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| Committee: Development Committee | Date: 11 December 2013 | Classification: Unrestricted | Agenda Item Number: |
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| Report of: Director of Development and Renewal | Title: Town Planning Application |
| Case Officer: Jane Jin | Ref No: PA/13/1532, PA/13/1533 and PA/13/1534 |
| | Ward: Mile End East |

1. APPLICATION DETAILS

Location: St Clement's Hospital Site , 2 Bow Road, London E3

Existing Use: Disused/vacant hospital buildings.

Proposal: PA/13/01532: Full planning permission for the redevelopment of the Grade II listed former St Clement's hospital site comprising the part demolition (and infill of associated basements), part refurbishment and change of use of the existing hospital buildings and the construction of eight new buildings between two and nine storeys high to accommodate 252 residential units, 306 sqm (GIA) community floorspace (D1 Use Class), 174 sq m (GIA) commercial floorspace (B1/A2 Use Class), 69sqm (GIA) café/restaurant (A3/A4 Use Class,) 32 parking spaces, cycle parking, refuse storage, plant equipment, private and communal amenity space and associated works.

PA/13/001534: Conservation area consent for the demolition of unlisted buildings (post-dating 1948) and removal of and works to trees in association with the redevelopment of Grade II listed St Clement's site.

PA/13/01533: Listed building consent for the demolition of the Timber Building, Catering Department, Nurses Home and Old Boiler House; the limited partial demolition of the Laundry building, the Bungalow, Administration Block, North Block, South Block, Generator and boundary walls; and the repair and conversion of the retained listed buildings in association with the planning application for the redevelopment of the St Clement's hospital site.

Drawing Nos/Documents: Drawings:
00464_MP_01; 00464_MP_02; 00464_MP_03; 00464_MP_04;
00464_MP_05; 00464_MP_06; 00464_MP_07; 00464_MP_08;
00464_MP_09; 1288-002L; 1288-003H; 1288-004F; 1288-005A;
00464_JD_B_EP00_EP01; 00464_JD_B_EP02;
00464_JD_B_EE1; 00464_JD_B_EE2; 00464_JD_B_EE3;
00464_JD_B_EE4; 00464_JD_B_ES; 00464_JD_B_P00_P01;
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00464_AD_NB_EE6; 00464_AD_NB_EE7;
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00464_AD_NB_EE13_15; 00464_AD_NB_ES;
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D&E_P_SHT03P06; 00464_BLOCK D&E_P_SHT04P01;
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00464_BLOCK H_UNIT_01P02; 00464_BW_E_SHT01P02;
00464_PSS_1_3P02; 00464_CE_SHT01; 00464_CE_SHT02;

00464_CE_SHT03; 00464_CE_SHT04;

Documents:

Design and Access Statement by JTP;
Heritage Statement and Addendum JTP;
Existing Buildings – Internal Study JTP;
Statement of Community Involvement dated Jun 2013 by JTP;
Planning Statement with reference 12814/DL/CB dated 28 June 2013 by NLP;
Sustainability Statement dated 27 June 2013 by Darren Evans;
Energy Strategy dated 27th June 2013 by Darren Evans;
Ecological Appraisal with reference 53221 dated June 2013 by Landscape Planning;
Bat Report (initial issue) by Landscape Planning;
Report on Bat Survey Interim Report dated June 2013 by Landscape Planning Ltd;
Report on Bat Survey dated September 2013 by Landscape Ltd;
Phase I and Phase II Geo-environmental Site Investigation with ref 51311 1.2 by Resources & Environmental Consultant Ltd;
Arboricultural Impact Assessment with project number 53221 dated June 2013 prepared by Landscape Planning;
Archaeological Desk Based Assessment with reference RM/KB/9238 by Richard Meager dated November 2007;
Heritage Impact Assessment by NLP;
Transport Assessment with reference GDB/4240/TA.4 dated Jun 2013 by Bellamy Roberts;
Interim Residential Travel Plan with reference GDB/4240/IRTP.5 by Bellamy Roberts;
Outline Construction Logistics Plan with reference GDB/4240/OCLP.3 dated June 2013 by Bellamy Roberts;
Flood Risk Assessment with reference 6328 Rev B dated Jun 2013 by Walker Associates Consulting Ltd;
Daylight, Sunlight and Overshadowing Assessments with reference 12814/03/DL/GL dated July 2013 and addendums with references 12814/DL dated 11 Oct 2013, 12814/03/DL/BK dated 23 October 2013, and 12814/03/DL/BK/5857328v1 dated 12 November 2013 by NLP;
Air Quality Assessments with references UK18-18671 dated June 2013; and LV/UK1818671_10102013 dated 10 Oct 2013 by Environ;
Acoustic and Vibration Assessment with references: C/13175/T02c/HAL dated 27 June 2013; C/13175/T02e/HAL dated 16 August 2013; and C/13175/T04RevA/HAP dated 22 Nov 2013 by SRL;
Construction and Environment Management Plan dated 28 June 2013 by Linden Partnerships Ltd/Galliford Try plc;
Baseline TV and Radio Signal Survey and Reception Impact Assessment with issue number 1.0 dated 06 June 2013 by Concerio;
Secondary Glazing Proposal for John Denham Building;
Statement of Biomass Deliveries with reference GDB/4240/SBMD.2 dated Oct 2013 by Bellamy Roberts;
PERS Audit with reference JCB/4240/PERS.1 October 2013

Applicant:
Ownership:
Historic Building:

Galliford Try Plc/Linden Partnerships Ltd
Greater London Authority Land and Property Limited
Grade II Buildings: Front wall, gate piers and gates at St

Conservation Area: Clement's Hospital; and Hospital Buildings.
Tower Hamlets Cemetery Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2011) and its Revised Early Minor Alterations (REMA) 2013 and the National Planning Policy Framework and has found that:
- 2.2 Through the provision of a residential development, the scheme will maximise the use of previously developed land and will significantly contribute towards creating a sustainable residential environment.
- 2.3 The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing.
- 2.4 In urban design terms, the retention and refurbishment of the Listed Buildings, site layout, building heights, scale and bulk and detailed design of the proposal is considered to be of a quality which would respect local character of the area including the Tower Hamlets Cemetery Conservation Area and the setting of the Grade II listed buildings.
- 2.5 The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment.
- 2.6 The impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental, given the urban nature of the site.
- 2.7 The quantity and quality of housing amenity space, communal space, child play space and open space are considered to be well designed and effectively meet the needs of the development.
- 2.8 Transport matters, including parking, access, and servicing are acceptable which promotes sustainable travel modes.
- 2.9 Sustainability matters, including energy, are acceptable and promote sustainable development practices.
- 2.10 The proposed development is considered to provide appropriate contributions towards health facilities, education facilities, employment opportunities, libraries, leisure and improvements to the streetscene sufficient to mitigate the impact of the development.
- 2.11 The proposed refurbishment and re-use of the Grade II listed buildings would bring back unused buildings which are on a Heritage Risk Register into use and therefore the proposal will continue to preserve and enhance the character and appearance of the conservation area.

3. RECOMMENDATION

- 3.1 That the Development Committee resolve to **GRANT** planning permission, Conservation Area Consent and Listed Building Consent subject to:

A. Any **direction** by **The London Mayor**

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

3.2 Financial Obligations

- a) A contribution of £675,887 towards education facilities to mitigate against the demand of the additional population on education facilities.
- b) A contribution of £3,878 towards employment and enterprise.
- c) A contribution of £206,990 towards leisure facilities.
- d) A contribution of £63,213 towards community facilities (libraries).
- e) A contribution of £331,253 towards health facilities.
- f) A contribution of £143,422 towards streetscene improvements.
- g) A contribution of £347,657 towards public realm (open spaces)
- h) A contribution of £80,000 towards improvement of Cycle Superhighway (TfL)
- i) £37,046 towards S106 monitoring fee (2%)

Total: £1,889,346

3.3 Non-Financial Obligations

- a) 35% affordable housing by habitable room
 - 69% Social rent (target rent)
 - 31% Intermediate Affordable Housing
- b) Access to employment (20% Local Procurement; 20% Local Labour in Construction)
- c) Car-free agreement to restrict occupants applying for parking permits
- d) Code of Construction Practice
- e) Electric vehicle charging points to be provided to London Plan standards together with monitoring of their use to indicate when the passive provision of spaces is brought into operation.
- f) Public access through the site: Gates to the southern end of site providing access to Hamlets Way can only be closed during hours of dusk till dawn. No other gates providing access to the north-south access road within the site shall be closed at any time.
- g) A car club space on site and one year membership offered to future residents of the development
- h) 5 apprenticeship places to Tower Hamlets residents targeted to be commenced within 2 years from the commencement date of the construction phase. In the event this is not achieved an apportioned payment of the construction phase contribution (equivalent to £9,647 for each placement) will be made for each apprenticeship in lieu of the apprenticeship provision
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

CONDITIONS & INFORMATIVES

3.6 Full Planning Permission PA/13/01352

1. Permission valid for 3years
2. Development in accordance with approved plans
3. External materials
4. Details of public art
5. Details of building insulation and ventilation to achieve 'good' internal rating for all residential units
6. Pre-completion noise testing to residential units within John Denham Building
7. No cooking or preparation of food for A3/A4 use
8. Design detail of the stack for the biomass boiler
9. Soft and hard landscaping details
10. Details of: bat survey to be carried out if demolition has not taken place by March 2014/15; site-wide construction method statement to support demolition phase; details of bat boxes, bricks and tiles which can be incorporated into the structure of new buildings
11. Clearance of vegetation to be undertaken outside the bird nesting season and surveys for nesting birds to be undertaken by suitably qualified ecologist prior to clearance
12. Energy
13. Code for sustainable homes – level 4 and BREEAM refurbishment 'very good'
14. Details of communal heating: plant room location and layout, future proofing arrangements to allow for connection to a district system;
15. Scheme of highway works
16. All private fourcourt and communal area to be drained within the site
17. Final Residential travel plan
18. Demolition, Construction Management and Logistics Plan
19. Waste Management Strategy including residential and details for commercial waste storage
20. Prior to first occupation, details of D1 use
21. Lifetime homes
22. Details of 25 wheelchair units in scale 1:50 and implemented in accordance with approval
23. Hours of construction
24. Method Statement : No impact piling (Thames Water) and details of piling
25. Ecological assessment and mitigation measures during demolition and construction
26. Full landscaping details with biodiversity enhancement objectives
27. Details of the green/brown/biodiversity roofs
28. Provision of 440 cycle parking
29. Contaminated land – details remediation works
30. Car parking spaces line marked and retained and provided prior to occupation for: 30 spaces for residential (3 spaces for wheelchair unit); 1 space for commercial; 1 car club space
31. delivery and servicing plan (including refuse strategy)
32. CCTV and lighting strategy which rationalises impact to the ecology and impact to neighbouring properties
33. Hours of operation for A3/A4 (not to open later than 10pm Mondays to Fridays and Sundays, 11pm on Saturdays)
34. Details of ventilation for residential dwellings on the north façade of Block B and JD

building

35. No use of amplified noise in D1 use from 6pm-9am Mondays to Saturdays, and no amplified noise on Sundays and bank holidays

36. Approval of detailed archaeological and historic building recording project design (EH).

3.7 Conservation Area Consent PA/13/1534

1. Permission valid for 3 years
2. No demolition works shall be carried out until a contract is in place for the redevelopment of the site.

3.8 Listed Building Consent PA/13/1533

1. Permission valid for 3 years
2. Secure and protect the interior and exterior features
3. All new external and internal works of making good to match existing
4. Details to be submitted and approved
 - a. Boundary walls and gates
 - b. Roofing
 - c. Methods of cleaning brickwork
 - d. Repairs and alterations to existing windows
 - e. All new replacement joinery
 - f. Proposed new elevation and balconies
 - g. New lift and stair enclosure
 - h. Alterations to the Bungalow building
 - i. Proposed extension to the south side of John Denham building
 - j. Proposed Block A extension to the Administration Building and details of junctions between the new and retained fabric
 - k. Secondary window glazing details
 - l. Ventilation details to dwelling within JD building
5. Any hidden historic features which are revealed during works shall be retained in situ.

3.9 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.10 **Informatives:**

- S106 planning obligation
- Advertisement consent required for any signage
- Requirement for a s278
- Thames Water

3.11 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.12 That, if within 3 months 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.

4. **PROPOSAL AND LOCATION DETAILS**

Site and Surroundings

4.1 The application site is a rectangular shape and is approximately 1.8ha in size. The site is bounded by terraces and block of flats on the west, Bow Road to the north, and British Street to the east, and Tower Hamlets Cemetery to the South.

- 4.2 The hospital buildings were originally built in 1848-49 as a workhouse, for the Board of Guardians of the City of London Union. It became an infirmary for the City of London Union in 1874, and in 1912 the Bow Institution for the long-term sick. In 1936 it became a psychiatric unit, under the St Clement's name. It became part of the London Hospital in 1968 and went through various organisational changes until its closure in 2005. Services were transferred to a new Adult Mental Health Facility at Mile End Hospital in October 2005.
- 4.3 The application site is within Tower Hamlets Cemetery Conservation Area and it is also adjacent to the Tredegar Square Conservation Area which lies to the north.
- 4.4 The site also contains Grade II listed buildings; John Denham Building with its Bungalow, Administration Building with its North Block, and the boundary wall, gates and its piers fronting Bow Road. The site has been identified by English Heritage as a historic site which is currently at risk and is on their Heritage at Risk Register.
- 4.5 The prevailing character of the area is mixed, with open space to the south, and mixture of rows of terraces and low rise flatted development to north and west, and a recent flatted redevelopment (2007) to the east. There are commercial activities along the ground floor of the buildings with residential above on Bow Road and Mile End Road. The building heights generally range from 2 to 5 storeys within the vicinity.
- 4.6 The site has a Public Transport Accessibility Levels of 6a and 5 (in a range of 1 to 6 where 6 is excellent). Mile End station is the closest Underground station being 250m away from the site and providing access to the Central Line; and Bow Road Underground is within 300m from the site providing access to the District and Hammersmith Lines. Bow Church DLR can be reached within 600m away which provides access to Stratford and Canary Wharf.
- 4.7 Three main bus routes (Nos. 25, 205 and 425) currently operate on Bow Road immediately front of the site; services are to east, central, and west London. Other numerous bus routes operate from Bow Road further to the east and Mile End Road further to the west, and Burdett Road which are all within easy walking distance from the site. The site is very well served by public transport.

Proposal

- 4.8 The proposal includes retention of the listed buildings and other unlisted buildings on site and demolition of unlisted buildings (post-dating 1948) to redevelop the site for predominately residential use comprising of 252 residential units with 306sq.m D1 Use Class, 174sq.m of B1/A2 Use Class, and 69sqm A3/A4 Use Class. The proposal also includes 32 on-site parking spaces at grade, provision for cycle parking, refuse storage, plant equipment, private and communal amenity space and associated works

Within the new building elements, the heights of the buildings range from 2 storeys to 9 storeys and are brick construction. The site arrangement and layout is predicated by the existing listed buildings, however the proposed buildings will align a central boulevard which will be a shared surface for vehicles and pedestrians.

The proposal maintains the existing site access from Bow Road however the eastern end access would be made for vehicles and two other existing accesses would be for pedestrians and cyclists only. To the southern end of the site, the existing pedestrian access to Hamlets Way then on to the Tower Hamlets Cemetery Park would be retained.

The proposal provides 74 affordable units which represents 35% by habitable room. The affordable rent units are located within the new build and the proposed tenure split is 69:31 in favour of the Rent sector. All of the proposed units would meet Lifetime Homes standards and 25 units are designed to be wheelchair accessible/adaptable.



Conservation Area



Grade II Listed Building



Trees with Tree Preservation Order

5 RELEVANT PLANNING HISTORY

- 5.1 When the hospital was in use, there were planning applications approved between 1966 and 2002 for ancillary and temporary buildings associated with the hospital use. Since its closure, an application for works to a tree(s) in a Conservation Area was approved on 8th August 2009 to carry out works to 32 trees including felling of 5 trees on site.
- 5.2 There is no other relevant planning history for the site.

6. POLICY FRAMEWORK

- 6.1 Following the adoption of the Managing Development Document on 17th April 2013 the development plan now consists of the Managing Development Document (MDD), the Core Strategy 2010 and the London Plan 2011. The following policies are relevant to the application:

Core Strategy Development Plan Document 2010 (CS)

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| Policies: | SP01 | Refocusing on our town centres |
| | SP02 | Urban living for everyone |
| | SP03 | Creating healthy and liveable neighbourhoods |
| | SP04 | Creating a green and blue grid |
| | SP05 | Dealing with waste |
| | SP06 | Delivering successful employment hubs |
| | SP07 | Improving education and skills |
| | SP08 | Making connected places |
| | SP09 | Creating attractive and safe streets and spaces |
| | SP10 | Creating distinct and durable places |
| | SP11 | Working towards a zero-carbon borough |
| | SP12 | Delivering Placemaking |
| | SP13 | Planning Obligations |
| Appendix 9 | | Mile End Laps 5 & 6 |

Managing Development Document (Adopted 2013)

Proposals: Tower Hamlets Cemetery Conservation Area

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| Policies | DM3 | Delivering Homes |
| | DM4 | Housing Standards and amenity space |
| | DM8 | Community Infrastructure |
| | DM9 | Improving Air Quality |
| | DM10 | Delivering Open space |
| | DM11 | Living Buildings and Biodiversity |
| | DM13 | Sustainable Drainage |
| | DM14 | Managing Waste |
| | DM15 | Local Job Creation and Investment |
| | DM20 | Supporting a Sustainable Transport Network |
| | DM21 | Sustainable Transport of Freight |
| | DM22 | Parking |
| | DM23 | Streets and Public Realm |
| | DM24 | Place Sensitive Design |
| | DM25 | Amenity |
| | DM26 | Building Heights |
| | DM27 | Heritage and Historic Environment |
| | DM29 | Zero-Carbon & Climate Change |
| | DM30 | Contaminated Land |

Supplementary Planning Guidance/Documents and Other Documents

Planning Obligations SPD 2012
 St Clement's Planning Brief 2005
 Tower Hamlets Cemetery Conservation Area Character Appraisal 2007

Spatial Development Strategy for Greater London (London Plan 2011 and REMA 2013)

- 2.1 London
- 2.9 Inner London
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing

- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature

London Plan Supplementary Planning Guidance/Documents

London Housing Design Guide 2010
 Housing Supplementary Planning Guidance Nov 2012
 Sustainable Design & Construction 2006
 Accessible London: Achieving an Inclusive Environment 2004
 Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012

Government Planning Policy Guidance/Statements

The National Planning Policy Framework 2012 (NPPF)

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
- A better place for learning, achievement and leisure
- A better place for excellent public services

7. CONSULTATION RESPONSE

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:

7.2 The following were consulted and made comments regarding the application:

7.3 **LBTH Environmental Health**

Contaminated Land

The Council's record shows that the site and surrounding area has been subject to former industrial uses, which have the potential to contaminate the area. LBTH Environmental Health has reviewed the submitted site investigation report requested that the inclusion of planning conditions relating to remediation works and production of a verification report to render the site suitable for residential use.

[OFFICER COMMENT: Appropriately worded conditions are recommended and would be imposed]

Noise

The accompanying Noise Report and further acoustic and vibration surveys have been received. The overall proposal is satisfactory; however the residential unit immediately adjacent to the Community use may not receive most suitable sound insulation and therefore make the use unsuitable. Given the restricted intervention to the listed building, it may be most appropriate for post completion sound testing to be carried out to ensure that the quality of the residential accommodation is satisfactory. All other residential units to the scheme would meet good internal standards and therefore acceptable.

[OFFICER COMMENT: The noise assessment and survey carried out demonstrate that the noise level achieved would be 55bd DnTw and therefore would comply with the Building Regulations Approved Document E (AD E) – Residential Buildings. Whilst the EH officer's concerns are noted, the additional measures such as control of hours for the community use, and restriction to the use of amplified noise at late hours would be conditioned to minimise the impact further. In addition, as required pre-completion testing would be required to be carried out and therefore a condition will be imposed. For all other units, a condition requiring details to achieve the noise standard to meet 'good' internal noise level will be imposed.]

Air Quality

Environmental Health require the proposal to be in compliance with the Clean Air Act 1993, and the design details of the location and the stack will need be further approved in writing by the Council to ensure that no nuisance or emissions to atmosphere will be caused to occupants of the development. The applicant has further submitted a mitigation strategy which is satisfactory however the details should be conditioned.

[OFFICER COMMENT: Appropriately worded conditions are recommended and would be imposed].

7.4 **LBTH Communities Leisure and Culture**

Cultural Services consider that there will be an increase in permanent population generated by the development which will increase demand on community, cultural and leisure facilities. Therefore, a request has been made for financial contributions towards:

- Leisure.
- Open space.
- Library/Idea Store Facilities
- Public Realm

[OFFICER COMMENT: Full planning obligations have been sought in response to these requests].

7.5 LBTH Biodiversity

The bat survey interim report has identified several buildings on the site with high potential to hold bat roosts, including a cellar which would be used by hibernating bats. Significant levels of bat activity were recorded on the site. This coupled with the proximity to the high quality feeding habitat of Cemetery Park means that the site could be important for roosting bats. Further bat surveys found no evidence of roosting bats. Due to the inaccessibility of some buildings, bat roosts cannot be entirely ruled out, but it is very unlikely that bats roosted in any of the buildings this year. There is, therefore, no biodiversity reason not to grant planning permission. A number of conditions relating to bats should, however, be imposed.

As recommended in the bat survey report, a sitewide construction method statement should be produced to support the demolition phase. This should take into account the slight possibility that bats might be encountered.

If demolition (or significant works to roof or roof void) of any building has not started by March 2014/15, a precautionary bat survey (emergence/re-entry) should be undertaken of the building immediately before work on the building commences.

Lighting, during construction and operation of the new development, should be minimised, and in particular no light should spill beyond the southern boundary of the site onto the edge of cemetery Park.

Features providing roosting opportunities for bats, such as bat bricks or tiles (which can be incorporated into the structure of the new buildings) or bat boxes (which can be fixed to buildings or trees) should be provided within the development.

Apart from the potential for roosting bats, there is some wildlife habitat on the site in the form of mature trees, scrubs and hedges. The extended phase 1 survey was undertaken in February, which is not an ideal time for such survey, as many plants are not identifiable, invertebrates are inactive and birds are not breeding. Nevertheless, it is highly unlikely that the site would support any species of particular significance. The loss of these habitats can readily be mitigated through the landscaping of the site. A condition should require that clearance of vegetation should be undertaken outside the bird nesting season. Surveys for nesting birds should be undertaken by suitably qualified ecologist immediately prior to clearance. If any nests are found, they must be left undisturbed until the young have fledged.

Large areas of green roofs are proposed on the buildings and cycle stores. This will be a significant benefit to biodiversity. No details of the green roofs appear to be available at this stage. A condition should require full details of the green roofs, including construction, depth substrate and planting, to be agreed by the Council before work commences. At least some, and preferably all, of the roofs should be biodiverse roofs, following the best practice guidance published by Buglife (www.towerhabitats.org).

The Landscape Masterplan indicates that the landscaping at ground level is likely to be largely formal. The proposed trees are mostly of native species, and many of them will provide nectar for invertebrates and/or berries for birds. However, its value for biodiversity will depend very much on details. There are substantial areas indicated as 'shrub planting'. It would be unfortunate if these were to be the ubiquitous evergreen shrubs which seem to be standard for housing estate developments, and which are of limited value for biodiversity (or for amenity or anything else). The landscaping will be of most value to biodiversity if it includes plenty of native species, a varied structure, and plenty of nectar-rich flowers. The landscape condition should indicate that the landscaping is expected to benefit biodiversity, and the applicant

should be required to indicate how the landscaping achieves this.

[OFFICER COMMENT: Due to the site location and its close proximity to the Cemetery Park, the application site has the potential to be biodiversity rich. The requested planning conditions are necessary and will be imposed to ensure that the biodiversity is protected and enhanced on site through securing details of landscaping and others as mentioned.]

7.6 LBTH Energy Efficiency

The proposals have examined the feasibility of utilising a CHP and the analysis has shown that whilst feasible there would be more benefits associated with a biomass system such as lower emissions (NOx) and eligibility for Renewable Heat Incentive. The proposals are anticipated to reduce CO2 emissions in excess of the policy requirements.

Subject to agreement with highways officers on potential delivery issues and air quality officers on the proposed emission reduction mitigation strategy the sustainable development team have no objections to the proposed energy strategy.

The proposals are for Code for Sustainable Homes Level 4 units for the new build element and BREEAM Very Good for the refurbished residential units. Whilst the refurbished units are not meeting the Policy DM29 requirements, the 'Very Good' rating is considered appropriate in this specific instance.

In principle the proposals are supported by the sustainable development team. However the proposals should be Conditioned for:

- Energy strategy delivered in accordance with approved documents;
- Communal heating details: including plant room location and layout, future proofing arrangements to allow connection to a district system;
- Code for Sustainable Homes certificates to demonstrate Code level 4 to be submitted within 3 months of occupation;
- BREEAM domestic refurbishment certificates demonstrate Very Good rating to be submitted within 3 months of occupation.

[OFFICER COMMENT: With regards to Air Quality and Transport issues see further commentary in paragraphs 9.130-9.132 and paragraph 9.109, respectively. The Conditions as requested will be attached to any planning permission to secure the details]

7.7 LBTH Highways

Car Parking

The site is located in an area of excellent public transport accessibility (PTAL 5/6) and connectivity; therefore this development should be subject to a s.106 Agreement to secure prohibition for all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.

The application includes proposals for 32 on-site parking spaces, of which 30 are allocated to the residential units, one to the commercial use and one for a car club use. The allocation to the residential units would be at the limit of the maximum parking standards contained in the Managing Development Document 2013 when applied to this development and is acceptable in policy terms. An acceptable proportion of these spaces (10%) are for blue Badge holders.

By designating a set proportion of these spaces to affordable family units, providing a car club space, and providing a number of electric vehicle charging points, the development is fully compliant with policy DM22 of the MDD 2013.

One space would be allocated to the community use in the John Denham building.

Cycle parking

The minimum cycle parking standard for the proposed development is as follows:

Residential: 295 cycles

D1: 4 cycles

A2/B1: 2 cycles

A3/A4: 2 cycles

Provision for 440 cycles, divided into cycle stores of various sizes would be distributed throughout the site. Of these, 416 spaces will be allocated to residents in dedicated storage areas. The proposed provision would be in excess of the minimum requirement and would be welcomed.

For the remaining uses and visitors, 28 spaces are provided in two cycle stores towards the north of the site.

Trip Generation

An analysis of trips generated by the proposed development has been provided in the transport assessment. It forecast that a total of 1,235 daily trips to and from the site will be made and of these, 58 will be by car (15 in the morning peak and 14 in the evening peak). This level of additional car trips on the network will not cause material harm to the borough's highway network. Highways have no objections to the proposed car parking for the development.

Servicing

The development would have a single vehicle access from Mile End Road for car parking and goods vehicles. As Mile End Road is managed by TfL, their comments should be sought on the access and servicing arrangement.

The proposed internal road layout offers sufficient space for larger goods vehicles to safely enter, turn around and exit the site in a forward gear. In relation to the deliveries associated with the proposed biomass, it is estimated that the biomass deliveries will only occur around 10 times per year. This represents an acceptable impact on the highway network.

Public Realm

The development will create a new north-south pedestrian and cycle route through the site which will improve connectivity and permeability for these modes and is welcomed. To facilitate this, a new access to the footpaths on Hamlets Way would be created at the southern boundary for the site. Further clarity is required as to whether an access restriction will apply to the southern end of the site. A condition should also be included for the all private forecourt/area to be drained within the site and not to the public highway.

Travel Plan

The applicant has submitted an interim Travel Plan which sets a timetable for production of a full Travel Plan for the site which is welcomed. This commitment should be secured via a planning condition requiring approval by LBTH and TfL.

Construction

The applicant has submitted an outline Construction Logistics Management Plan (CLMP) showing that construction vehicles will be able to enter and exit the site in a forward gear. This information is welcomed as it would alleviate common concerns over the safe management of goods vehicle on and off construction sites. A full CLMP should be secured by condition to any planning permission and should require approval by LBTH and TfL prior to commencement of construction.

Public Realm

The development proposal includes two east-west shared surface routes which will increase pedestrian permeability and connectivity in the area and are welcomed. The development

proposal may require works to upgrade crossovers or instate where crossovers are made redundant. A Section 278 agreement is required for the provision of works to the public highway necessary to facilitate the proposed development.

Planning Contributions

Highways request a s106 contribution towards works to the public realm improvements to fund safety and amenity improvements to Hamlets Way at the southern end boundary of the site and wayfinding improvements to integrate the north-south route through the site into the borough's walking and cycling network.

[OFFICER COMMENT: Highways and transportation matters are discussed within the Material Planning Considerations section of the report. The requested planning obligations and conditions have also been recommended, as detailed within paragraphs 3.2 – 3.8 of this report].

7.8

LBTH Housing

This scheme is one which the housing team have been closely involved in, alongside the GLA, since their decision to release this site for development.

The overall quantum of affordable housing would meet the Council's policy expectations with the overall affordable percentage of 35.45% measured by habitable room. The proposal will also provide affordable rent housing at target rent levels.

The rented units would be located in the proposed blocks C and D and breakdown of the rented units is 14 x 1bed, 15x 2bed, 17 x 3bed, and 5 x 4bed which is a total of 51 units. The proposed mix is acceptable as it is close to the Council's policy requirements. The policy requires 30% of 1bed, 25% of 2 bed, 30% of 3bed, and 15% of 4 beds and the proposal would provide 27% of 1bed, 29% of 2 bed, 33% of 3 bed, and 10% of 4bed. The proposal would provide 43% family sized units in the rent sector.

Intermediate units would be in the proposed block B, D and E. Within the intermediate mix, the proposal would provide 5x 1bed, 12 x 2bed, and 6x3bed, which provides percentages of 22% of 1 bed, 52% of 2 bed, and 26% of 3 bed which would be very close to the Council's policy mix of 25% of 1 bed, 50% of 2 bed, and 25% of 3 bed.

The private units are predominately within existing buildings and within this tenure, the proposal is not fully policy compliant in terms of the mix. It would provide 18 x studios, 56 x 1bed, 89x 2bed, and 15x3bed. The policy requirement is 50% of 1bed, 30% of 2bed, and 20% of 3beds. The proposal provides 41.5% of 1bed, 50% of 2bed, and 8.5% of 3beds.

The affordable housing is located in four of the new build blocks and it appears that the design of the new build blocks is tenure blind. The proposal to retain the listed buildings for sale use is supported as these would be difficult to convert into units which meet all the current space and access standards for affordable housing. All of the affordable housing appears to meet the London Housing Design Guide 2011 space standards and all would have generously sized private balcony spaces. The largest family sized units for rent would be provided as houses with private garden space in Block C which would be welcomed by families on the waiting list.

[OFFICER COMMENT: The delivery of the affordable housing will be captured by the s.106 Agreement. Detail of the housing is further discussed later in the report at paragraph 9.161].

7.9

LBTH Waste

The proposed waste management strategy is acceptable however there is a need for an internal management system in place for those above ground storage bins to be pulled out to a suitable location on the day of collection.

[OFFICER COMMENT: The proposed refuse stores are proposed to be within underground URS systems and are located appropriately in relation to the building cores. Further, above ground storage areas are also proposed for the blocks which are located further away from the URS systems. The detail of the waste is further discussed later in this report, and any necessary planning condition will be imposed to ensure on-site management is in place.]

7.10

LBTH Employment and Enterprise

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place.

The Council would usually seek to secure a financial contribution of £48,239 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase and £3,878 end phase of the proposed development. In this instance the applicant has agreed to the end use phase of the contribution however have offered to provide in-house training and 5 apprenticeship places during construction phase of the development. This is acceptable and the provided details for the provision are welcomed and this will need to be secured as an obligation through the s.106 Agreement.

The contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

[OFFICER COMMENT: The financial and non-financial obligation towards employment and enterprise would be secured through the s.106 Agreement.]

7.11 Secure By Design Officer

Objections raised to the proposal as the proposed Archways to the northern part of the site are without gates, and it was previously discussed with the architects that this access should be controlled at agreed hours. A new porch at the southern boundary of the site is also noted and if the recess would be larger than 600mm at this location is not appropriate as this location is vulnerable.

[Officer Comment: It is not considered necessary to close off the The Archways gates however the gates located to the southern end of the site would be closed during dusk till dawn. The proposal does not include a 'new porch' which is recessed on the southern boundary.]

7.12 Tower Hamlets Clinical Commissioning Group (Formerly Primary Care Trust (PCT))

PCT have confirmed the HUDU model requires:
A Capital Planning Contribution £331,253

[OFFICER COMMENT: The stated amount will be secured through a s.106 Agreement.]

7.13 English Heritage

In relation to the application for the conservation area consent, this application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

In relation to the Listed building consent application, if the authority is minded to grant listed building consent, you are hereby directed to attach conditions, in addition to any which the Council is minded to impose.

[Officer Comment: The Council's Conservation Officer has reviewed the details and is satisfied with the proposal. Further detailed issues on heritage matters are discussed later in the report in paragraphs 9.36 – 9.60, and the suggested conditions will be imposed as directed by English Heritage.]

7.14 **English Heritage Archaeology**

The application site lies outside an area of archaeological potential but its size means that archaeological consideration is appropriate whilst its historic buildings merit consideration for buildings archaeology impact.

The submitted archaeology assessment and also the interior survey and heritage impact statements from the site have been examined. The hospital complex is of archaeological interest due to its potential to preserve evidence of the development of healthcare and social provision in London over a long period of time. Changes such as the introduction of the NHS are likely to be reflected in changes in layout and use of the hospital. Although some recording works have already been undertaken, consideration of this aspect needs to be taken into account, which is important in order to fully understand the hospital in addition to simply recording its rooms.

The archaeological desk-based assessment provides limited evidence behind its reasoning and does not make an assessment of the impact of the proposed new build. Archaeological evaluation of the open parts of the site is therefore desirable in order to understand this.

Archaeological remains may be affected by the proposed development and a programme of historic buildings analysis and field evaluation followed by a necessary mitigation work would be appropriate in this case. Planning Conditions should be imposed to secure this.

[OFFICER COMMENT: Appropriately worded conditions as suggested by English Heritage Archaeology will be imposed which will secure details of programme of archaeological works and an archaeological and historic buildings recording project design which is in accordance with EH guidelines]

7.15 **Greater London Authority (GLA)**

The GLA have provided a Stage I response. Their summary of the key issues are as follows:

Principle of the development

The change of use of the site from what has been a longstanding health facility to a residential use is acceptable on the basis that services have been provided elsewhere in the area and the site is surplus to NHS requirements.

Housing

The scheme proposes an acceptable density, appropriate mix and tenure of units and high quality accommodation. The affordable housing offer appears reasonable but this is subject to confirmation that this is the maximum reasonable amount that can be achieved. Confirmation that the play space meets minimum standard is required.

Heritage and Urban Design

The scheme is of high architectural quality, and the scheme respects the heritage and character of the site.

Inclusive Design

The inclusive design provisions are welcomed. The 100% Lifetime Homes and 10% wheelchair accessible flats should be secured by condition.

Climate change

The proposed 54% carbon dioxide saving are welcomed and the absence of a CHP system is accepted in this instance. This is subject to clarification regarding cooling, carbon savings and future district heating systems. The sustainability measures are in accordance with the Mayor's standards and should be secured by condition.

Air quality

The emission rate of PM10 from the proposed biomass boiler is greater than the GLA's emerging guidance, and further information and discussion is required before the proposed energy strategy can be deemed acceptable in London Plan terms.

Transport (Transport for London)

The proposal generally complies with the London Plan subject to satisfactory resolution of the following: -

- The future residents should be ineligible for resident parking permit
- Secure necessary highway works on Bow Road to improve safety
- Provision car parking management strategy
- Secure a contribution towards the Cycle Superhighway Route 2 upgrade
- Revise and resubmit the travel plan in light of the ATTrBuTE assessment outputs; and
- Secure a CLP, DSP and Travel Plan via appropriate condition/obligation

[OFFICER COMMENT: The applicant has provided necessary information to address any outstanding issues as required by the GLA, and in TfL's clarification has also been satisfied. Further details of the issues raised by GLA and TfL are discussed later in this report under the appropriate headings.]

7.16 **Natural England**

The proposal is unlikely to affect any statutory protected sites or landscapes.

It is noted that a survey for European Protected Species has been undertaken in support of the proposal. Natural England does not object to the proposed development. On the basis of the information available, the proposed development would be unlikely to affect bats.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site. This would be in accordance with Paragraph 118 of the NPPF.

This application may also provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and connect with nature. Landscape characterisation and townscape assessment, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location to the character and function of the landscape and avoids any unacceptable impacts.

A licence from Natural England will be required in order to carry out any works.

[OFFICER COMMENT: These comments reflect comments raised by the Borough's biodiversity officer. A condition requiring details for biodiversity enhancement and landscaping

details will be sought and imposed.]

7.17 **Thames Water**

Surface Water drainage – With regards to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Service will be required.

[OFFICER COMMENT: An informative will be included to advise the applicant of Thames Water Comments.]

7.18 **The Victorian Society**

The Victorian Society raises objection to the application and is summarised as follows:

- The proposal does not take its cues from the axial plan, and the proposed new blocks do not follow the existing linearity. For example, the west blocks would sit much further north than footprint of the lost west wing, and the massing of Block C, position beside that centrepiece of the complex. The resultant layout fails to match the current order and symmetry of the site. The massing and positioning of new buildings must keep to the spirit and principles of the original layout to be successful and not disrupt the spatial qualities and coherence of the site.
- The designs for the new buildings proposed for the site are not as responsive as would be hoped for a site of this importance and quality. We have particular concerns about the pavilion buildings, which would intrude on front views of the administration block, and for such a prominent position on the site of the original chapel, a more responsive building is needed.
- The south of the site seems to have been treated as the rear, and less historically significant, end of the site, and thus the tallest building proposed is at this boundary. However this boundary is adjacent to Tower Hamlets cemetery, and a seven storey building, taller than any other building in that area, would certainly cause harm to its setting.
- The overall principle of development at St Clement's, but this site of significant historic and communal value deserves a far more sympathetic treatment that responds to the existing site plan and massing of the original buildings.

[OFFICER COMMENT: The design detail and heritage implications are dealt with in paragraphs 9.36 – 9.60 of this report.]

8. LOCAL REPRESENTATION

8.1 A total of 509 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.

8.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application as submitted and amended were as follows:

| | | | | | | | |
|-----------------------------|-------------------|------------|----|-------------|---|----------|---|
| No of individual responses: | 36 | Objecting: | 30 | Supporting: | 0 | Neither: | 6 |
| No of petitions received: | 1 (10 Signatures) | | | | | | |

8.3 The construction of this development will cause considerable disruption in terms of deliveries, noise, dust and vibration in an area that has recently experienced the construction of other

developments and where a number of young children live. The construction traffic also has the potential to be dangerous if it is not managed correctly.

[OFFICER COMMENT: Draft Construction and Logistic Management Plan has been submitted and the Council's Highways and TfL have not raised any objections. The final Construction and Logistic Management Plan will be secured through a planning condition to ensure that appropriate mitigations measures are brought into place.]

- 8.4 The height of the buildings adjacent to Brokesley Street, Rebecca House and 644-648 Mile End Road is unacceptable and will cause daylight and sunlight concerns for those properties, including several that use their gardens to grow vegetables. There are errors and omissions in the daylight and sunlight assessment provided by the applicant.

[OFFICER COMMENT: Sunlight and Daylight impacts are considered in paragraphs 9.89-9.99.]

- 8.5 The boundary wall surrounding the site is too high.

[OFFICER COMMENT: The proposal does not increase the height of the existing boundary walls. However the proposal includes alterations to existing boundary walls to lower the height of the brick wall and to include railings.]

- 8.6 The traffic generated by residents entering and exiting the proposed new development has the potential to be unsafe in an area that has already had several traffic incidents, including deaths. The Pelican crossing on the plans is not drawn accurately. No right turns out of the development should be allowed onto Mile End Road.

[OFFICER COMMENT: Mile End Road is a Transport for London Road Network and TfL have not raised any concerns to the proposed access arrangements and proposed works to the highway which would be carried out under the s278 of the Highways Act.]

- 8.7 There is not enough social housing/the entire site should be social housing.

[OFFICER COMMENT: The proposal provides 35% affordable housing which meets the Council's policy target. There is a need to ensure that the proposals provide for a balanced and mixed communities and therefore 100% social housing on this site would not be appropriate.]

- 8.8 It should not be a gated community.

[OFFICER COMMENT: The proposal would not be gated. There would be conditions to ensure that the site is accessible, only with an exception that the gate to the southern end of the site is controlled during hours of dusk till dawn as concerns have been raised by the Crime Prevention Officer. Other gates and access from Bow Road/Mile End Road shall remain open and no other gates restricting site access within the site can be closed. This would be secured through Planning Obligation.]

- 8.9

Unacceptable impact on the setting of Tower Hamlets Cemetery Park

[OFFICER COMMENT: This is discussed in paragraphs 9.89 – 9.99]

- 8.10 There is not enough community use provided within the proposal. The early consultations carried out by the applicant gave the impression that the community use would be greater; the meanwhile uses recently carried out on the site (eg, the Shuffle Festival) demonstrate a local need. If providing more community use is not financially viable, other funding opportunities should be explored, as several parties have expressed an interest.

- 8.11 The community use that is provided should not be in the same building as residential dwellings as this will restrict the community uses.

The Bungalow is more suitable for community use as it is on the ground floor and therefore accessible.

[OFFICER COMMENT: The proposed community use would be located within the John Denham Building which would be made accessible for all. Whilst it is adjacent to a residential use, there would be limited restrictions to the community use; nonetheless it would need to be controlled to protect the existing residential occupiers. The proposed community facility is considered to provide much community benefit.]

- 8.12 During the summer some space on site was given to a temporary community cycling hub which was well-used. The site is on a popular cycle route and therefore this element should be made permanent.

[OFFICER COMMENT: This could be a possibility but is not a planning consideration. There are spaces to the front of the site to allow for such use, however this is not a matter for planning.]

- 8.13 Chain cafes and estate agents do not reflect the needs of the community.

[OFFICER COMMENT: Planning process cannot control the end user of the proposed uses for A2/B1 and A3/A4 uses, rather the proposed land uses are considered on their acceptability. The acceptability of these uses are discussed under paragraphs 9.2 – 9.16]

- 8.14 There are too many smaller (ie, 1-bedroom) units/there are too many flats and not enough houses.

[OFFICER COMMENT: The proposal includes 43 family units within the development and some of these are within duplexes. Details of housing is discussed in paragraphs 9.27 – 9.34]

- 8.15 There is a red chestnut tree overlooking Hamlets Way which is attractive and the only one in the area; therefore it should be preserved. Care must also be taken to ensure that the roots of large trees at the site boundaries are not disturbed by excavation; such trees are currently not marked on the plans.

[OFFICER COMMENT: The Red Horse Chestnut Tree is proposed to be retained and would be protected throughout the construction period. In relation other tree protection paragraph 9.145 deal with this in detail. Further, a condition will be imposed to ensure that any trees and their roots along the boundaries of the site are protected throughout the construction phase.]

- 8.16 There is not enough public realm; in its current state the site provides a good play environment for children and this should be reflected in the final proposal.

[OFFICER COMMENT: The proposal provide public realm through a central boulevard and by bringing uses back into the site. There are areas within the site which are publicly accessible, which include the central boulevard.]

- 8.17 There are already not enough primary school places in this area; no mention is made of how this will be mitigated.

[OFFICER COMMENT: The proposal will provide the full contribution towards education provision in the borough which will be secured as part of the planning obligation.]

- 8.18 The borough does not need more housing; the site should be used to provide entertainment for the local community such as bars, restaurants and a bowling alley.

[OFFICER COMMENT: The need for housing is discussed in the land use section of the report, paragraphs 9.2 – 9.16. Other uses mentioned would not be acceptable as the site is out of town

centre location, and the site is surrounded predominately by residential uses.]

8.19 The modern design of the new buildings is not sympathetic with the original buildings on site.

[OFFICER COMMENT: Design detail is discussed in paragraphs 9.36 – 9.60]

8.20 There is no evidence of any planning obligations attached to this proposal.

[OFFICER COMMENT: Planning obligation would be secured and is outlined in paragraph 9.161]

8.21 The landscaping plans are not appropriate and do not provide a link to Tower Hamlets Cemetery Park. Local groups should be involved with the final landscaping plans.

[OFFICER COMMENT: Landscape masterplan has been assessed and details of landscaping will be secured through a planning condition, which would address the Natural England's commentary and the Council's Biodiversity Officer's comment to include much features to enhance biodiversity in the area.]

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by this application that the committee are requested to consider are:

- Land Use.
- Housing
- Heritage and Design
- Amenity
- Transport
- Energy and Environmental considerations
- Development viability / planning obligations

Land Use

9.2 At National level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets.

9.3 Loss of the hospital Use

At a strategic level, Policy 3.17 'Health and social care facilities' recognises that London's growing population will need additional health care facilities and states that where local health services are being changed, the London Mayor will expect to see replacement services operational before the facilities are replaced are closed, unless there is adequate justification for the change.

9.4 At a local level policy DM8 of the Managing Development Document 2013 states that health, leisure and community facilities will be protected where they meet an identified need and the buildings are considered suitable for their use. The loss of the facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable, or the facility is being re-provided elsewhere in the borough.

9.5 In the case of the application site, the hospital use ceased in 2005 and services have moved

to a purpose-built adult mental health facility at Mile End Hospital, off Bancroft Road. Given that the facility has been relocated within the locality and the site is a surplus to the requirements of the NHS, the loss of the hospital use of this site is therefore acceptable and alternative acceptable uses can be supported.

Residential Use

- 9.6 In terms of the proposed residential use, at strategic level the London Plan policy 3.3 'Increasing housing supply' recognises the pressing need for additional housing in London and supports development which delivers new homes on suitable sites. It seeks an annual average of 32,210 net additional homes across London, of which Tower Hamlets annual target is 2,885.
- 9.7 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. It also seeks to deliver more affordable homes and achieve mixed and balanced places that have a range of dwelling sizes, types and tenures, to help create sustainable communities.
- 9.8 The subject site is a vacant brownfield site with no specific designations and is located within a predominantly residential area. In light of the above policies it is considered that the site is most suitable for a residential development which provides sufficient level of affordable housing. The application seeks to provide 252 new homes of which 35.45% (by habitable room) would be affordable and would contribute to the Borough's annual housing target and delivery of affordable housing.
- 9.9 The Council's Planning Brief (2005) for the site also supports residential use.

Commercial units

- 9.10 Core Strategy SP01 part 5.b promotes areas outside of town centres for primarily residential use, as well as other supporting uses that are local in nature and scale.
- 9.11 The proposal includes 69sq.m. of floorspace, which will be A3/A4 Use Class (café) and 174sq.m. of B1/A2 Use Class (commercial/office) in the John Denham and Bungalow buildings. The site is not located within a town centre; therefore the proposed uses should be carefully considered in accordance with policies which protect town centre uses.
- 9.12 In relation to A2, A3, A4 uses, to ensure vitality and viability of town centres MDD policy DM1 part 4 seeks to direct these uses to town centres. Policy DM2, part 2 supports local shops outside of town centres only when there is a demonstrable local need; of an appropriate scale; does not affect or detract from the character of the area; and they do not form part of a concentration of uses that would undermine nearby town centres.
- 9.13 The sizes of the proposed units are small enough that the impact to the town centre would be minimal. The proposed A3 and A4 uses are likely to provide a complementary service to the proposed Community Use. It is likely that these type of uses would have associated issues such as installation of extractor ducts and associated smells and therefore a planning condition is proposed to restrict cooking on the premises to ensure that the proposal would minimise any impact to the Listed Building. Therefore, it is considered that the scale and nature of the development will ensure that the nearby town centres will not be undermined, and would not detract from the character of the area.
- 9.14 In relation to the B1 Use, the Core Strategy SP06 and MDD policy DM15 promotes a sustainable and diverse economy by ensuring a range and mix of employment uses in the borough. It also supports new employment floor space for a range of flexible units which would meet the needs of Small and Medium Enterprise. The proposed B1 use floorspace would therefore be acceptable in principle.

Community use

- 9.15 The proposal includes 306sq.m.offloorspace which will would be for Community use (D1 Use Class) in the John Denham Building. The specific details of the end user of the community use have not been provided however, the applicants are working with the East London Community Land Trust to deliver a scheme which is truly beneficial to the local community.
- 9.16 Whilst the MDD policy DM8 directs these community facilities to town centres, it is noted that a number of residents support community uses within the application site, particularly in light of the success of the recent meanwhile uses carried out on the site. Therefore the proposed community use is welcomed and as such, submission of the details and hours of operation of the D1 use will be conditioned.

Housing

Policy summary

- 9.17 At the national level the NPPF seeks to ensure that wide choices of high quality homes are delivered. Where it is identified that affordable housing is needed this need should be met on-site, unless off-site provision of a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities
- 9.18 The London Plan (with its REMA) has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that Boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 9.19 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites.
- 9.20 Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site.
- 9.21 At the local level, Policy SP02 of the Core Strategy (2010) states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. This policy seeks a split of 70% social/affordable rents to 30% intermediate housing provision.
- 9.22 A total of 252 residential units are proposed, of which 74 units would be affordable housing, which represents a total affordable housing provision of 35% based on habitable rooms.
- 9.23 Of the 74 affordable housing units, 51 units would be within the rent and 23 units would be intermediate provision as a Shared Ownership. This represents a split of 69% rent and 31% intermediate housing provision. The scheme proposes to deliver the rent units at Social Target Rents.
- 9.24 The Shared Ownership model is proposed to be delivered by the East London Community Land Trust (ELCLT). The ELCLT's model is different from the standard shared equity model in that ELCLT will retain a percentage share of the property in perpetuity with no staircasing up to 100% ownership. The ELCLT intends that the value of the percentage share for sale will be at a price affordable to those on average medium incomes in the Borough. There is no rental charge on the retained proportion of the property. The applicants' intention is that St Clement's will see the delivery of the UK's first urban Community Land Trust properties. The current owners of the land, the GLA, have arranged that ownership of the freehold of the whole site will eventually be held by a Community Foundation which will receive ground rents

from the completed properties and use this income for the benefit of all the community living at the new St Clements' development.

- 9.25 In an event that the applicants are unable to agree the purchase of the shared ownership units with the ELCLT, it will seek to engage with another Community Land Trust or otherwise it will sell the units to a Registered Social Landlord on the basis of the shared ownership model. The LBTH Housing team supports this approach.
- 9.26 The proposal provides policy compliant level of affordable housing units on-site and provides spilt which closely reflects 70:30 in favour of rented accommodation and therefore the proposal would be acceptable and complies with policies mentioned above.

Housing Mix

- 9.27 Pursuant to Policy 3.8 of the London Plan, the development should ‘... offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups’.
- 9.28 Policy SP02 of the Core Strategy and policy DM3 of the MDD sets out that development should provide a balance of housing types, including family homes, in accordance with the most up-to-date housing needs assessment.
- 9.29 The following table summarises the proposed housing mix against policy DM3 of the Managing Development Document 2013 which seek to reflect the Borough’s current housing needs.

Table 1: Housing mix

| | | Affordable Housing | | | | | | Market Housing | | |
|--------------|-----------------------|--------------------|-----|-------|--------------|-----|-------|----------------|-----|-------|
| | | Affordable Rent | | | Intermediate | | | Private Sale | | |
| Unit Size | Total Units in Scheme | Units | % | MDD % | Units | % | MDD % | Units | % | MDD % |
| Studio | 18 | | 27 | 30 | | 22 | 25 | 18 | 42 | 50 |
| 1bed | 75 | 14 | | | 5 | | | 56 | | |
| 2bed | 116 | 15 | 30 | 25 | 12 | 52 | 50 | 89 | 50 | 30 |
| 3bed | 38 | 17 | 33 | 30 | 6 | 26 | 25 | 15 | 8 | 20 |
| 4bed | 5 | 5 | 10 | 15 | | | | | | |
| Total | 252 | 51 | 100 | 100 | 23 | 100 | 100 | 178 | 100 | 100 |

- 9.30 The unit mix for affordable rent sees a 27% provision of one beds against a policy target of 30%, a 30% provision of two beds against a policy target of 25%, a 33% provision of three beds against a policy target of 30%, and a 10% provision for four beds against a policy target of 15%.
- 9.31 The unit mix for the intermediate units sees a 22% provision of one bed against a policy target of 25%, a 52% provision of 2 beds against a policy target of 50%, and a 26% provision of three beds against a policy target of 25%.
- 9.33 Within the market housing provision, the scheme proposes a 42% provision for studio/one bed against a policy target of 50%, a 50% provision for two beds against a policy target of 30%, and a 8% provision of three beds against a policy target of 20%.
- 9.34 The proposal is not fully compliant with the Council’s required housing mix and there is lack of

family housing and a higher proportion of 2 bed units within the market sector. The main issue with this is due to the private units being within the converted listed buildings and the limitation associated with reconfiguring the existing layout to meet the space standards for larger dwellings. It is considered that, given that 34% of the proposed affordable housing would be provided as family sized units and that family units within the rented tenure would include five larger sized dwellings, on balance, the proposal would meet local needs of families who are on the Council's waiting list. It is considered that the proposal would meet the policy objectives in providing a mixture of small and large scale housing.

Density

- 9.35 In terms of the proposed density, Policy 3.4 of the London Plan sets out the optimum housing densities for a site based on how accessible they are. For an urban area with a PTAL of 4-6, the anticipated density range is 200-700 habitable rooms per hectare or 70-170 units per hectare; and urban areas with a PTAL of 4-6 the anticipated density range is 200-700 habitable rooms per hectare or 70-260 units per hectare. The applications site lies in PTAL 5 and 6 has a density of 393hr/ha or 140u/ha and therefore would be within the recommended density range and therefore acceptable. It should be noted that maximising the density in this location would not be appropriate due to the constraints surrounding heritage designated assets.

Heritage and Design

- 9.36 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.37 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 9.38 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.
- 9.39 Core Strategy policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 9.40 The application is supported by a Design and Access Statement and a Heritage Statement. The proposal is based on retaining existing buildings with heritage significance on site with new build elements appearing as a backdrop to the setting of the listed and existing buildings to accommodate the proposed uses.
- 9.41 All of the listed buildings on site would be retained, refurbished and converted for residential and commercial/community uses. This includes the John Denham Building with its Bungalow; and Administration Building and its North Block. The proposed retention of the unlisted building includes the Occupational Therapy Building; South Block; Workshop building and

Generator Block.

- 9.42 The John Denham Building and the Bungalow are the original workhouse fronting Bow Road. These buildings are not linked but are of an integral part of the original Italianate composition, and are the most notable buildings that is visible from the surrounding streets. These buildings together with the Administration Building (and North Block), South Block, and the Generator Block were built by Board of Guardians of the City of London in 1849.
- 9.43 The Administration Building was the central core for the workhouse. This building and the North Block are considered as one building as they are linked and date from the original workhouse design. The Administration Building features a clock tower which is the most prominent feature. The original western wing and the chapel to the Administration Building were damaged during WWII and ruins demolished early 1950s.
- 9.44 Whilst not listed, the South Block is the original infirmary for the workhouse and is significant for its prominence within the setting of the conservation area, when viewed from the cemetery path and for views along British Street. The accompanying Heritage Statement categorises this building with high heritage significance together with the Generator Block, which once was the mortuary.
- 9.45 The other retained building which postdates the original workhouse is the Occupational Therapy Block which dates 1912-1930. However this newer building encompasses the remaining part of the Laundry Room which was once part of the original workhouse. These buildings seen as a group and is considered to have a medium heritage significance. The Workshop Building with low heritage significant is also proposed to be retained, which is a single storey block. The main reason for retention is for its fair condition for residential conversion.
- 9.46 Other buildings on site are of low or negative/no significance and therefore are proposed to be demolished. The findings and conclusions as set out in the Heritage Statement has been reviewed by the Borough's Conservation Officer and the English Heritage and concurs with the outcome.
- 9.47 Originally the workhouse had a symmetrical site layout with Italianate detailing to the front of the site. This is particularly notable on Administration building as the elevation fronting Bow Road are in the Italianate style whereas the rear elevations facing the interior of the site are stripped back in details. The buildings located at the rear of the site had less architectural detailing.
- 9.48 The proposal also incorporates eight new blocks which would accommodate all of the affordable housing and some of the private tenure. The new buildings would be arranged sympathetically around the listed and unlisted buildings and would create a public realm spine through the site to allow for vehicular (no through road) and pedestrian access which enhances permeability through the site. The proposal also includes a pedestrian walkway along the eastern boundary of the site. It is considered that the detailing of the new blocks follow the historical cues, with simple detailing to the blocks located to the front of the site, and calmer, less detailing to the blocks located towards the rear of the site. The main intention is for the new buildings to appear as backdrops rather than compete with the historical buildings. The proposal, with subtle changes and articulation does this successfully. The historical buildings are also set around garden squares and landscaping and therefore spatially the site plan works in favour of the historical buildings which in turn preserve and enhance the setting of the listed buildings. It should also be noted that the listed buildings on the site are on the Heritage Risk Register and therefore, the proposed re-use and refurbishment of these buildings are welcomed, and English Heritage also supports the proposal.
- 9.49 The proposal also includes interventions to the Listed Buildings to make it suitable for re-use and particularly for the residential use. The main notable alteration is to include a lift over run

on the western side of the Administration Block. The proposed lift over run would be glazed and positioned above the new extension which house the lift to service the Administration Block. The proposal is considered to be a sympathetic addition to the Listed Building. Other additional extensions and alterations include removal of openings, creation of openings, re-instating openings, demolition of fire escapes and other ancillary plants, installation of balconies and general repair works.

- 9.50 The proposed residential dwellings within the John Denham Building, due to its proximity to the main road, TfL Underground Central Line beneath the site, and the proposed community use adjacent to the residential use, secondary glazing are also proposed to all residential windows to ensure that suitable internal noise levels can be achieved. The applicant has submitted a strategy outlining how the secondary glazing would be installed however full details for all of the windows will need to be submitted and approved by the Local Planning Authority. English Heritage has confirmed that proposal is satisfactory subject to further conditions for full details of all works to the listed buildings to be submitted and approved in writing by them and the Council.
- 9.51 In relation to the new building, the proposal consists of the following:
- 9.52 Block A is located in front of the Administration Block and is a part two and three storeys in height. The simplistic geometric vernacular design and the minimalistic brick and stone banding detailing works successfully with the Administration and the North Blocks.
- 9.53 Block B is a part three and four storeys in height which joins up with the proposed Block C. It would be located west of to the Administration Block, separated by the central boulevard. Again, the principles of the design would be simple and of brick construction. The proposed building would have double height arched pedestrian access to the private courtyards for Blocks B and C.
- 9.54 Block C would be a part three and five storey in height and adjoins the proposed Block B to the south.
- 9.55 Block D is a part 6 and 7 storey which would be set behind the Administration Block. Whilst the proposed Block D would be taller than Administration Block, the simple flat roof form, brick work and uniform openings would ensure that the proposed new build would not compete the articulate detailing of the listed building. The brick type and colour would be important to secure, to ensure that this proposed Block would not appear domineering when seen in the context of the Administration Building and further details will be sought through a planning condition.
- 9.56 Block E would be located south of Block D and would part 5 and 6 storeys and vernacular of the building is similar to other proposed new blocks.
- 9.57 Block F is located south of the North Block, and is 3 and 4 storeys in height.
- 9.58 Block G is located on the south western tip of the application site and is the tallest building within the redevelopment scheme. The proposed height is a part 7 and 9 storeys. The massing of the proposed block when viewed from Hamlets Way would be slender and the façade is broken down by openings and balconies. The façade is also stepped to break up the verticality of the building.
- 9.59 Block H is a modest four storey in height and would be located on the southern edge of the site. This block would be located south of the South Block and would be at similar height to the three storey South Block.
- 9.60 The proposed buildings, have been designed to its simplest form so not to compete with the listed buildings, yet articulated and provide visual interest in their own right. The architectural

approach and the height distribution throughout the site would be positive and sympathetic in the context of the listed buildings and the setting of the Conservation Area. The retention and the re-use of the buildings which are currently on the Heritage Risk Register is also welcomed which otherwise could be lost.



Quality of residential accommodation

- 9.61 The GLA produced a supplementary planning guidance note on housing in November 2012. Part 2 of the document provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 9.62 In relation to the design of the open spaces, the proposed communal areas are arranged around the existing buildings and the proposed new blocks which would ensure they would be overlooked by the residents of the flats.
- 9.63 The proposal has been designed and laid out in such way that the individual and main communal entrances to the buildings would be highly visible from the internal access ways and pedestrian access roads and therefore approaches to the dwellings would be satisfactory.
- 9.64 The design guide says internal corridors should have natural light, they should be a minimum of 1200mm wide, and properties at fourth floor and above should be served by at least one lift. The proposed development due to re-use of the listed buildings and working with the current building layout, cannot meet all of these criteria. Within the new building, the corridor widths are satisfactory and where wheelchair units are located, these are served by two lifts.
- 9.65 With regards to the internal layout, Policy 3.5 of the London Plan sets out minimum standards for all residential dwellings, and these requirements are echoed in policy DM4 of the MDD. Each of the units within this development meets or exceeds the required standard.
- 9.66 The document also provides a baseline standard and a good practice standard for the size and layout of each room. The development complies with the good practice guidance for all aspects relating to living rooms, bedrooms and bathrooms. Storage cupboards are also provided within each dwelling. 14 of the 22 family sized rented units would have separate kitchen/diners and living rooms. Meeting each of the good practice criteria is an indicator that this would be a high quality development that would provide a good standard of amenity for the future occupants of the dwellings.
- 9.67 The proposed development provides 70% dual aspect homes and where single aspect homes are proposed these are mainly one and two bedroom flats with exception of 6x 3 bed units.
- 9.68 As well as having a good internal space it is important to consider whether the occupants of the unit would be unduly overlooked to a degree where their privacy would be compromised. Policy DM25 of the Managing Development Document sets out that a distance of 18m between habitable room windows reduces inter-visibility to a degree acceptable to most people. This figure is a guideline and depends on the design and layout concerned.
- 9.69 Within the listed and retained buildings it is difficult to achieve the minimum separation distances, however in most cases the rooms benefit from multiple windows and therefore on balance, any privacy can be obtained by the user of the rooms without resulting to altering the fabric of the building such as installation of louvers. In the case for the new buildings the separation distances are over 20m with existing neighbouring dwellings along Brokesley Street and British Street. Within the site, there are instances where the separation distances are short of the 18m, however again, this is due to their relationship with the retained buildings on site. It is acknowledge that it would be difficult to meet all the current minimum standards

when working with retention of listed buildings and therefore, on balance, the benefits of retaining and re-using the building which are currently on the Heritage at Risk Register and the limited amount of privacy impacts to the future residents of the development site is considered to be acceptable.

- 9.70 The proposal provides 25 units in total which are wheelchair accessible and this represent 10% as required by the GLA' supplementary planning guidance note. The proposed wheelchair units are all serviced by two lifts where it is located on the first floor or above, and therefore the proposal would provide choice and inclusivity. Six wheelchair units within the rent sector would be fully fitted out to the requirement of the resident who would be allocated the unit and this would be secured through the planning obligation.
- 9.71 The proposed residential accommodation complies with the minimum standards as set out in the GLA's Supplementary Planning Guidance Note, and the standards which are repeated in the Council's Core Strategy and the Managing Development Document. It is therefore considered that the proposal constitutes a development which would provide a high quality residential accommodation for the future occupiers.

Amenity space

- 9.72 For all major developments it is anticipated that areas of public open space and communal amenity spaces are provided in addition to the requirement for private amenity space.
- 9.73 Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. These spaces can be provided in the form of balconies, private gardens, and terraces. With the exception of majority of the units within the retained (listed) buildings, a limited number of units in the retained buildings and all of the new proposed flats within the new building would be served by private gardens, balconies and terraces. All of the new balconies, terraces and private gardens would meet the minimums space standards. It is considered that alterations to the listed building to introduce balconies and terraces to provide private amenity spaces would be unacceptable. Within the limited number of dwellings which have been provided new balconies and terraces, these have been sympathetically introduced. Some of the ground floor flats within the retained building benefit from private gardens. All units would have access to the proposed communal garden area. Therefore, on balance, with the exception of the limited number of units within the listed/retained buildings, the proposal would provide sufficient provision of private amenity space.
- 9.74 Policy DM4 of the MDD requires residential developments to provide an on-site communal open space and this is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. In the case of the proposed development, a provision with a minimum area of 292sq.m is required. The proposal provides in excess of the policy requirements, by providing five separate communal courtyard areas. Each courtyard can be accessed directly by the residents of the blocks which is associated with and in total, the site would provide approximately 1,364sq.m of communal court yard areas.
- 9.75 Play space for children is also required for all major developments, the quantum of which is determined by the child yield of the development. Policy 3.6 of the London Plan as well as the 'Children and Young People's play and informal recreation SPG' provide guidance on acceptable levels and quality of children's play space. Policy DM4 of the Managing Development Document requires 10sq.m of play space per child. This policy is further expanded through its leading paragraphs which state that child play space provision for under 5s should be provided on site. The required quantum of on-site play space is 290sq.m for the proposed development. The proposal provides four areas of play space which in total equate up to approximately 440sq.m in addition to the communal courtyards. The on-site provision is in excess of the minimum requirement. These spaces are proposed to be formal play areas

but also creatively designed to include sensory and imaginative play.

- 9.76 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. An analysis of the existing play provision within 400m and 800m of the site has been carried out to understand whether there is suitable provision for the over 5s within easy walking distance from the site. Whilst the on-site provision would provide sufficient play provision for the older children from the development (minimum of additional 110sq.m), the site location benefits from well equipped open spaces nearby. The Tower Hamlets Cemetery Open Space is located directly south of the site, and Mile End Park with its many facilities is within a short walking distance.
- 9.77 Therefore, the proposed on-site play provision would provide more than sufficient level of play space for all age groups of children from the development and the site benefits from various existing provision within close vicinity.
- 9.78 Policy DM10 of the Managing Development Document 2013 seeks developments to provide or contribute to the delivery of open spaces. Public open space is determined by the number of residents anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per resident, otherwise a financial contribution towards the provision of new space or the enhancement of existing spaces.
- 9.79 The proposed development would require a 5,964sq.m on site provision, or a financial contribution towards public open spaces. The proposal would provide publicly accessible garden areas to the front of the site of approximately 440sq.m. It would also provide publicly accessible route through the site, connecting Bow Road to Hamlets Way and further beyond through Tower Hamlets Cemetery which would contribute to the existing Green Grid. Nonetheless, the proposal would provide financial contributions towards improving the borough's existing open spaces and therefore any additional impact as a result of the proposed development would be fully mitigated.

Amenity

- 9.80 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MDD require developments to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

Privacy

- 9.81 Any loss of privacy which may occur to the neighbouring residents needs to be considered. Within policy DM25 a distance of 18m is suggested as a distance which is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 9.82 As discussed earlier, there are instances within the development site where the minimum distances are not met. This is mainly due to the converting the listed and existing buildings for residential use with its original openings retained throughout. However, as explained, many of the rooms benefit from more than one window and therefore privacy can be maintained by the occupier of the flats. It is considered that alterations and additions to the building to limit inter-visibility would be unacceptable interventions to the listed and historic buildings. In relation to the privacy for the existing residents as a result of the proposed development, the distances of 20m + would be maintained and therefore it is considered that the proposal would not result in loss of privacy for the existing residents.

Outlook / sense of enclosure

- 9.83 Unlike the impact upon daylight and sunlight, or even measuring privacy, analysing a sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable

sense of enclosure. As explained above, there is not considered to be any significant detrimental impact in terms of a loss of light or privacy.

- 9.84 Overall it is considered that the proposed development would not result in any significant loss of outlook or create a sense of enclosure that would be significantly detrimental to the surrounding residential occupiers.

Daylight and sunlight

- 9.85 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.86 Core Strategy Policy SP10 and Policy DM25 of the Managing Development Document seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 9.87 The accompanying sunlight and daylight assessment considers the impacts of the development with respect to availability of daylight and sunlight into habitable rooms and/or windows and this has been independently reviewed by a specialist consultant (BRE).
- 9.88 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with a daylight distribution assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.

Sunlight and daylight to the existing properties.

- VSC

- 9.89 The reduction in VSC has been measured for 501 windows which surround the site. This includes properties on:
- 642-648 Bow Road;
 - 1-14 Brokesley Street;
 - 15-24 Brokesley Street;
 - Rebecca House, Brokesley Street;
 - 31-39 Brokesley Street;
 - Kira Building, Bow Road;
 - St Clare House, British Street;
 - Icarus House, British Street; and
 - Esk House, British Street
- 9.90 Of the 501 windows tested 58 (12%) do not meet the minimum VSC criteria in that the VSC figure is less than 27 and is less than 0.8 times its former value once the development is constructed. The main affected windows are to the properties along Brokesley Street. 22 of the 47 windows in 1-14 Brokesley Street; all 30 windows to 15-19 Brokesley Street; 6 of 12 windows to 21-24 Brokesley Street. The resultant impact is primarily due to the proposed new buildings located along the eastern side of these properties where currently there is an open space to the application site. Therefore the ground floor windows are currently only lightly obstructed by the boundary wall. In addition, the first floor level windows are only just below the recommended guideline of and therefore the overall the loss of the light to these houses are considered to be minor to moderate impact. Eight of the 80 windows to Rebecca House would also not meet the daylight guidelines. Again, these are only lightly obscured currently due to the existing nature of the application site and therefore the loss of the light is classed as minor to moderate.
- Daylight Distribution (No Sky Line)
- 9.91 'No skyline test' (NSL) is usually carried out in addition to the VSC to understand how the

daylight is distributed within the dwellings. This is an assessment which looks at an area of a room in a neighbouring property that can see the sky from the working plan (0.85m above the floor). The submitted assessment does not assess the Daylight Distribution which is acceptable given that BRE guide emphasise the VSC assessment as the primary method of assessment and the layout of the existing neighbouring properties cannot be easily obtained.

- Sunlight (Average Probable Sunlight Hours)

9.92 The BRE Guideline use Average Probable Sunlight Hours (APSH) as methodology for calculating sunlight levels. This considers the amount of total and winter sunlight. The BRE recommends that the APSH in the proposed situation should be at least 25% of the annual total of which 5% should be from the winter months. Only residential properties that face 90 degrees of due south are taken into account. The properties which fall within the testing parameters are windows to Esk House, Icarus House, and St Clair House on British Street and Kira Building on Bow Road. Two windows on the ground floor of Esk House would not meet the BRE guidelines. However these windows are thought to be next to the projecting element of Esk House which already blocks some of their sunlight. Therefore, the loss of sunlight to Esk House would be classed as a minor impact. All other windows tested retain good level of APSH and any reductions are within the BRE Guidance.

Daylight to the proposed dwellings

9.93 British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings to assess the availability of daylight received, and these being:

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

9.94 The assessment has reviewed the ADF of the proposed 712 rooms, and 677 rooms would comply with the BS standards. The analysis shows that 17 living rooms and 18 bedrooms would not meet the recommended British Standards. Half of these failures are to the rooms within the listed/converted buildings which are restricted. Other failures within the new building are as result of balconies above the windows. Nonetheless, it is considered the non-compliance is a minor breach in the context of the overall development and therefore would be acceptable, on balance.

Sunlight to proposed gardens

9.95 The BRE guideline suggests a target of 50% of the open spaces to receive 2 or more hours of sunlight on March 21st.

9.96 The assessment looks at the proposed total of 17 spaces provided on site, which are accessible for use as a form of amenity space, as it would be landscaped and allows for sitting out areas. Of the 17 spaces 6 spaces would not meet the BRE guidelines. However, of the total 6, only 2 of the spaces are formal communal amenity areas and 1 would be the play space for children. The locations of these spaces are also surrounded by the Listed buildings and given that majority of the communal amenity areas would have adequate sunlight, it is considered that the proposal is acceptable.

Sunlight to gardens of existing properties

9.98 The loss of sunlight to gardens of properties along Brokesley Street (1-14; and 15-24) would meet the BRE guidelines and the garden of No 24 Brokesley Street would be significantly improved compared to the current situation.

9.99 Overall it is considered that the impact of the development on the neighbouring windows is acceptable; whilst there is a loss of light which would be noticeable to some of the surrounding occupants, the loss is not considered to be significantly detrimental enough to warrant a refusal of the site. It is officer's opinion that the loss of daylight to a small number of properties compared to the provision of much needed housing, that on balance, the development is

acceptable in this regard.

Transport

- 9.100 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.101 CS Policy SP08 & SP09 and Policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network; ensuring new development has no adverse impact on safety and road network capacity; a requirement of assessments of traffic generation impacts; and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.102 As detailed earlier in this report, the site has a public transport accessibility level (PTAL) of 6a and 5 (1 being poor and 6 being excellent) which is an excellent/very good rating.

Highways

- 9.103 The site is bounded by Bow Road (A11) to the north, British Street to the east, Brokesley Street to the west and Hamlets Way to the south. The A11 forms part of the Transport for London Road Network (TLRN) with British Street and Brokesley Street being part of the borough highway network. Hamlets Way is a pedestrian-only access road.
- 9.104 The site is served by eight bus routes, with stops immediately front of the site, and within short walking distance providing connections to various destinations to central and east London. Routes 25, 205, 425 serve the bus stops at Bow Road adjacent to the site, route 277, D6 and D7 are from bus stops on Mile End station (approx. 300m) and D8 and 323 serve stops near Bow Road station (approx. 600m). London Underground District, Hammersmith & City Line services serve Mile End station as well as Bow Road station which is approximately 600m east of the site. In addition, Bow Church DLR station which is located adjacent to Bow Church Underground Station, and provide connections to various destinations on the DLR network.
- 9.105 The application proposes a surface level car park and the site would be access via the existing site entrance off Bow Road, located to the eastern side of the site. The proposal includes 32 on site car parking spaces, of which 3 would be for wheelchair users, 1 space for a car club and at least 1 space for commercial use. Deliveries and refuse collection will occur within the site through the shared surface central access road. To the southern part of the site, there would be a dedicated area for turning of larger vehicles.
- 9.106 The forecast 58 daily car trips generated by the development supplied in the Transport Assessment show that the development would not have a significant impact on traffic levels on the local road network, and the TfL road network.

Servicing / Deliveries and Refuse

- 9.107 London Plan Policy 6.13 states that developments need to take into account delivery and servicing.
- 9.108 The proposed development would have a single vehicle access from Mile End Road for car parking and goods vehicles. The proposed internal road layout offers sufficient space for larger goods vehicle to safely enter, turn around and exit in a forward gear. Therefore, loading and servicing of the commercial and residential units can take place within the site, off the highway network. The Council's Highway officer and TfL are satisfied with the proposed access and servicing arrangements for the site.
- 9.109 In relation to the Biomass which is part of the proposed energy strategy for the site, the deliveries associated with the Biomass are expected to be 10 times a year. This is not

considered to have any significant impact to the highway network. Again, any unloading or servicing associated with the Biomass plant will take on-site, off the highway and therefore would be acceptable.

- 9.110 In relation to refuse storage and collection, the application is accompanied by a refuse strategy which includes the use of the underground refuse storage system (URS) as well as Eurobins and localised bin stores. The refuse storage requirement for the proposed development is 31,260litr and 16,080litr would be required for recycling for weekly collections, in accordance with the standards as set out in Appendix 2 of the MDD. The proposal provides a total of 7 URS for refuse and 5 URS for recycling, all at 5000litr capacity each. Therefore, the proposal would provide in excess of the minimum requirement for both refuse and recycling. It is proposed that these URS would be grouped into three areas and located along the north-south internal road. There would be blocks within the development which would be more than 25m away from these locations and therefore, each of these blocks would have their own bin stores, and additional Eurobins. The site management will see for these bins to be temporary holding areas until the collection day which will be re-located along the north-south central road where URS bins are located. The Council's waste officer is satisfied with this approach, provision and location and have requested for the refuse management strategy conditioned. The proposal also includes storage areas for bulk storage which is welcomed.
- 9.111 Details of the commercial waste is required and would be requested through a planning condition, as the collection of the commercial waste is arranged privately, the details through a planning condition would be satisfactory.

Car Parking

- 9.112 Policies 6.13 of the London Plan, Policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 9.113 The proposal includes 32 on site car parking spaces at grade, of which 30 spaces are allocated for residential use. The proposal would result in 0.11 space per unit which is at the limit with the maximum standards as set out in the MDD and therefore would be acceptable. Nonetheless, the forecast car trips from this development is not considered to have a significant impact and therefore the proposed car parking provision for the residential use would be acceptable.
- 9.114 In addition to the car parking spaces for residential use, 1 space would be dedicated for a car club and 1 space for the proposed commercial use. Having carried out a survey of the surrounding area by officers, there would be a demand by a car club operator in this area. This has been confirmed by the applicants who have been directly liaising with a car club operator. The applicants have also offered 12 months free membership to the new residents of the development, as part of the sustainable transport improvement strategy. This would be secured through the planning obligations.
- 9.115 In order to minimise the impact of development on the surrounding highways in terms of parking stress the application would be permit free which would ensure that the only car parking available to residents is that which is on-site.
- 9.112 In relation to the MDD Policy DM22.3 which requires a proportion of on-site parking to be allocated to affordable family homes, and the supporting transport assessment indicate that 10 spaces in total would be dedicated to affordable homes which would be managed by the RSL.
- 9.113 The proposal provides 3 wheelchair parking spaces which would meet the minimum standard, 10% of the total parking space proposed. The wheelchair spaces will need to be made available for any occupiers of the wheelchair flats which can include affordable housing tenure.
- 9.114 In accordance with policy 6.13 of the London Plan 20% of the parking spaces should also be electric vehicle charging points with an additional 20% passive provision for possible future

connection. This is proposed to be secured through a s.106 agreement.

Provision for Cyclists

- 9.115 The development provides a total of 440 cycle spaces across the site. The site also provides 28 visitor cycle spaces which would be more than the minimum requirement of 1 cycle space per 10 residential units, in accordance with the London Plan standard. Sheffield stands would be provided for the visitor cycle parking.
- 9.116 The proposal provides 2 residential cycle stores within the basement levels of the South Block and the North Block. These can be accessed by cycle ramps and therefore would be acceptable. Other 11 areas are provided at grade level in separate areas around the site. All the free standing cycle storage areas at grade level would provide green/brown roofs which would enhance the biodiversity of the site.
- 9.117 The site is adjacent to the Cycle Superhighway CS2 and local cycle networks. Therefore TfL have requested a financial contribution towards the improvement and expansion of the CS2 and this will be secured through the s.106 planning obligations. In addition, the Council's highway officer has also considered a s106 contribution towards works to the public realm improvements to fund safety and amenity improvements to Hamlets Way at the southern end boundary of the site and wayfinding improvements to integrate the north-south route through the site in the borough's walking and cycling network. The proposal would provide full contribution towards streetscene improvement works which could be allocated to and fund the mentioned improvement works.

Pedestrian Environment

- 9.118 As previously mentioned, the proposal includes a north-south publicly accessible route through the site, also referred to as a central boulevard. The access would be at minimum 5m wide and would be appropriately landscaped. The proposal also includes a piece of public art and is considered to enhance the public realm and pedestrian environment within the site, and such details will be conditioned for details to be submitted and approved.

Inclusive Access

- 9.119 Policy 7.2 of the London Plan (2011), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.120 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind. Step free access is proposed to all publicly accessible areas allowing accessibility to wheelchair users or people with limited mobility. All of the wheelchair units proposed were assessed and have been designed satisfactorily to accommodate a wheelchair user. The proposed wheelchair units within the rented accommodation, applicant has agreed to enter into a planning obligation for the 6 units to be fitted out at the cost of the developer to meet the required needs for the user who would be allocated the unit on the Council's waiting list. This contribution is welcomed.
- 9.121 The difference in hard landscaping treatments between the application site and the public footway would assist in indicating that a person has moved from the public realm to a semi-private space. Such details will be secured through a landscape condition.

Energy and Environmental Considerations

Energy

- 9.122 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and

providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

9.123 The London Plan sets out the Mayor's energy hierarchy which is for development to be designed to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

9.124 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

9.125 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a minimum Code for Sustainable Homes Level 4 rating.

9.125 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a reduction of carbon dioxide emissions through on-site renewable energy generation.

9.126 The submitted Energy Strategy (June 2013), follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and communal heating systems (Be Clean) would reduce CO2 emissions by 18.5%. The integration of the Biomass fuel supply (Be Green) is proposed to deliver an overall CO2 savings of 53.99%, exceeding the Policy DM29 requirements.

9.127 The proposals have examined the feasibility of utilising a CHP and the analysis has shown that whilst feasible there would be more benefits associated with a biomass system such as lower emissions (NOx) and eligibility for Renewable Heat Incentive. As the proposals are anticipated to reduce CO2 emissions in excess of the policy requirements, the proposed use of Biomass is acceptable.

9.128 In terms of sustainability, the proposals are for Code for Sustainable Homes Level 4 units for the new build element and BREEAM Very Good for the refurbished residential units. Whilst the refurbished units are not meeting the Policy DM29 requirements, the 'Very Good' rating is considered appropriate in this specific instance.

Air quality

9.129 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing

carbon emissions and greening the public realm.

- 9.130 In this case, the development includes a Biomass boiler and it is predicted that the emission rate from the boiler would not exceed $40\text{mg}/\text{Nm}^3$. This is above the $10\text{mg}/\text{Nm}^3$ suggested emission standard for development sites located within Band B within the Mayor of London's Draft Supplementary Planning Guidance: Sustainable Design and Construction. However, it would be below the $50\text{mg}/\text{Nm}^3$ provided for site located in Band A. Band A and Band B refers to baseline air quality in the area of development.
- 9.131
- 9.132 The applicants have produced an Air Quality Assessment which states that the air quality over the St Clement's Hospital Site would vary. At the northern boundary, air quality is likely to exceed the NO_2 objective due to existing traffic flows and would therefore fall within Band B, but concentrations will decrease away from the Bow Road. At the location of the biomass boiler concentration levels are predicted to be $34\mu\text{g}/\text{m}^3$, which is less than 5% below the NO_2 annual mean objective ($40\mu\text{g}/\text{m}^3$) and therefore would fall within Band A. In addition, the air quality modelling has demonstrated that the operation of the biomass boiler will have an increase of $0.4\mu\text{g}/\text{m}^3$ in PM_{10} concentrations at all location, which is considered to be negligible significance in air quality terms. The proposal also proposed to install a filter system to filtered ventilation systems to remove the ambient NO_x from the ventilation air for those units within John Denham Building and those within north façade of Block B. Given that the suggested installation is to a listed building, further details will be sought through a condition. The Council's Air Quality officer has reviewed the assessment and has not raised any issues in relation to the air quality and is satisfied with the mitigation strategy proposed.

Noise and Vibration

- 9.133 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 9.134 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, Policies SP03 and SP10 of the CS and Policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 9.135 The development will mainly be exposed to external noise and vibration from vehicles movements on Mile End Road/Bow Road; and ground borne vibration from TfL Underground below John Denham Building. Therefore, the new residential dwellings within the John Denham Building would be exposed to a high degree of noise and vibration. In addition, as the adjoining uses to residential within the John Denham Building would be a community use, further noise and vibration impact would need to be considered.
- 9.136 The dwellings which would be exposed to a high degree of noise and vibration would be required to meet 'good' design standards of BS8233. The applicants have submitted detailed noise and vibration assessments together with noise and vibration surveys of the existing situation and have confirmed that the new dwellings within the John Denham Building can meet a good design standard. As previously mentioned, the proposal includes a strategy to install secondary glazing to all residential units within the John Denham Building and therefore such details will be secured through a planning condition.
- 9.137 In relation to the A3/4 use, given that the location of this use would be within the listed building, it would not be appropriate for any mechanical and extraction plant to be installed to the external face of the building and therefore no installation is proposed and cooking on the premise will be controlled through a planning condition. There would be no noise and vibration implications associated with the mechanical installations for the proposed A3/A4 use, and the

hours of opening would be controlled through a planning condition.

- 9.138 Construction activities would also be controlled to normal council policy working hours, and would be conditioned to ensure that noise is minimised.

Contamination

- 9.139 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a Land Contamination Assessment which assesses the likely contamination of the site.

- 9.140 The Council's Environmental Health Officer has reviewed the documentation, and noted that the assessment provides results of intrusive investigation works. Therefore, a condition requiring remedial works and production of verification report to render the site suitable for its proposed end-use.

Biodiversity

- 9.141 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings. Bats are protected pursuant to the Conservation (Natural Habitats &c.) Regulations 1994 ('the Habitats Regulations'), which prohibit deliberate disturbance of a European Protected Species. Disturbance as a result of major development can be licensed by Natural England provided it meets the three tests - Will there be a significant impact on the population or conservation status of bats in the area; Is there a satisfactory alternative; and are there imperative reasons of overriding public interest why the licence should be granted.

- 9.142 The application was accompanied by the bat survey interim report and has identified several buildings on the site with high potential to hold bat roosts, including a cellar which would be used by hibernating bats. Significant levels of bat activity were recorded on the site. As outlined in the Biodiversity Officer's comment earlier part of this report, the proximity to the high quality feeding habitat of Cemetery Park means that the site could be important for roosting bats. Further bat surveys found no evidence of roosting bats.

- 9.143 As required by the biodiversity officer, details will be sought through planning conditions for: a sitewide construction method statement (demolition Phase); if demolition (or significant works to roof or roof void) of any building has not started by March 2014/15; a precautionary bat survey (emergence/re-entry) to be undertaken of the building immediately before work on the building commence; lighting to be minimised during construction and operation of the new development, and in particular no light should spill beyond the southern boundary of the site onto the edge of cemetery Park; and features providing roosting opportunities for bats, such as bat bricks or tiles (which can be incorporated into the structure of the new buildings).

- 9.144 Apart from the potential for roosting bats, there is some wildlife habitat on the site in the form of mature trees, scrubs and hedges. The loss of these habitats can readily be mitigated through the landscaping of the site. The application is accompanied by a Landscape Masterplan, however detail of types of vegetation (to be native species); green/brown roofs to be biodiversity roofs; and a survey to be undertaken prior to clearance of vegetation which all aim to benefit and enhance biodiversity on the site.

- 9.145 Natural England has not objected to the proposed development and is satisfied that the proposed mitigation is broadly in accordance with the requirements of the Bat mitigation guidelines. A licence from Natural England will be required in order to carry out any works. In addition, Natural England have raised similar commentary to the Council's Biodiversity Officer in relation to general improvement to biodiversity and ecology of the site, which will be conditioned.

Trees

- 9.145 The application is accompanied by an Arboricultural Impact Assessment which provides analysis of the existing trees on site. Out of the 49 trees on site, 25 trees would be felled. These trees are either replaced with mature trees, or felled due to the trees being unsafe, or felled to facilitate the proposal. In relation to the concern raised by the residents regarding the Red Horse Chestnut tree, this is proposed to be retained and protected throughout the construction. This is considered to be acceptable and suitable measures would be put in place in order for the trees to be protected throughout the construction of the development. In relation to trees along the boundaries of the site which may not be within the development site, a condition will be imposed to ensure that all retained trees which may be affected by the proposal are protected during construction. The proposed landscaping includes planting of new trees, and as suggested by the Biodiversity Officer, native trees will be requested through the landscaping condition to encourage biodiversity.

Health Considerations

- 9.146 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 9.147 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 9.148 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 9.149 The applicant has agreed to a financial contribution of £331,253 to be pooled to allow for expenditure on health care provision within the Borough.
- 9.150 The application will also propose public accessible routes and publicly accessible areas, which provide connectivity with Tower Hamlets Cemetery; children's play areas and communal amenity space provisions within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 9.151 It is therefore considered that the financial contribution towards healthcare and new access routes will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Planning Obligations and CIL

- 9.152 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 9.153 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and

(c) Are fairly and reasonably related in scale and kind to the development.

9.154 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

9.155 Securing appropriate planning contributions is further supported by policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.156 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

9.160 In line with the Council's SPD, the applicant has agreed to provide a financial contribution of £1,889,346. The applicant has also agreed to non-financial obligations towards employment and enterprise in lieu of the full amount for employment and enterprise, to provide 5 apprenticeship places through the applicants' in-house training programme. This is supported by the Council's employment and enterprise team. The s.106 agreement would also be drafted to ensure that there would be a claw back mechanism in an event that the applicants do not provide the full 5 apprenticeship places.

9.161 These planning obligations have been discussed and agreed by the Planning Contribution Overview Panel.

Financial Obligations

- a) A contribution of £675,887 towards education facilities to mitigate against the demand of the additional population on education facilities.
- b) A contribution of £3,878 towards employment and enterprise.
- c) A contribution of £206,990 towards leisure facilities.
- d) A contribution of £63,213 towards community facilities (libraries).
- e) A contribution of £331,253 towards health facilities.
- f) A contribution of £143,422 towards streetscene improvements.
- g) A contribution of £347,657 towards public realm (open spaces)
- h) A contribution of £80,000 towards improvement of Cycle Superhighway (TfL)
- i) £37,046 towards S106 monitoring fee (2%)

Total: £1,889,346

Non-Financial Obligations

- a) 35% affordable housing by habitable room

- 69% Social rent (target rent)
- 31% Intermediate Affordable Housing

- b) Access to employment (20% Local Procurement; 20% Local Labour in Construction)
- c) Car-free agreement to restrict occupants applying for parking permits
- d) Code of Construction Practice
- e) Travel Plan monitoring
- f) Electric vehicle charging points to be provided to London Plan standards together with monitoring of their use to indicate when the passive provision of spaces is brought into operation.
- g) Public access through the site: Gate to the southern end of site providing access to Hamlets Way can only be closed during hours of dusk till dawn. No other gates providing access to the north-south access road within the site shall be closed at any time.
- h) A car club space on site and one year membership offered to future residents of the development
- i) 5 apprenticeship places to Tower Hamlets residents targeted to be commenced within 2 years from the commencement date of the construction phase. In the event this is not achieved an apportioned payment of the construction phase contribution will be made for each apprenticeship in lieu of the apprenticeship provision.

Local Finance Considerations

- 9.162 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides:
“In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
 - b) Any local finance considerations, so far as material to the application; and
 - c) Any other material consideration.”
- 9.163 Section 70(4) defines “*local finance consideration*” as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 9.164 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use.; Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 9.165 As regards Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £648,130.
- 9.166 With regards to the New Home Bonus, it was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

9.167 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £322,384 in the first year and a total payment £1,934,312 over 6 years.

Human Rights Considerations

9.168 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

9.169 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

9.170 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

9.171 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

9.172 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

9.173 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.174 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

9.175 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

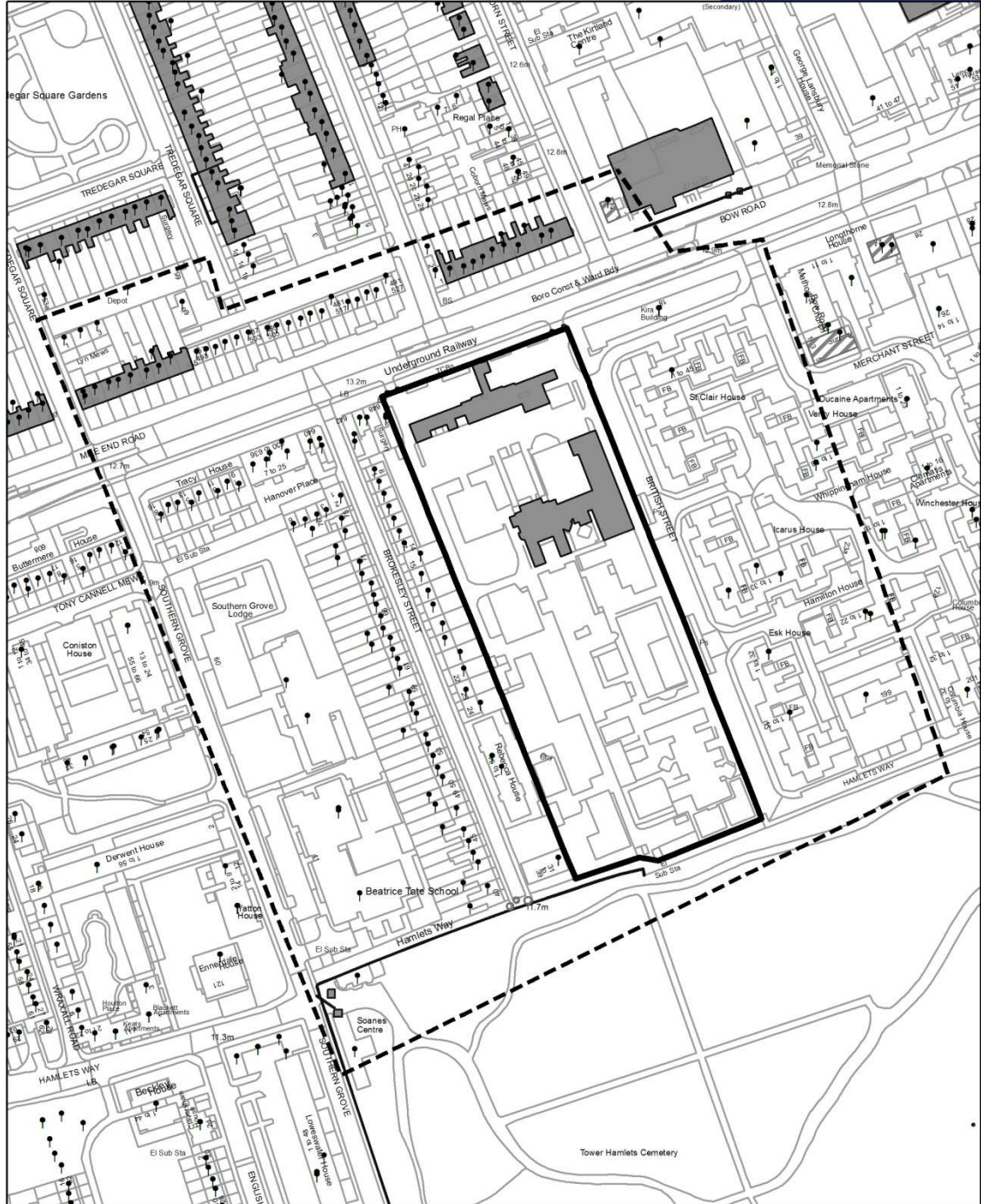
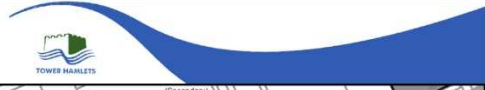
Equalities Act Considerations


- 9.176 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.177 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 9.178 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.179 The community related uses and contributions (which will be accessible by all), help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 9.180 The contributions to affordable housing support community wellbeing and social cohesion.

10 Conclusions

- 10.1 The proposal represents a sensitive, high quality, well designed residential scheme which would provide much needed affordable housing, a substantial proportion of which is social rented family homes. The proposal would also see the Grade II Listed buildings, and other buildings within the site with much social and physical heritage assets brought back to use, which are at a risk of loss. The proposal broadly complies with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.
- 10.2 All other relevant policies and considerations have been taken into account. Planning permission; Listed Building Consent and Conservation Area Consent should be granted for the reasons set out in the EXECUTIVE SUMMARY and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
PA/13/01532



| | | | | | | |
|---|------------------------------------|---|----------------------------|---|---------------------|---|
|  | Planning Application Site Boundary |  | Locally Listed Buildings |  | Land Parcel Address | 0 20 m |
|  | Consultation Area |  | Statutory Listed Buildings | | |  |

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

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