

Committee: Development	Date: 25 June 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Kate Harrison	Ref No: PA/13/02529 (Full Planning Application)
	Ward: Weavers

1. **APPLICATION DETAILS**

Location: Car Park, Cygnet Street, London.

Existing Use: Car park.

Proposal: Erection of a building up to six storeys to provide basement gym (Use Class D2), ground floor commercial (Use Classes A1, A2, A3 and B1) and 39 dwellings above.

Drawings and documents: List of Plans:

1219 PL0999, Revision A
1219 PL1000, Revision A
1219 PL1001, Revision B
1219 PL1002, Revision A
1219 PL1003, Revision A
1219 PL2000, Revision A
1219 PL2001, Revision A
1219 PL2002, Revision A
1219 PL2003, Revision A
1219 PL2004, Revision A
1219 PL3000, Revision A
1219 PL3001, Revision A
1219 PL3002, Revision A
1219 PL040, Revision A
1219 PL041, Revision A
1219 PL042, Revision A
1219 PL502
1219 601
1219 602

Documents:

- Design and Access Statement
- Transport Statement
- Daylight and Sunlight Assessment

- Planning Statement
- Viability Report
- Energy and Sustainability Strategy
- Sustainability Statement
- Energy Statement
- BREEAM Pre-Assessment
- Arboricultural Summary Report
- Ecological Appraisal
- Geotechnical and Land Contamination Assessment
- 3 CGI Views
- Photograph of Brick Sample

Applicant:	Galliard Homes Ltd.
Ownership:	Mr Stephen Ratzker
Historic Building:	None
Conservation Area:	Brick Lane/ Fournier Street

2. EXECUTIVE SUMMARY

- 2.1 The report considers an application for full planning permission to redevelop the existing car park to provide 2 storeys of gym floorspace at basement level, commercial uses at ground floor level and 39 residential units at first to floor level. The proposed building would be part four storey, part 5 storey and part 6 storey in height.
- 2.2 The proposed housing would provide a policy compliant mix of one, two and three bedroom homes. 36% would be affordable housing including intermediate housing (shared ownership) and homes for rent at Tower Hamlets preferred affordable rent levels. Four wheelchair accessible units are provided at the first, second and third floor levels. The proposed housing meets lifetime homes standards and blue badge spaces will be available on a demand led basis.
- 2.3 The proposal would be acceptable in terms of design and would respect the character of surrounding buildings. The scheme would enhance the character of the Brick Lane/ Fournier Street Conservation Area. It is also considered that the proposal would deliver high quality private, intermediate and affordable homes in a sustainable location. The scheme comprises commercial uses at ground floor level which would add to the vibrant mix of uses in the area and there are 2 levels of gym space at basement level which would support healthy and active lifestyles.
- 2.4 The proposal would not give rise to any material harm to the amenity of adjoining occupiers in terms of overlooking, loss of privacy or outlook or sense of enclosure. The daylight/ sunlight report showed there will be some overshadowing and loss of light but officers are satisfied that these instances have been justified and are acceptable on balance. Subject to appropriate conditions, noise and vibration will be mitigated to avoid disturbance to neighbouring residential properties.
- 2.5 Transport matters including parking, access and servicing are acceptable subject to condition and the proposal seeks to deliver a 34% reduction in CO2 emissions.

2.6 The application is recommended for approval subject to the completion of a Section 106 agreement which would secure affordable housing and contributions towards education, health, open space, community facilities, employment, transport and sustainability in accordance with national and local policies.

3. RECOMMENDATION

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

3.2 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

- £10,599 is required towards Idea Stores, Libraries and Archives
- £35,328 is required towards Leisure Facilities
- £67,503 is required towards Public Open Space
- £1,089 is required towards Smarter Travel
- £56,337 is required towards Streetscene and the Built Environment
- £24,772 is required towards Enterprise & Employment
- £98,948 is required towards Education
- £46,456 is required towards Health
- £27,186 is required towards the Carbon Offset

- In addition, £8,208 is required for Monitoring

Total financial contributions: £376,426

3.3 In addition, the following non-financial obligations would be secured:

- 36% affordable housing (13 units with a 77%/33% split in favour of affordable rent)
- 4 wheelchair accessible units
- Car free agreement
- Target of 20% local goods and services at construction stage
- Commitments to local employment targets at construction and end user stage (20%)
- Blue badge parking space to be funded by applicant at request of potential tenants for a term of 5 years.

3.4 That the Corporate Director, Development & Renewal and Head of Legal Services be delegated authority to negotiate and approve the legal agreement indicated above.

3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions plus informatives to secure the following matters:

Conditions – full planning permission PA/13/02529

3.6 Compliance

1. Time Limit 3 years
2. Compliance with plans and documents
3. Hours of operation for proposed commercial uses

4. Hours of construction
5. All residential accommodation to be completed to lifetime homes standards
6. No more than 100 square metres of the commercial space shall be in A3 use

3.7 Prior to commencement

7. Demolition/Construction Environmental Management Plan/Construction logistics
8. Scheme of Highways Works (S.278)
9. Details of cycle parking/storage for commercial units
10. Submission of details of the wheelchair housing specification/standards to show revised mix of wheelchair adaptable design,
11. Submission of details and samples of all facing materials including windows, balustrades and screening
12. Landscaping and boundary treatment details
13. Details of play space/communal space
14. Details of all external lighting and CCTV
15. Details of brown and green roofs and other ecological enhancement/mitigation measures
16. Details of external plant and ventilation, including noise attenuation measures
17. Details of all Secure by Design measures
18. Details of rooftop PV array
19. Location of dry risers
20. Contaminated Land Desk Study Report

3.8 Prior to Occupation

21. Delivery and Servicing Plan
22. Waste Management Plan including a refuse collection management
23. Code for Sustainable Homes post completion assessment
24. BREAAAM post completion assessment
25. Contaminated Land Remediation Works

3.9 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.10 Informative

1. Associated S106
2. Compliance with Environmental Health Legislation
3. Compliance with Building Regulations
4. S278

4. SITE AND SURROUNDINGS

- 4.1 The application site is situated to the west of the borough and falls within the electoral ward of Weavers. The site is approximately 0.1 miles east of Shoreditch High Street Overground Station and lies just south of Bethnal Green Road and approximately 50 metres west of Brick Lane. The site at present comprises a car park which fronts Bacon Street to the north, Cygnet Street to the west and Sclater Street to the south. The application site itself does not fall within a Conservation Area but immediately adjoins the Brick Lane/ Fournier Street Conservation Area to the east and on the opposite side of Sclater Street to the south. There are no Listed Buildings on the site or within the immediate surrounding area.

- 4.2 To the north of the site on the opposite side of Bacon Street there is a new build residential development which is four storeys in height with a fifth storey set back from the front elevation. Towards the west, this building increases to eight storeys in height. The residential units within this part 5, part 8 storey block have recessed balconies looking on to Bacon Street. Beyond this, the building meets an open piazza area with high quality hard landscaping. This open area provides a key view of the north-west corner of the application site.
- 4.3 To the west of the application site on the opposite side of Cygnet Street, an eight storey building has been built and at the time of writing is still under construction. The building is not currently occupied, but has permission for commercial use at ground floor level and residential accommodation on the upper floors. Both buildings to the north and west have modern elevations though the building to the north has predominantly brick elevations and the building to the west has an exterior predominantly comprising cladding.
- 4.4 To the south of the site on the opposite side of Bacon Street, there is another vacant plot. This land forms part of the Bishopsgate Goodsyards site allocation as set out in the Core Strategy (2013). At present, hoardings are erected around the boundary of this site.
- 4.5 The eastern boundary of the application site adjoins two rows of buildings; one fronting Bacon Street to the north and the other fronting Sclater Street to the south. A single storey structure presenting a corrugated metal exterior at number 10 Bacon Street immediately adjoins the northern part of the eastern boundary. It was noted at the time of the site visit, the premises of number 10 was being used for the sale of furniture. Further east of number 10, there are two period buildings with traditional elevations; 12-14 Bacon Street (four storeys) and; 16 Bacon Street (3 storeys).
- 4.6 The southern terrace immediately adjoining the eastern boundary (southern side) of the application site begins with a traditional four storey building comprising a pitched roof finished with pan tiles. The majority of buildings along the northern part of Sclater Street are 4 storeys in height, traditional in appearance and host commercial uses on the ground floors and residential accommodation on the upper floors. Beyond the adjoining buildings immediately east of the application site lays Brick Lane.
- 4.7 The site itself hosts a car park which can accommodate up to 60 spaces. On a Sunday, the Brick Lane Market extends up to Bacon, Cygnet and Sclater Street and some stalls are set up over the car park.
- 4.8 The site falls within the designated City Fringe Activity Area, and Clear Zone. Sclater Street forms part of the Tower Hamlets Cycle Network. The site falls outside of the Brick Lane District Centre.

5 RELEVANT PLANNING HISTORY

- 5.1 None relevant for the application site itself; however, the planning history of the adjacent sites (Former 32-42 Bethnal Green Road Sites) to the north and west is detailed below.
- 5.2 On 25 May 2008, planning permission was granted for the: Demolition of existing building and erection of two buildings ranging from 4 to 25 storeys in height to provide 3,434 sqm of commercial floorspace within use class A1, A2, A3, A4, B1, B8, D1 & D2 and 360 residential units (comprising of 32 x studios, 135 x 1 bed, 116 x 2

bed, 65 x 3 bed, 7 x 4 bed, 5 x 5 bed), car parking, bicycle parking, refuse /recycling facilities, access, public amenity space and new public space. (LBTH Ref: PA/07/02193)

6 DETAILS OF THE PROPOSED DEVELOPMENT

- 6.1 Full planning permission is sought to redevelop the existing car park to provide 2 storeys of gym floorspace (approximately 1800 square metres) at basement level, commercial uses (A1, A2, A3 and B1) at ground floor level and 39 residential units at first to fifth floor levels. The proposed building would be part four storey, part five storey and part six storeys in height.
- 6.2 The Bacon Street elevation of the building is 5 storeys in height towards the east; further west along the Bacon Street elevation, the building extends an additional storey in height to enclose outdoor amenity space on the roof. Precast brick columns and balustrading contain the amenity space at the top floor level and this extends around the corner of the building to the northern part of the Cygnet Street elevation. Further south of the Cygnet Street elevation, the 6 storey element is set back and the building drops to 4 storeys at the front façade and then increases up to 5 storeys.
- 6.3 Recessed balconies serving the residential accommodation on the upper floors feature along the Cygnet Street and Sclater Street elevations. Towards the western end of the Sclater Street elevation, the building is 5 storeys in height with a sixth storey set back. The setback sixth storey element ends towards the eastern part of the Sclater Street elevation and the whole building drops to 3 storeys with an additional setback storey to address the adjoining period 4 storey building to the east. This part of the proposed building, although a storey less than the adjoining 4 storey building to the east, externally appears at the same height by virtue of the large ceiling heights and a parapet above the second floor of the building. The setback third floor level has a pitched roof element which meets the roof ridgeline of the adjoining pitched roof of the neighbouring building to the east.
- 6.4 The external materials are predominantly yellow London stock brick and the windows and doors would be aluminium powder coated, painted in dark grey/ black. The Sclater Street elevation, which adjoins period buildings to the east (and within the Brick Lane/ Fournier Street Conservation Area) would be a red brick to match the neighbouring properties.
- 6.5 The proposal comprises 39 residential units; 27 of which would be market housing 12 of which would be affordable housing. The scheme provides 17 one bedroom units, 17 two bedroom units and 5 three bedroom units. Four of the units would be wheelchair accessible. All of the residential units would be designed to lifetime Homes standards and Sustainable Homes Code 4. The market housing core is located to the south and the residential units are accessible from Sclater Street. The affordable housing core is located to the north and the residential units are accessible from Bacon Street. Each core has its own outdoor amenity space on the roof of the building, totalling approximately 220 square metres. Each residential core has access to an area for cycle store spaces (allowing space for a total of 58 spaces) and refuse and recycling storage at ground floor level.
- 6.6 The entrance to the gym would be from Bacon Street to the north, a lift and stairs provide access to the two floors of gym at levels -1 and -2. The gym would share the commercial waste storage with the retail units at ground floor level. The commercial waste is located within the centre of the ground floor level behind the commercial

units and residential access cores. Refuse collection would be from Bacon Street and Sclater Street. Servicing would take place from Cygnet Street and Bacon Street; The proposed development would be car free although the section 106 makes provision for spaces for blue badge users should there be demand.

7 POLICY FRAMEWORK

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

7.2 Government Planning Policy

NPPF - National Planning Policy Framework (2012)

NPPG- National Planning Policy Guidance (2014)

7.3 Spatial Development Strategy for Greater London - London Plan 2011 London Plan Revised Early Minor Alterations 2013 (LP REMA)

2.9 Inner London

3.1 Ensuring equal life chances for all

3.3 Increasing Housing Supply

3.4 Optimising Housing Potential

3.5 Quality and Design of Housing Developments

3.6 Children and young people’s play and informal recreation facilities

3.8 Housing Choice

3.9 Mixed and Balanced Community

3.10 Definition of Affordable Housing

3.11 Affordable Housing Targets

3.14 Existing Housing

3.16 Protection and enhancement of social infrastructure

5.2 Minimising Carbon Dioxide Emissions

5.3 Sustainable Design and Construction

5.7 Renewable Energy

5.8 Innovative energy technologies

5.11 Green Roofs and Development Site Environs

5.13 Sustainable drainage

5.17 Waste capacity

5.18 Construction, excavation and demolition waste

5.21 Contaminated land

6.3 Assessing Effects of Development on Transport Capacity

6.9 Cycling

6.10 Walking

6.11 Smoothing Traffic Flow and Tackling Congestion

6.13 Parking

7.1 Building London’s Neighbourhoods and Communities

7.2 An Inclusive Environment

7.3 Designing out crime

7.4 Local Character

7.5 Public Realm

7.6 Architecture

7.8 Heritage and Archaeology

7.18 Protecting Local Open Space

7.19 Biodiversity and access to nature

8.2 Planning Obligations

8.3 Community Infrastructure Levy

7.4 Tower Hamlets Adopted Core Strategy 2010

SP02 Urban Living for Everyone
SP03 Creating Healthy and Liveable Neighbourhoods
SP05 Dealing with waste
SP06 Employment uses
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 place making
SP13 Planning Obligations

7.5 Managing Development Documents 2013

DM0 Delivering sustainable development
DM1 Development within the Town Centre Hierarchy
DM3 Delivering Homes
DM4 Housing standards and amenity space
DM8 Community Infrastructure
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 transportation of freight
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM27 Heritage and the built environment
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

7.6 Supplementary Planning Documents

Designing out Crime Parts 1 and 2
Planning Obligations SPD 2012
Brick Lane/ Fournier Street Conservation Area Appraisal

7.7 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

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

8.0 CONSULTATION RESPONSE

8.1 The following were consulted with regard to the application. Responses are summarised below. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report which addresses the various material planning considerations but where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

LBTH Environmental Health

- 8.2 The submission does not include an acoustics report to consider the impacts of noise/ vibration caused by the basement gym and ground floor commercial uses on the surrounding residential properties.

(OFFICER'S COMMENT – Should permission be granted, it is recommended a condition be attached requiring an acoustics report to be submitted and approved in writing by the Local Planning Authority prior to occupation).

LBTH Environmental Health Contaminated Land

- 8.3 The site was previously used as a saw mill. A contamination land survey is recommended before development takes place

(Officer comment: Suitable conditions would be added to permission)

LBTH Biodiversity Officer

- 8.4 The application site has no existing biodiversity value nor potential to support protected species. There will therefore be no adverse impacts on biodiversity. Policy DM11 seeks living roofs and biodiversity gains from developments. A condition should require details of the green roof.

(OFFICER'S COMMENT: Appropriate conditions dealing with the issues raised have been included.)

LBTH Energy Efficiency Unit

- 8.5 The proposals have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency and energy supply (installation of a CHP). The proposals also include the installation a PV array to further reduce CO2 emissions.

- 8.6 The overall CO2 emission reductions considered achievable for the development are approximately 34%. The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. The current proposal fall short of this policy requirements by 16%, this equates to 19.7 tonnes of CO2 of regulated CO2. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. For the proposed scheme it is recommended that a figure of £27,186 is sought for carbon offset projects in the vicinity of the proposed development.

- 8.7 At present the current interpretation of Policy DM29 is to require all residential developments to achieve a minimum Code Level 4 and non-residential to achieve a BREEAM Excellent rating. The proposals have been designed to achieve the relevant ratings and are therefore are supported by the sustainable development team. Appropriately worded conditions should be applied to secure the submission of the Code and BREEAM certificates post occupation of the building.

- 8.8 Initial assessment confirms that the proposed development would also achieve Sustainable Homes Code 4. Relevant pre-assessments and post completion assessment should be conditioned to ensure that the above targets are met.

(OFFICER'S COMMENT: Appropriate conditions dealing with the issues raised have been included. The carbon offset figure of £27, 186 has been included in the section 106 requirements).

LBTH Communities, Localities & Culture (Strategy)

8.9 The units proposed will result in an estimated 74 new residents within the development. A number of financial contributions are required to mitigate the impact of the proposed development based on the Planning Obligations SPD.

- £10,599 is required towards Idea Stores, Libraries and Archives.
- £35,328 is required towards Leisure Facilities.
- £67,503 is required towards Public Open Space.
- £1,089 is required towards Smarter Travel
- £56,337 is required towards Public Realm (Street Scenes and Built Environment)

(OFFICER'S COMMENT: The requested contributions have been agreed and included in Section 106 Heads of Terms).

LBTH Transportation & Highways

8.10 Further details are required regarding cycling and servicing strategy. Should approval be given the following conditions and informatives need to be imposed:

8.11 Two existing crossovers are to be removed and reinstated to footway, which will be carried out by LBTH or an approved contractor, at the cost of the applicant. A S278 agreement will be required for this and any other works to the public highway. Because of the increase in footfall there may be a necessity to improve street lighting in the area, particularly in Cygnet Street. An assessment will be made and any new lighting should be funded through the S106 / S278 process.

8.12 Details of the cycling strategy and storage facilities for all uses / users are to be supplied and agreed prior to occupation.

8.13 A Service Management Plan identifying how servicing to the development will be controlled to be submitted and agreed prior to occupation.

8.14 A Construction Management Plan to be submitted prior to any works taking place.

8.15 A *Permit Free* agreement secured via the S106 agreement, restricting all future residents of the development from obtaining parking permits in the surrounding controlled parking zone.

8.16 The S106 should also include an agreement from the applicant to fund any disabled bays required on street as a result of the development for a period of 5 years after first occupation. This fee to include signing, marking, advertising and cost of amending the Traffic Management Orders.

(OFFICER'S COMMENT: Conditions have been added requiring the additional information on cycle storage and waste management. The additional abovementioned suggested conditions have also been included. Highway matters will be addressed in Section 10 of this report.)

LBTH Waste Policy and Development

- 8.16 No objections to waste storage proposals.

(OFFICER'S COMMENT: A Waste Management Strategy condition has been included).

LBTH Senior Arboricultural Officer, Parks and Open Spaces

- 8.17 No objection is raised to the proposed works; any work carried out must adhere strictly to recommendations in BS5837: 2012 "Trees in relation to design demolition and construction" to facilitate retention of the trees. The loss of any trees during and up to 5 years following construction of the development must be replaced by the developer up to the values to be agreed with the Council.

(OFFICER'S COMMENT: As demonstrated in the submitted Arboricultural Summary Report, of the four trees on site, 3 have been assessed as dead trees and the fourth has been significantly cut back in the past and has no particular arboricultural quality. It is not feasible to replant trees within the site, however the section 106 heads of terms include open space that could include tree planting.

LBTH Enterprise & Employment

- 8.18 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. 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.

- 8.19 The Council will seek to secure a financial contribution of £15,265 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development and £9507 for the end user.

(OFFICER'S COMMENT: These contributions have been included in the Section 106 requirements. The financial contributions are explained in detail in Section 10 of this report)

External consultation responses

Thames Water Utilities

- 8.29 Thames Water raised no objections and requested a standard informative to be included on the decision notice.

(OFFICER'S COMMENT: An informative has been included with the advice from Thames Water).

Crime Prevention Officer

- 8.30 The officer asked for more detail on the use of the ground floor commercial units. More generally, concerns were raised regarding the number of access points across different uses and residential cores at ground floor level.

- 8.31 The suggestion was made that work be carried out on the adjacent building to the east as this could compromise the security of the proposed development.

(OFFICER'S COMMENT: The applicant submitted revised plans based on the initial comments. The new plans have fewer access points and no longer accommodate access between different uses/ cores. In relation to the adjoining building, this is a separate site owned by separate private landowners. The council would have no remit to impose requirements on this land in relation to the current planning application).

Primary Care Trust

- 8.32 A figure of £46,456 is required for capital contribution costs.

(OFFICER'S COMMENT: These contributions have been included in the Section 106 requirements. The financial contributions are explained in detail in Section 10 of this report)

- 8.33 The following were also consulted; however, no responses have been received.

- London Fire and Emergency Planning Authority
- The Spitalfields Trust
- Spitalfields Community Association

9. LOCAL REPRESENTATION

Statutory Consultation

- 9.1 Site notices were displayed on 14 November 2013. The proposal was also advertised in the press on 18 November 2013. A total of 190 neighbouring addresses were notified in writing. 6 letters of objection have been received.

- 9.2 For completeness, all issues raised in the objections are summarised below.

- 9.3 The objection raises the following matters:

1. Design (Proposed 6 storey height inappropriate adjacent to surrounding 3 storey buildings).
2. Disruption and noise during works.
3. Concern that noise and disturbance from late night uses in the area will harm the amenity of future occupants of the building.
4. Concern that the windows on the eastern elevation would overlook the adjoining site at numbers 14-22 Bacon Street. A second objection letter also raised concern more generally to overlooking.
5. Decreasing value of surrounding properties.

- 9.4 Point 1 is addressed in the design section of the report (within section 10 below); points 2, 3 and 4 are considered within the amenity section of the report (within section 10 below). With regard to point 4, decrease in property value is not a material planning consideration.

10. MATERIAL PLANNING CONSIDERATIONS

- 10.1 The main planning issues raised are as follows:

1. Land Use
2. Design and Heritage matters
3. Housing - density, mix and tenures
4. Residential Amenity
5. Transport and Access
6. Sustainability, Energy efficiency & Climate Change
7. Health Considerations
7. Planning Obligations & CIL
9. Localism Act (amendment to S70 (2) of the TCPA 1990)
10. Human Rights Considerations
11. Equality Act Considerations
12. Conclusion

Land Use

- 10.2 The site falls within the City Fringe Activity Area. Policy SP01 in the Core Strategy states that within the Boroughs activity areas, the Council will seek to provide transitional areas that are complementary, yet different, to the distinct designations of the CAZ and Canary Wharf major town centre. This will be achieved through the promotion of a vibrant mix of uses that are economically competitive, based on a set of principles, defined in the Town Centre Spatial Strategy. The accompanying diagram indicates the range of acceptable uses within the boroughs activity areas: 'specialist/ niche uses, creative and cultural uses, small and large offices, cafes and restaurants.'
- 10.3 The Adopted Core Strategy place-making policy SP12 more specifically identifies a vision for Shoreditch: 'The borough's area of Shoreditch will build on the diverse heritage, culture and enterprise that it shares with its neighbouring borough, Hackney. It will accommodate and encourage sustainable growth through the synthesis of old and new and maintaining the character and townscape qualities of this place.' A key priority is to protect residential amenity in the area using night-time environmental, safety, licensing and planning management in and around Redchurch Street and Brick Lane.
- 10.4 The key principles to achieve the vision for Shoreditch are as follows: Heritage will be protected in conservation areas; Small-scale redevelopment may be acceptable where it preserves or enhances the character and appearance of the area; Development outside of the Bishopsgate Goodsyrd area should seek to retain and enhance the traditional street pattern and medium-rise character of the area and finally; To retain and encourage the vibrant mix of uses, which consist of small shops, businesses and enterprise spaces, in and around the neighbourhood centre, to the west of the area, and along the main routes.
- 10.5 There are no particular land use designations on the site although the site adjoins the Fournier Street/ Brick Lane Conservation Area to the east and the Conservation Area boundary also extends south on the opposite side of Sclater Street; this position results in the need for particularly high quality design.

Loss of car park

- 10.6 The application site is a former brownfield site and is currently in use as a carpark. The car park provides approximately 60 spaces and at times is well used. The supporting text of policy 6.13 (Parking) in the London Plan (2011) states that given the need to avoid over-provision, car parking should reduce as public transport

accessibility increases. The application site is in a location with a very high PTAL (Public Transport Accessibility Location) of 6. The reduction in car parking spaces also complies with the Council's local policies which seek to reduce car use and improve sustainability as outlined within Policy SP09 in the Core Strategy (2010) and DM29 in the Managing Development Document (2013). By virtue of the high PTAL of the site and the need to reduce car dependency in the area, the loss of the carpark is considered acceptable.

Principle of residential use

- 10.7 Delivering new housing is a key priority both locally and nationally. Policy 3.3 of the London Plan seeks to alleviate the current and projected housing shortage in the Capital through the provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885.
- 10.8 The need to address the demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Adopted Core Strategy together with policy DM3 of the Managing Development Document (2013). These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 10.9 The above policies also set out where new housing could be delivered and identify the Shoreditch area as having potential for medium growth. By virtue of the existing surrounding uses, the principle of residential use in the area has been established and the proposed development for 39 dwellings would contribute to the boroughs housing targets. The housing mix and quality will be discussed further in following sections of the report.

Proposed Commercial Use

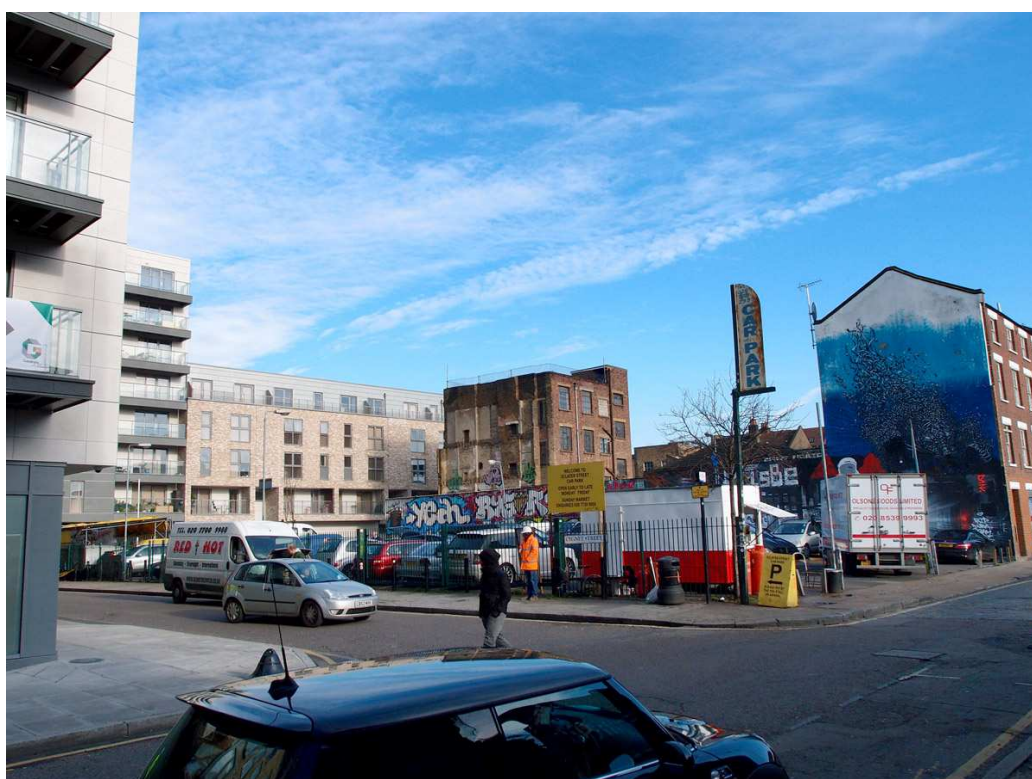
- 10.13 Policy SP01 of the adopted Core Strategy (2010) seeks to support the boroughs Town Centres. Policy SP01(5) seeks to promote areas outside, and at the edge of town centres, as places that support and assist in the creation of sustainable communities. This is to be achieved by promoting mix use development at the edge of town centres and promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.
- 10.14 As outlined in paragraph 10.4 of this report, the application site lies within the City Fringe Activity Area where a range of uses are considered acceptable and a 'vibrant mix' of uses are sought. The proposal seeks to create 450 sqm flexible A1, A2, A3 and B1 use class space at ground floor level and approximately 1800 sqm of D2 (gym) space over the two basement levels.
- 10.15 The active frontages created by the proposed A1, A2 and A3 ground floor uses would contribute to the 'vibrant mix of uses' in accordance with DM1 and would contribute to additional retail and amenities for local people. However, relevant to the proposed A3 use, Policy DM1 part ii states that A3, A4 and A5 uses will only be acceptable in the boroughs activity areas providing that: a) they do not result in an overconcentration of such uses; and b) in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit. By virtue of the large area of the ground floor commercial space, the proposed development itself has the capacity to cause an overconcentration of uses.

- 10.16 Core Strategy (2010) Policy SP12 (The Vision for Shoreditch) states that a key priority is to protect residential amenity in the area using night-time environmental, safety, licensing and planning management in and around Redchurch Street and Brick Lane. In accordance with this part 6 of Policy DM1 in the Managing Development Document (2013) states that A3, A4 and A5 uses in Brick Lane district centre will be supported where they do not exceed 25% of the total number of units.
- 10.17 The site lies just outside of the Brick Lane District Centre, however, it is recognised that there is an ongoing issue with the late night economy in this area. Furthermore, as stated above, by virtue of the large area of the ground floor, the proposal itself could result in an overconcentration of late night economy uses. As such, a condition has been attached to the permission restricting the amount of A3 use space to 100 sqm.
- 10.18 In terms of the inclusion of B1 (office) use within the flexible ground floor use, this would support Policy SP06 in the Core Strategy (2010) which seeks to deliver successful employment hubs and Policy DM15 in the Managing Development Document (2013) which seeks to create local jobs and investment. As such, no objections are raised to the inclusion of B1 office space within the proposed development.
- 10.19 Policy DM8 requires that new health, leisure and social and community facilities should be located in or at the edge of town centres. The inclusion of a gym over the two basement levels is considered acceptable in principle by virtue of the sites position within the city fringe activity area. Furthermore, the proposed use accords with Policy SP03 in the Core Strategy which seeks to create healthy and liveable neighbourhoods.
- 10.20 The submission documents estimate that the proposal would create approximately 16 jobs based on the indicative layout. Furthermore, the proposed commercial uses would contribute to a 'vibrant mix of uses' in the borough's activity area. As such, the proposed mixed use residential and commercial development is acceptable in landuse terms subject to acceptable design, layout and detailing.

Design and Heritage

- 10.21 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 10.22 Chapter 7 of the London Plan (2011) 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.

- 10.23 Policy SP10 of the Core Strategy (2010) sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings. This policy also seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 10.24 The Managing Development Document (2013) deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context. Policy DM27 of the Managing Development Document (2013) seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.
- 10.25 The site abuts the Brick Lane/ Fournier Street Conservation Area. Members must satisfy themselves that the proposal pays special regard to the desirability of the Conservation Area and that the proposal conserves or enhances the appearance of the Conservation Area.



Layout, height and scale

- 10.26 The site is a brownfield site and is currently used as an open car park. The site is nominally flat, with hard standing over its entirety. Immediately adjoining the site to the east, there is single storey structure presenting a corrugated metal exterior at number 10 Bacon Street which at the time of site visit was occupied by a furniture sales business. More generally, the site is adjacent to buildings of historical interest

to the east and to the north east. These plots appear small and comprise period buildings 3-4 storey in height. Facades are built to the back edge of the pavement along narrow streets. Beyond the adjoining buildings to the east of the application site lays Brick Lane which also consists of long narrow plots with buildings of 3-4 storeys in height.

- 10.27 To the north and west of the site are recently consented and recently constructed developments which form part of the redevelopment of the land at 32-42 Bethnal Green Road. On the opposite side of Bacon Street there is a new build residential development which is four storeys in height with a fifth storey set back from the front elevation. Towards the west, this building increases to eight storeys in height. The residential units within this part 5, part 8 storey block have recessed balconies looking on to Bacon Street. Beyond this, the building meets an open piazza area with high quality hard landscaping. This open area provides a key view of the north-west corner of the application site.
- 10.28 To the west of the application site on the opposite side of Cygnet Street, an eight storey building has been built and at the time of writing is still under construction. The building is not currently occupied, but has permission for commercial use at ground floor level and residential accommodation on the upper floors.
- 10.29 To the south of the site on the opposite side of Bacon Street, the site is currently vacant. This land forms part of the Bishopsgate Goodsyards site allocation as set out in the Core Strategy (2013). At present, hoardings are erected around the boundary of this site but the site will eventually accommodate a dense, mixed use development including some high rise elements.
- 10.30 The proposed Bacon Street elevation of the building is 5 storeys in height towards the east; further west along the Bacon Street elevation, the building extends an additional storey in height to enclose outdoor amenity space on the roof. Precast brick columns and balustrading contain the amenity space at the top floor level and this extends around the corner of the building to the northern part of the Cygnet Street elevation. Further south of the Cygnet Street elevation, the 6 storey element is set back and the building drops to 4 storeys at the front façade and then increases up to 5 storeys.



CGI Looking towards scheme at junction Cygnet Street / Sclater Street.

- 10.31 Recessed balconies serving the residential accommodation on the upper floors feature along the Cygnet Street and Sclater Street elevations. Towards the western end of the Sclater Street elevation, the building is 5 storeys in height with a sixth storey set back. The setback sixth storey element ends towards the eastern part of the Sclater Street elevation and the whole building drops to 3 storeys with an additional setback storey to address the adjoining period 4 storey building to the east. This part of the proposed building, although a storey less than the adjoining 4 storey building to the east, externally appears at the same height by virtue of the large ceiling heights and a parapet above the second floor of the building. The setback third floor level has a pitched roof element which meets the roof ridgeline of the adjoining pitched roof of the neighbouring building to the east.



CGI Image of Corner of Building at Junction Bacon and Cygnet Street (Opposite Rich Mix Square)

- 10.32 It is considered that the proposed part 4, part 5, part 6 storey height of the building responds to both the 4 storey buildings to the east by virtue of the lower height and setbacks adjacent to these buildings and the eight storey buildings on the opposite side of Bacon and Cygnet Street. The proposed building presents a gradual increase in height towards the taller and denser sites to the west while respecting the traditional lower rise buildings to the east. In particular to the east, a pitched roof element has been incorporated at fifth floor level and the roof ridge height adjoins the roof ridge of the period 4 storey building to the east. To the north west, the tallest part of the building marks an entrance in to the road from the newly constructed public piazza.
- 10.33 In terms of layout, the market housing core is located to the south and the residential units are accessible from Sclater Street. The affordable housing core is located to the north and the residential units are accessible from Bacon Street. Each core has its own outdoor amenity space on the roof of the building, both amenity areas total approximately 220 square metres. Each residential core has access to an area for cycle store spaces (allowing space for a total of 58 spaces) and refuse storage at ground floor level.
- 10.34 The entrance to the gym would be from Bacon Street to the north, a lift and stairs provide access to the two floors of gym at levels -1 and -2. The gym would share the commercial waste storage with the retail units at ground floor level. The commercial waste is located within the centre of the ground floor level behind the commercial units and residential access cores.

- 10.35 It is considered that the proposed layout would provide active frontages and access points at ground floor level which would contribute to activity and natural surveillance in the area. The residential and commercial entrances are clearly defined and allow ease of access for both residents and visitors of the commercial premises. The entrances to the building are level access and two lifts serve each residential core with a separate commercial lift providing access to the basement level gym. The details of servicing will be agreed through a service management plan and a condition has been added requiring this to be provided prior to the commencement of development.
- 10.35 For the reasons outlined above, it is considered that the design of the proposed development would be appropriate in terms of height, layout and scale and would relate well to the surrounding street layout and townscape.

Architectural Appearance, Materials and Landscape

- 10.36 The submitted design and access statement states that the existing urban block is incomplete and that the proposals allow for the completion of the urban block and the reinstatement of the street. Furthermore, it states that the resultant facades on three sides reintroduces a vertical organisation to the urban fabric. It can be seen that the three frontages present different characters and each respond to the surrounding context in terms of height, verticality and materiality.
- 10.37 The external elevations of the proposed building would be predominantly brick. The agent submitted samples of potential materials (photographs included in the case file) although the exact brick type is to be agreed via condition and will depend on availability at the time of construction. The brick will be a form of yellow London stock brick and will be constructed in stretcher bond form.
- 10.38 An area of the façade fronting Sclater Street and adjoining the period building to the east would be formed of a red London stock brick type in Flemish bond. This part of the building has a pitched roof set behind a parapet wall. The southern elevation of the building is also lowest in height and contains longer, narrow windows, creating more verticality to respect the character of the adjoining period buildings. This design detailing will respect the sensitive setting and character of the Brick Lane/ Fournier Street Conservation Area to which the eastern boundary of the site adjoins.
- 10.39 The north and west elevations fronting Cygnet and Bacon Street are overall of a more modern design with wider windows and recessed balconies creating less verticality. However, the set of windows adjoining the site to the north east and fronting Bacon Street are longer and narrow in design to address the period buildings to the east. The small 4 storey element, 5 storey element and set back 6 storey element on Cygnet Street adds variety to the elevation running the length of the road whilst also taking in to account lighting levels for residential properties within and surrounding the development.
- 10.40 The top level of the building comprises precast brick columns and balustrading to contain the amenity space at the top floor level and this extends around the corner of the building to the northern part of the Cygnet Street elevation. Openable metal shutters are behind the balustrading and these would have an aluminium powder coated finish to match the window and door frames. A condition has been attached requiring further details of the top floor element to ensure a satisfactory appearance.

- 10.41 The proposed window and doors would have a one brick reveal and the frames would be aluminium powder coated painted in a dark grey/ black colour. The submitted drawings show fascia design details below and to the sides of the fenestration on the upper floors of the building. This design detail would also be aluminium powder coated to match the proposed window frames and doors, as would the proposed fascia boards for the commercial units below. Metal balustrading contains the private amenity balconies for the residential units on the upper floors. Beneath the residential windows, reconstituted stone forms the window sill adding an interest to the elevation. Reconstituted stone is also used for wall copings on the upper levels of the building. A blue grey engineering brick is used at the base of the building and adds variety and interest to the external elevations.
- 10.42 The proposed commercial units have predominantly glazed shopfronts with elements of powder coated aluminium to match the residential windows and doors on the upper floors. The CGIs provide indicative layouts for the signage (which would require separate advertisement consent). It is considered that overall the shopfront presents a high quality design with brick reveals incorporated appropriately in to the Conservation Area. Whilst the signage will be fully considered within a subsequent advertisement consent application; to be in keeping with the surrounding area and to respect the character of the adjoining Conservation Area, 1 projecting sign for each unit at fascia level would be accepted as a maximum. As indicated above, these details would be agreed at the time of the advertisement consent application.
- 10.43 Overall, it is considered that the proposed design responds to the surrounding building form, heights, architecture and appearance. The three elements of the building take in to account the lower density more traditional buildings to the east and the denser, modern buildings to the west. The stepped height formats and design detailing add interest to the elevations and present a high quality design sensitive to the character of the surrounding area. For these reasons it is also considered that the proposal pays special regard to the desirability of conserves and enhances the appearance of the adjacent Brick Lane/ Fournier Street Conservation Area to the south and east.

Housing

- 10.44 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development” Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

Residential density

- 10.45 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council’s town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 10.46 The application site benefits from an urban context and very good public transport accessibility - PTAL score 5. In areas of PTAL 5 and above plus an urban setting, the

density matrix associated with policy 3.4 of the London Plan supports densities of up to 650-1100 habitable rooms per hectare. This proposal seeks to create 39 units which represents a density of 954hr/ha and falls within the mid-range of the density guidance and as such is considered acceptable.

Affordable housing

- 10.47 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies 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.
- 10.48 Policy SP02 of LBTH's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on new sites, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. The application would offer a 36% affordable housing by habitable room. This exceeds the minimum on-site requirement of 35% affordable as specified by the Core Strategy policy SP02 and as such is acceptable.
- 10.49 This proposal would provide a split of 77%:23% in favour of affordable rent accommodation which is considered acceptable. All of the affordable units would be rented at levels determined to be genuinely affordable to local residents as assessed by the POD partnership; the LBTH affordable housing team has confirmed that they would support the 36% offer at our POD levels for this postcode.
- 10.50 The POD rents for this area, inclusive of service charges, are as follows:
- 1 bed £232 per week
 - 2 bed £247 per week
 - 3 bed £264 per week
 - 4 bed £292 per week

Table 1: Proposed housing mix compared with policy DM3.

		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH policy%	Unit	%	LBTH policy %	Unit	%	LBTH policy %
1bed	17	4	40%	30%	1	33.3%	25%	12	46%	50%
2bed	17	3	30%	25%	1	33.3%	50%	13	50%	30%
3bed	5	3	30%	30%	1	33.3%	25%	1	4%	20%
4bed	0	0	0%	15%	0	0%	0%	0	0%	
Total	39	10	100	100	3	100	100	27	100	100

Housing mix and tenures

- 10.51 The above table shows the range of sizes and tenures that the scheme would deliver. Whilst the scheme is not completely policy compliant in percentage terms, it should be noted that by virtue of the size of the scheme, the addition/ removal of just one unit significantly alters the percentage. Overall, the scheme provides a good level of 3-bedroom units within the affordable housing tenure. One of each sized units is provided within the intermediate housing and this indicates an acceptable mix.
- 10.52 Within the market tenure, only 4% of 3 bedroom units is being delivered against a target of 20%; however, it is recognised given the site constraints, viability issues and floor sizes of the separate housing cores, it would be difficult in this instance to provide a fully compliant mix. Furthermore, family sized units are most in demand within affordable housing according to the boroughs most up to date Strategic Housing Market Assessment.
- 10.53 Given the relatively small size of the scheme, exact compliance with all aspects of the housing size policy in DM3 is more difficult to achieve and on balance the proposals would offer a range and good mix of housing types, sizes and tenures. The proposed mix is supported by the Affordable Housing Team.

Standard of accommodation

- 10.54 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.
- 10.55 All the units proposed are in line with the above policies and all units meet the minimum space standards as set out in policy DM4 of the Managing Development

Document (2013). Several of the flats located in the centre of the building are single aspect but none of these would be north facing. Overall, it is considered that the proposed layouts are well thought through and will provide a high standard of living accommodation and amenity to the future occupiers.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 10.56 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 10.57 Four wheelchair accessible homes are proposed consisting of four 2 bedroom flats at first, second and third floor level with private amenity space and entrances together with car parking spaces. Two lifts service each core which ensures that if one lift is out of use the other can facilitate wheelchair users. The LBTH Housing Team confirmed that the proposed housing is in line with the needs of families waiting for fully accessible housing on the Common Housing Register.
- 10.58 The MDD allows consideration for wheelchair accessible units by habitable rooms where this would deliver a better outcome for the development. The four units would have a combined total of 12 habitable rooms which would therefore equate to 11% of the total provision of wheelchair accessible units.

Private and communal amenity space

- 10.59 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 10.60 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized balconies.
- 10.61 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 79sqm is required for a development of 39 flats. The development would provide two roof top communal amenity space areas (the western area measuring approximately 117 sqm and the eastern area measuring approximately 102sqm), totalling a combined area of approximately 219sqm.

Breakdown of Amenity Space							
Private Amenity		Communal Amenity		Child Play		Open Space	
LBTH Policy	Scheme Provision	LBTH Policy	Scheme Provision	LBTH Policy	Scheme Provision	LBTH Policy	Scheme Provision
5 sqm for 1-bed flat (extra sqm for each occupant)	All units comply.	79 sqm	129sqm	90 sqm	90sqm	88sqm	0sqm

10.62 As shown in the table above, all units meet or exceed private amenity space standards and the amount of communal space also exceeds requirements. Appropriate conditions would be attached to ensure that details of these spaces are approved at a later stage.

Child play space

10.63 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child.

10.64 Using the LBTH child yield calculations, the development is anticipated to yield 10 children and accordingly the policy sets an overall benchmark of 100sqm of child play space to be provided.

10.65 It is anticipated that the development would yield 4 0-3 year olds, 4 4-10 year olds and 2 11-15 year olds. As demonstrated in the table above, the child play space provision is compliant with policy. Appropriate outdoor space should be provided for each age group and details of the play space areas will be secured through condition prior to the commencement of development.

Open Space

10.66 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection, improvement, and creation of open spaces. Managing Development policy DM10 states that development will be required to contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy. The MDD includes a monitoring target of 1.2 ha per 1000 population.

10.67 The proposal would not provide any outdoor space. However, given the site's space constraints and the fact that the proposal meets the communal and child play space standards and exceeds the requirement for communal open space by 40 square metres, the shortfall of additional open space is considered acceptable. Furthermore, as stated in the above sections of the report, the proposal would make a £67,503 financial contribution towards public open space. Overall it is considered the proposal is in accordance with policies and the financial contribution is welcome.

Residential amenity

10.68 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

- 10.69 The nearest residential property is the adjoining building at 93-95 Sclater Street as well as the residential developments on the opposite sides of Bacon Street and Cygnet Street to the north and west of the site.
- 10.70 Balconies are positioned all around the building and are predominantly outward looking. The building would be approximately 11m from the front façades of the buildings to the north and west and approximately 10m from the Bishopsgate Goodsyrd site to the south.

Overlooking and privacy

- 10.71 Due to the orientation of neighbouring buildings to the east, there would be no overlooking or loss of privacy in to habitable rooms in this direction. The proposed building is set back from the eastern boundary and the rear of the properties fronting Bacon Street and Sclater Street predominately have extended elements up to the rear boundary. The closest windows to the adjoining site to the east would be approximately 9m. This is fairly typical of distances in the borough within this urban setting. However, an objection has been raised by the owners of the site to the east as the windows on the eastern elevation could compromise development opportunities on this site. A condition has been attached requesting privacy screens for balconies on this elevation and obscure glazing up to 1.7m in height for non-habitable rooms to address this issue.
- 10.72 The windows and balconies to the north and west elevations would be approximately 11m from the residential properties on the opposite side of the road. Again, it should be noted that this is a fairly typical arrangement within this urban setting within the borough. Furthermore, like the application site, the properties on the opposite sides of the road have recessed balconies which creates a greater separation distance between the glazed elements of habitable rooms in many cases.
- 10.73 Similarly, it is not considered that a distance of 10m to the southern site would cause unacceptable loss of overlooking or privacy for future development coming forward at this site for the same reasons. Overall, it is not considered that the proposed development would give rise to unacceptable levels of overlooking or loss of privacy as the proposed development is typical of many urban housing developments in the borough.

Daylight and sunlight

- 10.74 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.
- 10.75 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology. The assessment clearly identifies where the BRE standards have not been met. The report was reviewed by an independent daylight/ sunlight consultant. Originally further information was requested on Daylight Distribution (DD) and Average Daylight Factor (ADF) calculations. This was provided and the

independent consultant concluded that although there are some failures, the existing levels of daylight are low by virtue of their inherent design and therefore any development is likely to have a material adverse impact on neighbouring properties. It was also noted that existing lighting levels rely on light from a low trajectory over the existing cleared site condition.

1-15 Bacon Street

- 10.76 The study shows the results of the Daylight Distribution test to 90 rooms. The results show that 85.5% of the rooms adhere to BRE Guidelines. Of the remaining rooms 6.7% receive a reduction of between 0.6 and 0.79, 2.2% of rooms receive a reduction of 0.4 – 0.59 and 5.6% rooms a reduction of 0.4 or lower.
- 10.77 The worse affected rooms are at lower floor level. In this development the rooms are set back behind balconies have very low levels of direct sky visibility and will therefore have an impression of a very closed outlook.

32- 42 Bethnal Green Road

- 10.78 The study shows that 75.2 of the rooms will satisfy Daylight Distribution BRE standards. Of the remaining rooms 5.5% have a reduction of 0.6 – 0.79, 8.3% a reduction of 0.4 – 0.59 and 11% rooms with 0.4 reduction or lower.
- 10.79 As with Bacon Street, there are significant reductions in daylight levels to lower floor rooms. However, this in part is a consequence of the design with rooms set behind balconies.

Donovan Homes

- 10.80 The results for the Donovan Homes scheme show a number of rooms on the 1st & 2nd floors which experience a reduction in VSC of more than 20% from existing. However, the VSC results are at a good level for an urban area. The NSL (No Sky Line) figure does in some cases have a reduction of more than 20% but it should be taken in to account that the site currently benefits from being opposite an open (car park) area which is not typical in such an urban setting.

70-74 Sclater Street and 66-68 Sclater Street

- 10.81 With regard to 70-74 Sclater Street and 66-68 Sclater Street, the results show that only 1 of the rooms fails to meet the VSC standards and the reduction is only 21% from existing. Overall, this is considered to be acceptable.
- 10.82 Finally, the submitted daylight/sunlight report identifies that the scheme proposals will not meet the primary APSH standard for those neighbouring properties which need to be tested. The independent daylight/ sunlight consultant stated that it would be inappropriate to expect 25% annual probable sunlight hours (and 5% in the winter months) for an area developed at the level that this area is becoming developed, and particularly to windows which are set back behind recessed balconies. Therefore, whilst the required standards are not met when compared with the existing site, it was not considered that the actual impact on sunlight is inappropriate for the buildings in question.
- 10.83 Overall it is considered that while there are some failures in daylight/ sunlight, this can be accounted for and is largely by virtue of the existing cleared site condition and design of surrounding properties. The proposed development is modest in mass and scale in comparison to some surrounding buildings and as such, the proposed daylight/ sunlight impact is considered acceptable in this instance.

Noise and vibration

- 10.84 The Environmental Health Officer requested that a noise assessment be submitted to consider the impacts of the proposed basement gym and ground floor commercial units on the proposed residential units on the upper floors and surrounding existing residential properties. A condition has been attached requiring the applicant to submit these details prior to occupation once the flexible ground floor uses and basement layout has been established.
- 10.85 However, by virtue of the position of the proposed gym in the basement of the building, buffered by the commercial uses at ground floor level, it is not anticipated that it would be difficult to control noise emissions in this area of the building. Similarly, it is not anticipated that A1, A2, B1 uses would generate much noise and the A3 space is conditioned to be a maximum of 100 sqm which would not allow for a large restaurant with many covers/ customers. In addition, the hours of operation of this use would be secured by condition.
- 10.86 One neighbour objection was concerned about the level of noise and disruption that could be caused by construction works. The neighbour asked that given the amount of recent development in the area could the development be stalled. It is not within planning remit to control this aspect, however a condition has been added to ensure that the construction work only takes place between 08.00 - 17.00 Monday to Friday and 08.00 -13:00 Saturday. No work is to be carried out on Sundays or Bank Holidays. A Construction Management Plan and Code of Practice is also required to ensure minimal disruption to neighbouring residents.
- 10.87 Another neighbour raised concern for future occupants of the proposed development by virtue of the increasing late night economy in the area and suggested sound insulation be installed. A condition has been attached requiring a noise report assessing the impact of the proposed commercial units at ground floor level. The council has policies in place to restrict over concentration of night time uses and those uses that do have permission typically have restrictions on hours of operation. Any businesses operating outside of the agreed hours of operation or causing significant disruption to the amenity of adjoining occupiers should be reported to the Environmental Health team.
- 10.88 Overall, subject to appropriate conditions, the amenity of future occupiers would be safeguarded and thus the proposal accords with Policy SP10 in the Core Strategy (2010) and Policy DM25 in the MDD (2013).

Transportation and access

- 10.89 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.

- 10.90 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.
- 10.91 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 10.92 The site benefits from high public transport accessibility with a PTAL rating of 5. The site is approximately 0.1 miles east of Shoreditch High Street Overground Station and lies just south of the A1209 Bethnal Green Road and approximately 50 metres west of Brick Lane where the number 8 bus runs to Oxford Circus and Bow and the 388 bus runs to Embankment and Hackney Wick.
- 10.93 The Transport Statement accompanying the application concludes that overall given the anticipated small increase in movements created by the development and the high volume of sustainable travel connections in vicinity of the sites, the development in principle would not have a detrimental impact on highway and pedestrian safety or operation of the highway and public transport systems subject to appropriate conditions.
- 10.94 Specific details around cycle parking and waste are detailed in the sections below. The highways team also considered that the increase in footfall would result in the need to improve street lighting in the area, particularly on Cygnet Street. An assessment will be carried out and funding will be secured through the section 278 process. A section 278 agreement will also be required for highways works to two existing crossovers which are to be removed and reinstated to the footway and will be carried out by LBTH or a contractor at the cost of the applicant.

Cycle Parking

- 10.95 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.
- 10.96 The proposal seeks to create a total of 58 cycle spaces for residents and the number of cycle spaces and design of storage for visitors to the commercial units is to be agreed through condition once the use and detailed layout of the basement and ground floors has been established. This provision was confirmed as adequate by the LBTH Transportation & Highways Team.

Car Parking

- 10.97 Policy DM22 of the Managing Development Document also refers to the parking standards set out in its appendix 2. These state that for residential use in locations with a PTAL of 5, parking for 1 and 2 bedroom units should be provided at a maximum of 0.1 spaces per unit and not exceed 0.2 spaces per unit for 3 bedroom homes or larger.
- 10.98 In line with the above policies and given the high PTAL rate, the application proposes no 'general needs' car parking spaces. In accordance with policy, a car free agreement would be secured to prevent new residents from acquiring an on-street parking permit, apart from those transferring within the borough from another affordable family home under the Council's Permit Transfer Scheme (PTS).
- 10.99 With regard to blue badge parking, Sunday market precludes round the clock access to any bays. It was agreed that a 'demand led' approach should be taken whereby potential residents could apply for on street provision in full knowledge of the restrictions. The applicant will be expected to fund the cost of providing the bays in terms of signing, marking and traffic orders and a term of 5 years for opening has been incorporated in to the Section 106 agreement.

Servicing and refuse requirements

- 10.100 Policy DM14 of the Managing Development Document sets out the Council's requirements for adequate waste storage facilities to be provided in all developments.
- 10.101 Refuse and recycling receptacles would be provided for each residential core. The highways officer raised concern with regard to the servicing arrangements for the residential core accessed via Sclater Street. The surrounding narrow streets cannot accommodate wide vehicles and the existing parking bays at Sclater Street restrict the width further. It was agreed that refuse could be collected from this point but a service management plan is required for any other servicing to the residential units including deliveries, removals, home food deliveries and post. Full details of refuse storage and collection, a waste management plan and a deliveries and servicing plan will be secured by condition.

Sustainability, energy efficiency and climate change

Energy efficiency

- 10.102 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.
- 10.103 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 emerging 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.
- 10.104 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.

10.105 According to initial assessments, the residential part of the development would achieve Sustainable Homes Code level 4. Overall CO2 emissions would be reduced by 34%. The current proposal falls short of the 50% target by 16% which equates to 19.7 tonnes of regulated CO2. The shortfall is offset through a cash in lieu contribution of £27,186 which will be used for carbon offset programmes in the vicinity.

10.106 The London Plan 2011 Policy 5.6 requires Major development proposals should select energy systems in accordance with the following hierarchy:

- Connection to existing heating or cooling networks
- Site wide CHP network
- Communal heating and cooling.

10.107 The applicant has demonstrated that in order to achieve the necessary CO2 emissions reductions a CHP and PV array will be installed.

10.108 The LBTH Energy and Sustainability Officer has confirmed that the Energy Strategy submitted with the application is acceptable and in line with policy. Conditions have been attached to ensure the delivery of these levels.

Ecology and biodiversity

10.109 As noted in the biodiversity officer's comments, the application site has no existing biodiversity value or potential to support protected species; as such there will be no adverse impacts on biodiversity. The biodiversity officer noted that the terrestrial landscaping appears to be largely formal but that it does include areas of perennial planting which (if they match the illustration in the Design & Access Statement) will provide good nectar sources for bees and other insects.

10.110 Policy DM11 seeks living roofs and biodiversity gains from developments. The Sustainability Statement refers to a living roof, but there is no commitment to this in the plans. A condition requesting details of the green roof has been included; in line with the biodiversity officer's comments, this should preferably be a biodiverse roof rather than a sedum mat and shall be approved by the Council prior to the commencement of development. The detailing should include the depth and type of substrate, details of any vegetated mat or blanket to be used, details of other planting, and any additional habitat to be provided, such as piles of stones or logs. Best practice guidance on living roofs for invertebrates published by Buglife should be references,

10.111 In conclusion, officers are satisfied that the scheme would provide appropriate biodiversity and ecological enhancements and subject to appropriate conditions, would comply with national, London Plan and Tower Hamlets Core Strategy and Managing Development Polices with respect to biodiversity.

Planning obligations

10.112 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.

10.113 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.

10.114 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. affordable housing, open space and public realm improvements).

10.115 The scheme provides 36% affordable housing and fully meets the S106 contributions required under the Council's Planning Obligations SPD. This is considered acceptable.

10.116 In addition to the above the following non-financial obligations would be secured:

- Car free agreement
- Target of 20% local goods and services at construction stage
- Commitments to local employment targets at construction stage
- Blue badge parking space to be funded by applicant at request of potential tenants for a term of 5 years.

Localism Act (amendment to S70 (2) of the TCPA 1990)

10.117 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

10.118 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.

10.119 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.

10.120 In this context "grants" might include the New Homes Bonus.

10.121 These issues are material planning considerations when determining planning applications or planning appeals.

10.122 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides non-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.

10.123 Members are reminded that that the London Mayoral CIL will be payable on this scheme. The likely CIL payment associated with this development would be £156,345.

Human Rights Considerations

10.124 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:-

10.125 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".

10.126 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.

10.127 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.

10.128 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.

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

10.130 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.

10.131 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

10.132 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, gender 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:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.133 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.

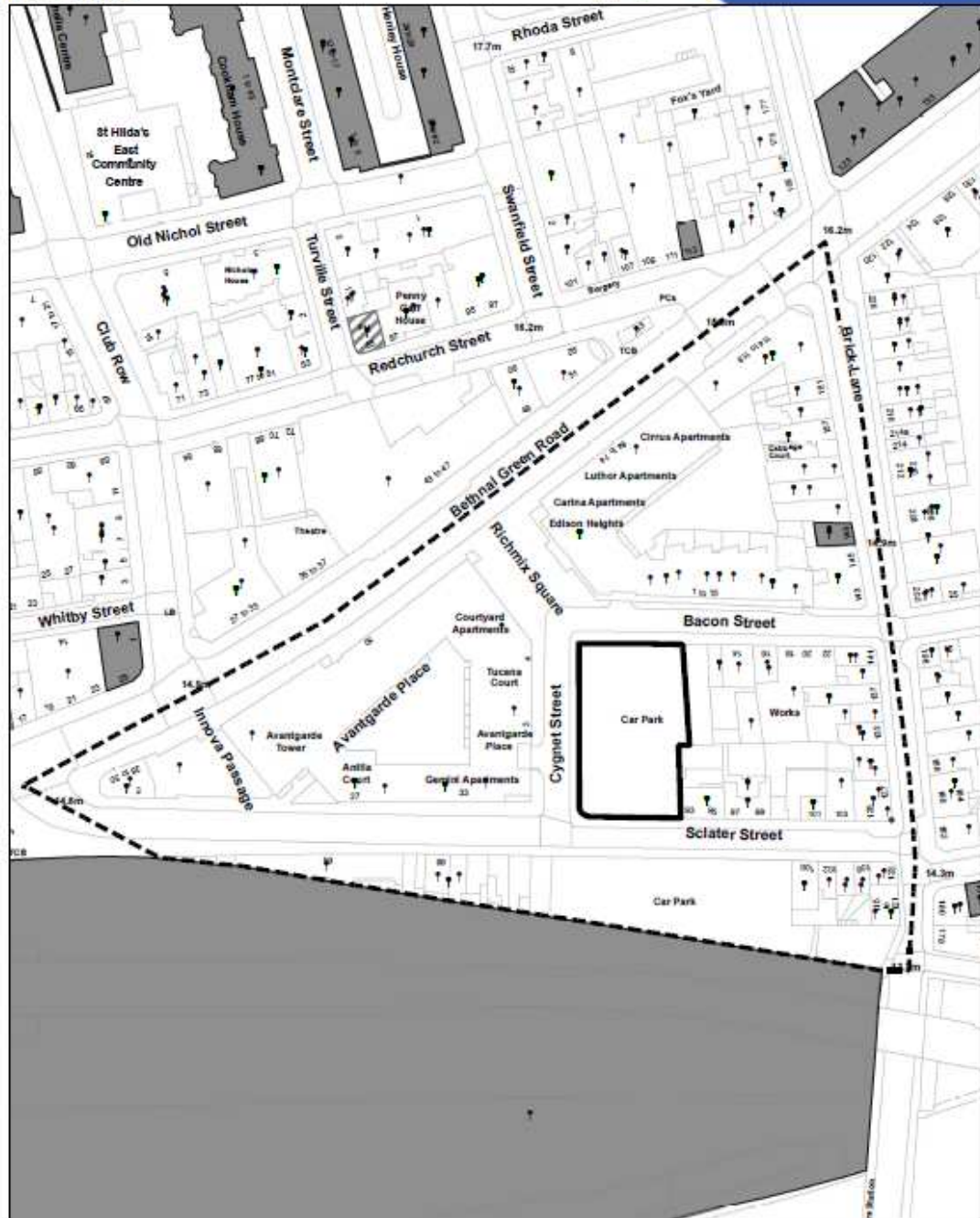
10.134 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

10.135 The provision of affordable housing, well designed and located wheelchair accessible housing and a good range of housing types all with access to shared communal open space and child play space within the development would support community wellbeing and social cohesion.

11. CONCLUSION

11.1 All other relevant policies and material considerations have been taken into account. Planning permission should be granted in accordance with the RECOMMENDATION section of this report.

Planning Application Site Map
PA/13/02529



- Planning Application Site Boundary
- Locally Listed Buildings
- Land Parcel Address
-
- Consultation Area
- Statutory Listed Buildings
- OSLine

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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