localised impacts have been mitigated against through the Section 106 contributions. The scheme is considered acceptable in terms of transportation policies including saved UDP policy T16 IPG policy CP1, CP41, DEV16, DEV17, DEV18 and DEV18 which seek to promote sustainable modes of transport by reducing car-parking and improving public transport.

Other Planning Matters

Air Quality

- 8.110 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work. The application has been accompanied with an Air Quality Assessment prepared by Mayer Brown Limited. The study is a desk-based assessment that considers these potential impacts.
- 8.111 The study concludes that during the construction phases the development may have some adverse impacts in terms of the generation of dust emissions. It is considered that this matter can be controlled via an appropriate construction management plan. This would be secured by condition.

Renewable Energy and Energy Efficiency

- 8.112 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. IPG policies CP28, DEV5 and DEV6 (2007) have similar aims to London Plan policy.
- 8.113 The application is accompanied with a Sustainable Energy Statement produced by Font Energy. This details state that the development proposes a 100kW biomass boiler to supply the whole development via a site-wide heat distribution network. The proposed residential units would be completed to Code for Sustainable Homes Level 4.
- 8.114 The measures outlined are expected to reduce CO2 emissions from the site by 24%. This is considered acceptable. LBTH's Energy Officer requested the submission of further details of the Biomass Boiler proposed for installation given the Boroughs location within an Air Quality Management Area. This would be secured by condition.

Biodiversity

- 8.115 The application proposes a green and brown roof. The Mile End Road rooftop and Hannibal Road rooftop will both benefit from a green roof whilst the corner junction of Mile End Road and Stepney Green is proposed to have an extensive brown roof. It is considered that the green and brown roof will enhance the ecological value of the application site and the surrounding area and therefore accords with policy CP31 of the IPG and London Plan policy 3D.14.

S106 Contributions

- 8.116 Policy DEV4 of the adopted UDP and Policy IMP1 of the Tower Hamlets Core Strategy and Development Control Plan September 2007 say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

The Community Infrastructure Levy Regulations 2010 state that any s106 planning obligations must be:

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

The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as education, community facilities, health care and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

The proposed heads of terms are:

Financial Contributions

- a) £35,000 towards Transport for London feasibility Study
- b) £64,163 towards healthcare
- c) £83,020 towards traffic calming and highways improvements
- d) £25,000 towards off-site open space
- e) £66,014 toward leisure facilities
- f) £14,714.96 towards Library/Idea store facilities
- g) £98,736 towards education

Non-financial Contributions

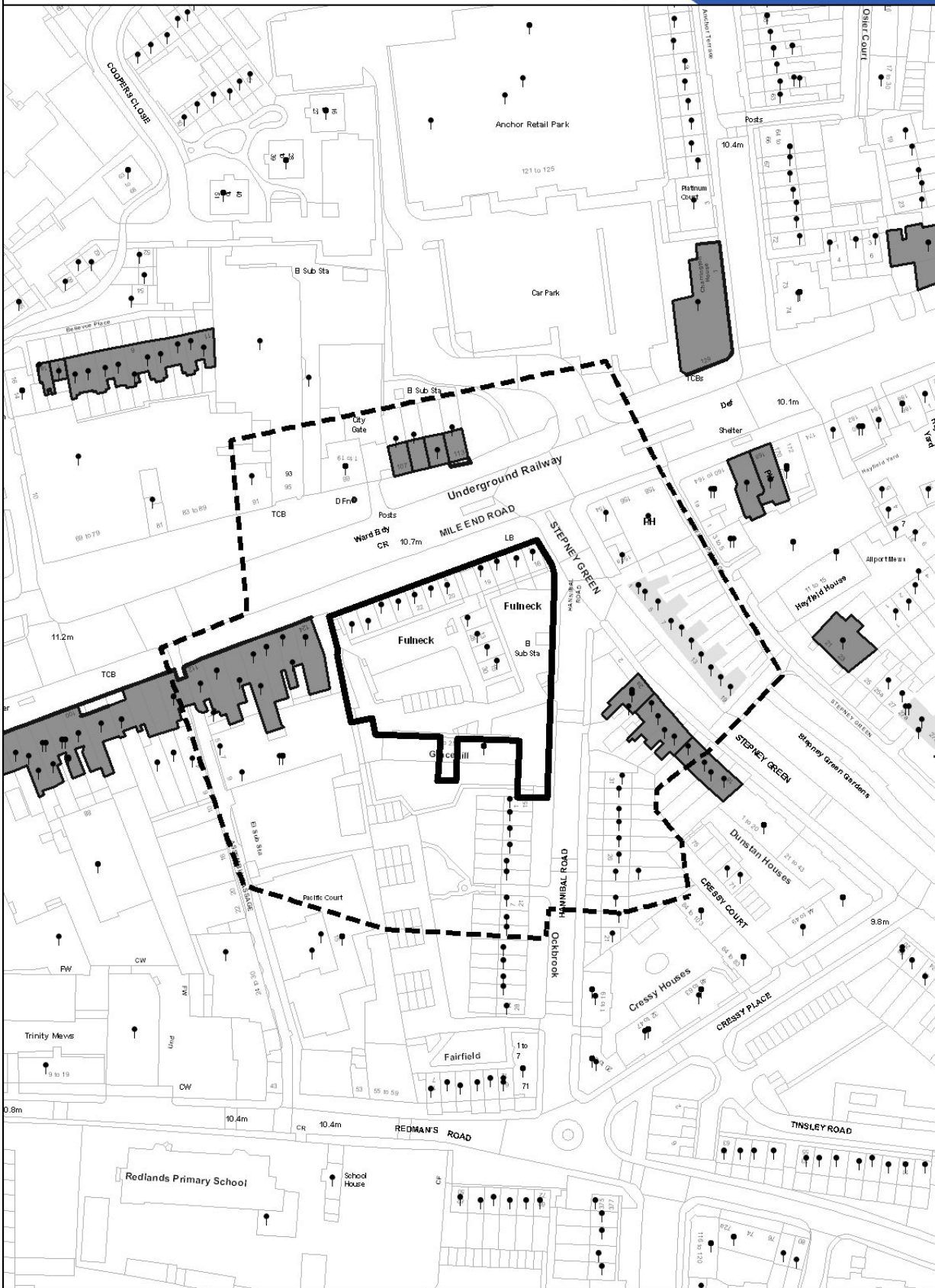
- a) 55 affordable housing units (75% of proposed habitable rooms)
- b) Car free agreement
- c) Parking Management Strategy
- d) Landscaping of land to the south of the application site
- e) Commitment to utilise employment initiatives

- 8.117 It is important to note that the offer of affordable housing on this site is exceptionally high at 71/75% which is well above the Council's policy requirements.
- 8.118 Objections have been received with regard to the application not providing an on-site community hall. This is not required of the developer for a proposal of this scale, however a contribution of £105,728.96 is being provided for communities, leisure and cultural facilities in the area.
- 8.119 For the reasons identified above it is considered that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the tests of circular 05/05 and the relevant statutory tests.

9.0 **Conclusions**

All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	 0 30 m	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.