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| <b>Committee:</b><br>Development<br>Committee | <b>Date:</b><br>25 <sup>th</sup> November<br>2015 | <b>Classification:</b><br>Unrestricted | <b>Agenda Item Number:</b> |
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| <b>Report of:</b><br>Director of Development and<br>Renewal | <b>Title:</b> Application for Planning Permission |
| <b>Case Officer:</b><br>Adam Williams                       | <b>Ref No:</b> PA/15/02156                        |
|   | <b>Ward:</b> Spitalfields & Banglatown            |

## 1. APPLICATION DETAILS

**Location:** Attlee House, Sunley House, Profumo House and College East, 10 Gunthorpe Street, London

**Existing Uses:** Offices, Residential, HMO, Toynbee Advice Services

**Proposal:** Demolition of Attlee House, Sunley House and College East (Excluding part facade retention of College East) and construction of ground, basement plus part 3, part 4 and part 5 storey buildings providing 63 Class C3 residential units and 264 sq m (GIA) Class B1 office floorspace. Demolition of Profumo House and construction of a new building comprising basement, ground and 4 storey building comprising 990 sq m (GIA) Class B1 office floorspace 418 sq m (GIA) Tonybee advice services. Provision of car and cycle parking, amenity and play space, with associated plant and works.

**Drawing and documents:** Drawings:  
001 (Rev A);  
010 (Rev A);  
011 (Rev B);  
012 (Rev B);  
013 (Rev B);  
014 (Rev B);  
015 (Rev A);  
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020 (Rev A);  
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031 (Rev A);  
032 (Rev A);

050 (Rev A);  
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101 (Rev B);  
102 (Rev A);  
103 (Rev A);  
104 (Rev A);  
105 (Rev A);  
106 (Rev A);  
107 (Rev A);  
400 (Rev B);  
401 (Rev B);  
402 (Rev A);  
403 (Rev A);  
404 (Rev A);  
405 (Rev A);  
406 (Rev A);  
407 (Rev B);  
408 (Rev B);  
409 (Rev B);  
C0018 L.100 (Rev Z);  
C0018 L.101 (Rev A);  
C0018 L.200 (Rev A);  
C0018 L.250 (Rev A);  
C0018 L.280 (Rev A);  
C0018 L.300 (Rev A);  
C0018.L.401;  
C0018.L.402;  
C0018 L.502;  
C0018 L.504;  
C0018 L.505;  
C0018 L.506;  
C0018 L.510.

Documents:

Design and Access Statement, prepared by Platform 5 Architects, dated July 2015;  
Planning Impact Statement, prepared by CBRE, dated July 2015;  
Landscape Design and Access Statement, prepared by Cameo & Partners, dated 30 July 2015;  
Biodiversity Summary, including Landscape Biodiversity Enhancements, prepared by Cameo & Partners, dated 7 September 2015;  
Arboricultural Report & Impact Assessment, prepared by Crown Consultants, dated 29 July 2015;  
Heritage Statement, prepared by K M Heritage, dated July 2015;  
Toynbee Hall: Statement of Community Involvement, prepared by Four, dated July 2015;  
Daylight / Sunlight and Overshadowing Report, prepared by Point 2 Surveyors, Version 2, dated July 2015;  
Letter from Oli Westlake of Point 2 Surveyors, dated 28 October 2015;  
Site Suitability Noise Assessment, prepared by WSP/Parsons Brinckerhoff, dated 9 July 2015;

Transport Statement, prepared by WSP/Parsons Brinckerhoff, dated July 2015;  
Air Quality Assessment Report, prepared by WSP/Parsons Brinckerhoff, Revision 2, dated 29 July 2015;  
Energy Strategy, prepared by Desco, Issue 5, dated 2 November 2015;  
Sustainability Statement, prepared by Hilsdon Holmes Limited, Version 2, dated July 2015;  
BREEAM Pre-assessment, prepared by Hilsdon Holmes Limited, Version 2, dated July 2015.

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| <b>Applicant:</b>         | London Square and Toynbee Hall   |
| <b>Ownership:</b>         | Toynbee Hall<br>Artsadmin<br>One Housing Group<br>London Borough of Tower Hamlets                                |
| <b>Historic Building:</b> | Site adjacent to Toynbee Hall (Grade II Listed)  |
| <b>Conservation Area:</b> | Site adjacent to the Wentworth Street Conservation Area and the Brick Lane and Fournier Street Conservation Area |

## 2. EXECUTIVE SUMMARY

Officers have considered the particular circumstances of this application against the Council's Development Plan policies in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2015) and the relevant Government Planning Policy Guidance including National Planning Policy Framework and National Planning Practice Guidance and has found that:

- 2.1. The proposed development would result in a 3,522sqm uplift in Use Class C3 residential floorspace, a 87sqm uplift in Use Class B1 office floorspace including the provision of smaller workspaces suitable for Small and Medium Enterprise (SME) occupiers, together with the provision of 418sqm of floorspace for use by Toynbee Advice Services, which is supported in line with adopted policy. The proposals also involve the loss of 1,215sqm of existing HMO (Sui Generis) floorspace within Attlee and Profumo Houses, which is considered to be acceptable on the basis that policy does not seek to protect HMO use. As such, the proposals are acceptable in principle in land use terms.
- 2.2. In terms of housing provision, the site currently includes 18 affordable and 28 private studio and 1 bed flats. The existing accommodation is of poor quality in terms of size, layout, accessibility and lack of amenity space. The proposed redevelopment of the site includes a total of 63 residential units, providing 31% affordable housing when calculated as a stand-alone scheme and 25% affordable housing when calculated on the uplift in housing. This offer has been independently viability tested and is considered to maximise affordable housing levels, in accordance with relevant policy. In addition, the residential mix and tenure split generally accord with adopted policy and are considered to be acceptable.
- 2.3. The residential density of the scheme sits within the target density ranges within the London Plan and is considered to be generally appropriate for this site. The proposed residential units are well designed and include adequate internal space so as to provide an appropriate living environment for future residents. Each unit also includes a policy

compliant level of private amenity space, whilst communal amenity space and child play space for under 5 year olds is also provided on site.

- 2.4. The proposals involve the demolition of Attlee House, Sunley House, College East and Profumo House, which are poor quality buildings dating from the 1960s and are of no architectural merit in and of themselves. The proposed replacement buildings rise to between 5-6 storeys in height and have been well designed, incorporating a number of key elements of the 'New London Housing Vernacular', including residential doors on the street with defensible spaces, balconies above and the use of brick as a facing material.
- 2.5. It is considered that the replacement buildings sit comfortably within the context of the surrounding built form and public realm and would protect the setting of nearby heritage assets, including the Grade II listed Toynbee Hall and the Wentworth Street and Brick Lane and Fournier Street Conservation Areas.
- 2.6. As the replacement buildings are between one and two storeys taller than the existing buildings, the development would result in some reductions to the daylight and sunlight levels at neighbouring properties. However, on balance it is considered that these impacts are acceptable.
- 2.7. The scheme would retain the existing basement car park, which would provide 7 disabled car parking spaces for the wheelchair adaptable/accessible units within the scheme. No other car parking is proposed, which is supported given the high level of public transport accessibility. The development would be secured as 'permit free' in accordance with policy. In addition, a policy compliant quantum of cycle parking would be provided at basement and ground level and appropriate waste storage facilities are provided on site.

### 3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. The prior completion of a **legal agreement** to secure the following planning obligations:

#### Financial Obligations:

- a) A contribution of £32,172 towards construction phase employment, skills, training and enterprise.
  - b) A contribution of £46,900 towards end user phase employment, skills and training.
  - c) A contribution of £5,040 towards carbon offsetting.
  - d) A contribution of £5,500 towards monitoring.
- Total Contribution financial contributions £89,612.

#### Non-financial contributions

- e) Delivery of 31% Affordable Housing comprising of 10 social rented units and 4 shared ownership units.
- f) 20% local employment during the construction and operational phases.
- g) 20% of procurement from local business during the construction phase
- h) 9 apprenticeships during construction & end user phases
- i) Reinstatement of Mallon Gardens
- j) Car and Permit Free Agreement
- k) Travel Plan
- l) Compliance with the Code of Construction Practice

3.3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

3.4. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.5. **Conditions**

1. Time limit
2. Development in accordance with plans
3. Details of wheelchair homes
4. Details and samples of facing materials and detailed drawings
5. Methodology for retaining 19<sup>th</sup> century facade
6. Details of landscaping, including child play space
7. Secure by Design Statement
8. Noise insulation for residential units
9. Details of mechanical ventilation and NOx filtration
10. Contaminated land scheme
11. Retention of disabled parking
12. Details of cycle parking
13. Construction Environmental Management Plan
14. Construction Logistics Plan
15. Delivery and Servicing Management Plan
16. Details of waste storage
17. Surface water drainage scheme
18. Site Drainage Strategy (Thames Water)
19. Piling Method Statement (Thames Water)
20. Biodiversity enhancement measures
21. Details of heat network
22. Details of photovoltaic array
23. Final BREEAM certificates
24. Final energy calculations

3.6. **Informatives**

1. Subject to s106 agreement
2. Subject to s278 agreement
3. CIL liable
4. Thames Water informatives

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

3.8. 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 consent.

## 4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

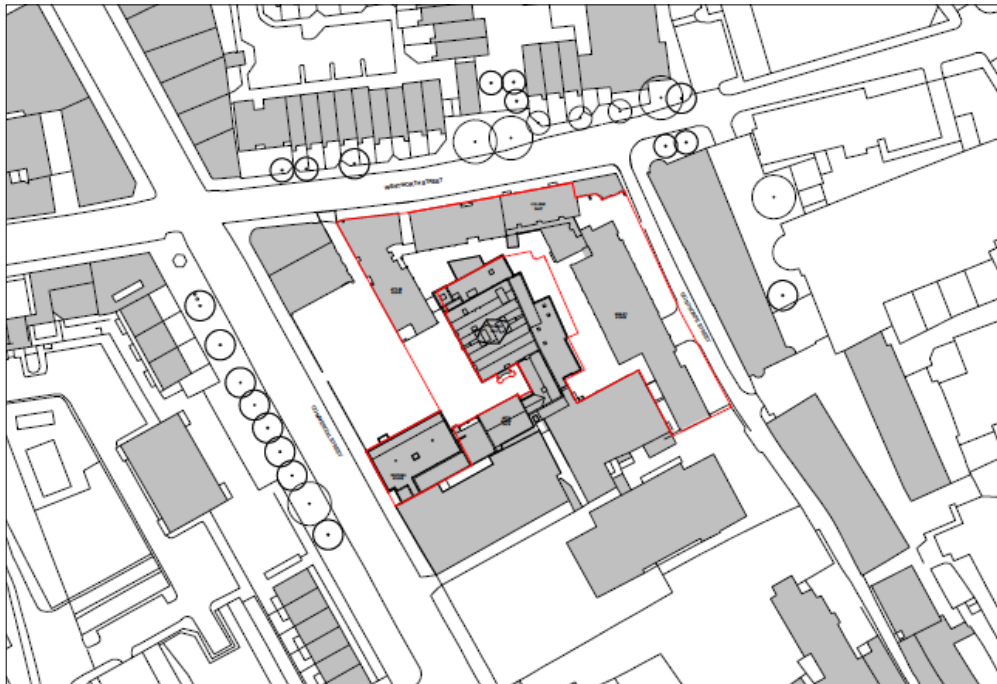
### Proposal

- 4.1. The proposals are for the demolition of Attlee House, Sunley House, College East and Profumo House and the erection of three new buildings ranging from 5 to 6 storeys in height to provide 63 new residential units (Use Class C3), 1,254sqm of office floorspace (Use Class B1), 418sqm of floorspace for Toynbee Advice Services and 779sqm of ancillary floorspace at basement level (including plant, car and cycle parking). The proposals include associated hard and soft landscaping, including the provision of on-site child play space and communal amenity space.

### Site and Surroundings

- 4.2. The application site comprises Attlee House, Sunley House, Profumo House, including adjacent environs, which form part of the Toynbee Hall Estate, together with the College East residential block. The site is bounded by the public highway on Wentworth Street to the north, by the public highway on Gunthorpe Street to the east, by the East London College / Toynbee Theatre and the East One Building at 22 Commercial Street to the south and by the public highway on Commercial Street to the west.

**Site Location Plan:**



- 4.3. The existing buildings within the application site accommodate a mix of uses, including residential, office, housing in multiple occupation (HMO) and Toynbee Hall Advice Services. The buildings themselves date from the 1960s to 1980s, and with the exception of the retained facade to the College East building, the buildings are of utilitarian design and appearance, being faced in brick and ranging between three and five storeys in height.
- 4.4. The site lies within the Spitalfields and Banglatown Ward on the western side of the Borough.

- 4.5. The surrounding area is mixed use in character, with Commercial Street including a range of retail, commercial, leisure and residential uses. The site lies to the east of the Holland Estate, which is a large housing estate, part of which has recently been redeveloped to provide a mix of private and affordable housing, together with commercial uses. The site lies immediately to the north of the East London College and to the west of Barlett House and McAuley House, which include sheltered / hostel accommodation.
- 4.6. The site benefits from excellent access to public transport, being located 110 metres to the north of Aldgate East Underground Station. In addition, there are a number of bus routes operating in the vicinity of the site, operating on Commercial Road and Whitechapel High Street. As a result the site has a Public Transport Accessibility Level (PTAL) of 6b, on a scale from 1a to 6b where 1a is very poor and 6b is excellent.
- 4.7. The A1202 Commercial Road is a Transport for London Road Network (TLRN) road, also known as a 'red route', for which Transport for London are the relevant Highway Authority.

### **Designations**

- 4.8. The site lies within both the Central Activities Zone and the City Fringe Opportunity Area, as designated in the London Plan (2015).
- 4.9. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.10. The site is located within the protected vista of London Views Management Framework (LVMF) viewpoint 25A.1, which is the view of the Tower of London UNESCO World Heritage Site looking northwards from the Queen's Walk, adjacent to City Hall.
- 4.11. The site lies within the 'Central London' Crossrail Charging Zone.
- 4.12. Whilst the site itself is not within a Conservation Area, the site lies immediately to the south-east of the Wentworth Street Conservation Area and immediately to the west of the Brick Lane and Fournier Street Conservation Area.
- 4.13. The Toynbee Hall building, which sits within the centre of the urban block, is Grade II listed.
- 4.14. The south-east corner of the site lies within an Archaeological Priority Area.

### **Relevant Planning History on the application site/surrounding area**

#### **Attlee House**

PA/02/01356

- 4.15. On 27<sup>th</sup> February 2003 planning permission was **granted** for the retention of lift to inserted into stairwell at rear of building.

#### **Sunley House**

PA/06/00591

- 4.16. On 3<sup>rd</sup> July 2006 planning permission was **granted** for change of use allowing current basement car park to be used for storage purposes.

### **Toynbee Hall and associated Estate (including Profumo House)**

#### PA/02/00723

- 4.17. On 21<sup>st</sup> May 2003 planning permission was **granted** for the infilling of colonnade to courtyard south of building to create additional community offices and replacing ground floor facades on north and west elevations, together with the installation of three floodlights on north elevation.

#### PA/03/01024

- 4.18. On 30<sup>th</sup> September 2003 planning permission was **granted** for the hard surfaced area facing Gunthorpe Street, between 78 Wentworth Street and Sunley House to be enclosed with 1.7m railings and gate (including re-use of railings currently at rear of site) to create a secure bin-store area.

#### PA/03/01753

- 4.19. On 1<sup>st</sup> December 2004 listed building consent was **granted** for internal alterations to cafe and lobbies at ground floor and basement levels. External refurbishment including overhaul of slate roof and replacement of flat roof. Creation of new entrance foyer to cafe and studios by removing brick infill from arches and installing new timber and glass screens, doors and access ramp. Light-box/sign above entrance and kitchen flue at rear.

#### PA/10/02085

- 4.20. On 9<sup>th</sup> December 2010 planning permission was **granted** to relocate the existing side entrance reception to the ground floor office space and create a new shopfront style reception on Profumo House at 28 Commercial Street, London E1 with a new shopfront doorway opening from Commercial Street into a new reception area that will include a small waiting area for service users.

#### PA/14/01577 & PA/14/01578

- 4.21. On 19<sup>th</sup> March 2015 planning permission and listed building consent was **granted** for Various works to the Toynbee Hall Estate including the following:
- Internal alterations to the listed Toynbee Hall and removal / replacement of extensions to the rear and side
  - Provision of a new five storey (with set back top floor and basement) office block at 36 Commercial Street
  - Reconfiguration and re-landscaping of Mallon Gardens
  - Two storey (with set back top floor) roof extension to Profumo House along with ground level infill extensions and change of use of existing HMO units to office space.
  - Partial demolition and rebuilding of the southern end of Attlee House

## **5. POLICY FRAMEWORK**

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

- 5.2. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (2012) (NPPF)  
National Planning Policy Guidance (Online)

- 5.3. **London Plan - Consolidated with Alterations Since 2011 (2015)**

2.1 London



- 2.9 Inner London
- 2.10 Central Activities Zone
- 2.13 Opportunity Areas and Intensification Areas
- 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
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual and Mixed Use Schemes
- 3.16 Protection and Enhancement of Social Infrastructure
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed Use Development and Offices
- 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
- 5.8 Innovative Energy Technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Transport
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.4 Enhancing London’s Transport Connectivity
- 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
- 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
- 7.8 Heritage Assets and Archaeology
- 7.9 Heritage-led Regeneration
- 7.11 London View Management Framework
- 7.12 Implementing the London View Management Framework
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Protecting Local Open Space and Addressing Local Deficiency
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodland
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy (CIL)

5.4. **Tower Hamlets Core Strategy (2010) (CS)**

- SP01 Refocusing on our Town Centres
- SP02 Urban Living for Everyone
- SP03 Creating a Healthy and Liveable Neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with Waste
- SP06 Delivering Successful Employment Hubs
- 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

5.5. **Managing Development Document (2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM1 Development within the Town Centre Hierarchy
- 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 Transportation of Freight
- DM22 Parking
- DM23 Streets and the Public Realm
- DM24 Place-sensitive Design
- DM25 Amenity
- DM27 Heritage and the Historic Environment
- DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
- DM30 Contaminated Land

5.6. **Supplementary Planning Documents include**

- Draft Planning Obligations Supplementary Planning Document, LBTH (2015)
- Designing Out Crime Supplementary Planning Guidance, LBTH (2002)
- Draft Affordable Housing Supplementary Planning Document, LBTH (Engagement Version May 2013)
- Housing Supplementary Planning Guidance, GLA (2012)
- London View Management Framework Supplementary Planning Guidance, GLA (2012)
- Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance, GLA (2012)
- Use of Planning Obligations in the Funding of Crossrail Supplementary Planning Guidance, GLA (2013)
- Sustainable Design and Construction Supplementary Planning Guidance, GLA (2014)

5.7. **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

5.8. **Other Material Considerations**

London Borough of Tower Hamlets Strategic Housing Market & Needs Assessment, DCA (2009)

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)

The Setting of Heritage Assets, English Heritage (2011)

Air Quality Action Plan, LBTH (2003)

Clear Zone Plan 2010-2025, LBTH (2010)

Tower Hamlets Tenancy Strategy, LBTH (2013)

District Heating Manual for London, GLA (2013)

6. **CONSULTATION RESPONSE**

6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2. The following were consulted regarding the application:

**Internal Consultees:**

**LBTH Surface Water Run-off Team**

6.3. A detailed surface water drainage scheme will need to be submitted to Council prior to works commencing, which should be secured by condition.

*Officer Comments: Noted. It is recommended that the above surface water drainage scheme condition be included.*

**LBTH Arboricultural Trees Officer**

6.4. *No comments have been received.*

**LBTH Parks and Open Spaces**

6.5. We approve of the proposal to raise the level of Mallon Gardens so that it is level with the adjacent footway on Commercial Street as this should encourage greater use and increase natural surveillance into the site. It has been noted that the indicative landscaping would result in a loss of a mature tree and suitable tree replacements would therefore need to be offered in mitigation based on a Helliwell or CAVAT evaluation. Signage indicating that the site is public open space will also be required. At this stage we approve of the indicative landscaping proposals and these will need to be considered in more detail at the appropriate stages which will be defined as part of the planning process.

6.6. We approve of the developer carrying out the reinstatement of Mallon Gardens according to the agreed landscaping plans, once they are finalised and subsequently approved by the Parks Service.

*Officer Comments: Noted. The reinstatement of Mallon Gardens would be secured through the S106 agreement.*

**LBTH Environmental Health (Noise & Vibration)**

- 6.7. The noise report from WSP/Parsons Brinkernoff 70010702 has determined that parts of the development are in the old NEC categories B and C and therefore adequate mitigation will be required for both external and internal areas. The report provides calculations and the type of mitigation required to achieve adequate internal noise levels and suggest that this is possible. However, the glazing types detailed are example configurations only.
- 6.8. EH recommend that the full specification of the windows and ventilation methods to be used are supplied by the contractor as soon as possible to ensure that the systems comply with BS8223 2014 and show that the minimum SRI requirements are met.
- 6.9. The external noise levels are above the 55dBLAeq16h level but may be acceptable at the discretion of the council in accordance with BS8223 2014 where it is suggested that the convenience and the location of the properties and convenience of the balconies results in elevated external noise being acceptable. The levels out doors with winter gardens would be met.
- 6.10. It is recommended that conditions are included to require the residential element of the development to be designed to meet residential noise standards and to be adequately insulated from adjoining commercial premises.

*Officer Comments: Noted. In accordance with the above advice, it is recommended that conditions be included to ensure that the residential units meet the relevant noise standards.*

#### **LBTH Environmental Health (Air Quality)**

- 6.11. The Assessment shows that the NO<sub>2</sub> annual objective is predicted to be greatly exceeded at all facades of the proposed development in the opening year, therefore the development will be introducing new exposure into an area of unacceptable air quality and hence results in a negative significant impact. Mitigation is required for this. The report suggests that mechanical ventilation with NO<sub>x</sub> filtration should be used to reduce the NO<sub>2</sub> concentration to acceptable levels, which should be secured by condition.
- 6.12. As the predicted NO<sub>2</sub> concentrations are so high, the highest being 60.8µgm<sup>-3</sup> which indicates that the hourly objective may also be exceeded, I have to object to the residential units having balconies. If possible the balconies should be designed out of the development to mitigate the significant impact of the poor air quality on the future residents.
- 6.13. The assessment shows that the Air Quality Neutral requirements are met and that the operational impact of the development will be negligible.
- 6.14. The construction assessment classes the development as a medium risk site. Mitigation appropriate for a medium risk site should be included within a Construction Environmental Management Plan and submitted to TH prior to the commencement of the development.

*Officer Comments: Noted. It is recommended that conditions be included to secure details of the mechanical ventilation system with NO<sub>x</sub> filtration for the residential units and a Construction Environmental Management Plan. With regard to the inclusion of balconies within the development, the air quality objectives must be balanced against private amenity space policy requirements for residential development. On the basis that the scheme includes a mix of balconies and winter gardens, and given that the air quality*

*impacts will be mitigated internally within the units by the use of a filtered mechanical ventilation system, it is considered that the inclusion of some balconies is on balance acceptable in this instance.*

### **LBTH Environmental Health (Contaminated Land)**

- 6.15. A condition should be included to secure a scheme to identify the extent of the contamination and detail the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

*Officer Comments: Noted. It is recommended that the above land contamination scheme condition be included.*

### **LBTH Enterprise & Employment**

- 6.16. The following obligations should be secured through the S106 agreement:

#### Construction Phase

- 20% local workforce/goods/services during construction phase.
- £32,172 towards construction phase skills and training.
- 8 apprenticeships during construction phase.

#### End User Phase

- £46,900 towards end user phase skills and training
- 1 apprenticeship over the first 3 years of full occupation.

*Officer Comments: Noted. The above obligations would be secured through the S106 agreement, in accordance with the Council's draft Revised Planning Obligations SPD.*

### **LBTH Communities, Localities and Culture**

- 6.17. *No comments have been received.*

### **LBTH Transportation & Highways**

- 6.18. There are no 'in principle' objections to the proposal.
- 6.19. The scheme is proposed as car free with a provision of 7 accessible spaces for registered blue badge holders, which is acceptable. The development should be secured as 'Permit Free' through the S106 agreement to restrict all future residents from applying for parking permits on street, and a condition should be included to retain and maintain the accessible bays and car lift for their approved use only for the life of the development.
- 6.20. Cycle parking in general is acceptable. A condition should be included to secure full details of the cycle stores and type of stand (1:20 plans) and to require the cycle facilities to be retained for the life of the development.
- 6.21. Servicing is per the extant approval and is considered acceptable. Whilst this will require a reversing movement from Gunthorpe Street, which is not ideal, it is current practice and the site footprint means that this is the only practicable option.
- 6.22. The applicant has provided a Travel Plan and this needs to be ATTrBuTE compatible. We would request a full travel plan to be submitted prior to occupation, to be secured

through the S106 agreement. The residential Travel Pack should form part of that submission.

- 6.23. The applicant will be required to enter into a S278 agreement with the highway authority for the proposed works to Gunthorpe Street and other areas of public highway adjacent to the site.
- 6.24. The applicant will be required by condition to submit a Construction Management Plan prior to any works taking place and a Service Management Plan prior to occupation.

*Officer Comments: Noted. It is recommended that the above conditions be included.*

### **LBTH Waste Policy and Development**

- 6.25. The no. of containers required for the residential waste at this site are 2no. 1100 litre and 2no. 1280 litre recycling bins; 2no. 770 litre and 5no. 1100 litre residual waste bins; 6no. 240 litre food waste containers, if or when introduced. This strategy will ensure the development is future proofed for potential and upcoming changes in policy and collection methodologies. Storage space to allow the segregation of a minimum of these 3 waste streams should also be designated and designed for in the kitchens.
- 6.26. Access arrangements for residents and collection operatives are satisfactory and I have no objections in this regard. I welcome the access residents have to the waste stores from within each core.
- 6.27. I foresee no problems with the proposed waste collection areas however please ensure that there is a dropped curb in existence, or instate one through liaising with the Highways and Parking sections, within 10 metres of each waste store.
- 6.28. A condition should be included to secure detailed plans to outline the storage and collection of the required number and type of waste containers for residential waste, together with a waste access plan.

*Officer Comments: Noted. It is recommended that the above waste storage and access details condition be included.*

### **External Consultees:**

#### **Metropolitan Police Designing Out Crime Officer**

- 6.29. I have reviewed the plans and have no additional comments to make.

*Officer Comments: Noted.*

#### **Historic England Greater London Archaeological Advisory Service (GLAAS)**

- 6.30. Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

*Officer Comments: Noted.*

### **The Theatres Trust**

6.31. *No comments have been received.*

### **Environment Agency**

6.32. We have assessed this application and have no comments to make based on the information sent to us.

*Officer Comments: Noted.*

### **London Fire and Emergency Planning Authority**

6.33. *No comments have been received.*

### **Thames Water Authority**

6.34. A condition should be included to secure a drainage strategy, detailing any on and/or off site drainage works. In addition, a further condition should be included to secure a Piling Method Statement, to detail the depth and type of piling to be undertaken and the methodology for the piling works, including measures to prevent and minimise the potential for damage to subsurface sewerage and water infrastructure. These conditions should be submitted to the Council for approval in consultation with Thames Water.

6.35. An informative should also be included to advise the developer to take into account Thames Water's minimum recommended water pressure and flow rate in the design of the development.

*Officer Comments: Noted. It is recommended that the above drainage strategy and Piling Method Statement conditions and water pressure informative be included.*

### **Transport for London**

- 6.36. TfL have no objection to this application, although the following comments are made.
- TfL are satisfied with the quantum and access of car parking, which is appropriate for a development in an area of Excellent PTAL rating.
  - TfL are content with the proposed residential, visitor and staff cycle parking in terms of quantum of spaces and access.
  - TfL have assessed the framework Travel Plan through the use of ATTrBuTE software and deem it acceptable. The Travel Plan and its implementation should be secured through S106.
  - TfL feel that the refuse and servicing arrangements for the site are suitable for the site.
  - TfL would expect a Construction Statement to be secured by condition to ensure that there is no congestion or safety implications caused to the TLRN in the vicinity of the site.
  - The site is within the Crossrail SPG Central London Charging area. It is noted that there is an uplift of 87sqm; however, the applicant should clarify the occupancy of the existing office on site as should this be fully vacant then a Crossrail contribution of £175,560 should be secured in the S106.

*Officer Comments: Noted. The above recommended conditions will be included. As the existing offices are not fully vacant a financial contribution towards Crossrail will not be sought in this instance.*

#### **The Spitalfields Society**

6.37. *No comments have been received.*

#### **Spitalfields Community Association**

6.38. *No comments have been received.*

#### **Spitalfields Joint Planning Group**

6.39. *No comments have been received.*

#### **The Spitalfields Trust**

6.40. *No comments have been received.*

### **7. LOCAL REPRESENTATION**

7.1. The applicant undertook their own public consultation at pre-application stage, details of which are provided in the submitted Statement of Community Involvement.

7.2. At application stage a total of 381 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 on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses 3      Objecting: 2      Supporting: 0      Observations: 1  
No of petitions received: 0

7.3. The following points were raised in representations that are material to the determination of the application and are addressed in the next section of this report. The full representations are available to view on the application case file.

#### **Objections**

- The proposals would adversely impact on the daylight and sunlight levels to flats at 38 Commercial Street.
- The proposals would reduce the views from flats within 38 Commercial Street.
- The Heritage Report is incomplete and does not adequately cover the origins of Toynbee Hall from the 1880's and omits reference to the Providence Row charity.
- This site is not suitable for family homes due to the close proximity to a hostel and the associated instances of anti-social behaviour in the area.
- Toynbee Hall is a place of study and learning and the proposals will deny this student body of long established facilities.
- The provision of car and cycle parking spaces appears to be far below recommended levels.



- It is very unlikely that that all the blue-badge (disabled) car parking spaces in the basement will be used by new residents.
- The level of amenity space and child play space appears to be inadequate for 40 family apartments.
- The existing red brick buildings are better constructed than anything that will replace them.

*Officer Comments: With regard to comment on views from 38 Commercial Street, it should be noted that the loss of a view is not a material planning consideration and can therefore be given very limited weight during the determination of this application. However, a loss of outlook is a material planning consideration and this is discussed further in under the heading 'Amenity' in Section 8 of this report.*

*With regard to the comment that the Heritage Statement does not adequately cover the origins of Toynbee Hall, the statement does provide a summary of the key points of the origins of the Hall, which is considered to be sufficient in this instance, given that the application site does not include Toynbee Hall and no works are proposed to the listed building.*

*With regard to the comment that the proposals would result in a loss of student facilities, it is noted that Toynbee Advice Services has historically been provided by students, who were provided bed-sit (HMO) accommodation within Profumo House. However, Toynbee Hall has already ceased providing student accommodation in Profumo House and the acceptability of the loss of the HMO accommodation is discussed further under 'Land Use' in Section 8 of this report.*

*The remaining points are addressed in Section 8 of this report.*

### **General Observations**

- What provision is envisaged for the rehousing of the existing tenants?

*Officer Comments: Whilst matters pertaining to the rehousing of existing tenants are not material planning considerations, the applicant (London Square) has advised that One Housing Group are currently in the process of negotiating the rehousing offers with each of the existing tenants. It is understood that One Housing Group has already rehoused 2 of the 14 tenants and have agreed terms with the majority tenants.*

*London Square have also confirmed that they have met with each of the tenants and will provide financial assistance to enable One Housing Group to provide each tenant with a good financial offer, as well as covering the full moving costs for each tenant.*

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

- Sustainable development
- Background
- Land Use
- Housing
- Urban Design & Conservation
- Amenity
- Transportation & Highways

- Energy & Sustainability
- Biodiversity
- Environmental Considerations (Air Quality, Contaminated Land)
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights
- Equalities

## **SUSTAINABLE DEVELOPMENT**

- 8.2. Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government's national objectives for planning and development management and the related guidance in the National Planning Practice Guidance 2014.
- 8.3. The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean *“ensuring that better lives for ourselves don't mean worse lives for future generations.”* The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *“Sustainable development is about change for the better.*
  - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
  - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
  - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 8.4. The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
  - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
  - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 8.5. NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 8.6. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life (NPPF Paragraph 9).

- 8.7. NPPF Paragraph 14 says that for decision taking this means approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 8.8. Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This opinion is supported when consideration is given to applicable core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
  - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
  - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
  - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
  - encourage the effective use of land by reusing land that has been previously developed;
  - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
  - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- 8.9. This is reflected in the Council's Core Strategy (2010) at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

## **BACKGROUND**

- 8.10. In March 2015 planning permission and listed building consent was granted for various works to the Toynbee Hall Estate, including internal alterations to the listed Toynbee Hall, the erection of a new 5 storey office block at 36 Commercial Street, the erection of a 2 storey roof extension to Profumo House for office use, the partial demolition and rebuilding of the southern end of Attlee House and the reconfiguration and re-landscaping of Mallon Gardens (reference PA/14/01577 & PA/14/01578 – see the 'Relevant Planning History' under Section 4 of this report).
- 8.11. The approved erection of a new office block at 36 Commercial Street and associated reconfiguration and re-landscaping of Mallon Gardens is reliant on a land-swap between the Council (owner of Mallon Gardens) and Toynbee Hall. The terms of the land-swap have not been agreed between the parties and it is unlikely that this element of the approved development will come forward, although this would not prohibit the approved works to the listed Toynbee Hall building being carried out.
- 8.12. However, whilst it is unlikely that the office block development at 36 Commercial Street will come forward due to issues around the land-swap, it is still possible that it could come forward. As such, when considering the current application, Members should have regard to the cumulative effect of both schemes, which is discussed further in the 'Urban Design & Conservation' and 'Amenity' sections of this report below.

## **LAND USE**

### Existing Land Uses

- 8.13. The application site comprises Attlee House, Sunley House, Profumo House and the College East building, which together comprise 2,071sqm of residential floorspace (Use Class C3), 1,167sqm of office floorspace (Use Class B1), 1,215sqm of HMO floorspace (Sui Generis), 377sqm of floorspace used by Toynbee Advice Services and 1,145sqm of ancillary floorspace at basement level.

### Land Use Policy Context

- 8.14. Policy SP02(1) of the Council's adopted Core Strategy (2010) and Policy 3.3 of the London Plan (2015) support the delivery of new homes in the Borough, in line with the housing targets set out in the London Plan.
- 8.15. The application site lies within the Central Activities Zone (CAZ) and Policy DM1(1) of the Managing Development Document (2013) supports the continued enhancement and promotion of the CAZ, including the potential for residential development on upper floors.
- 8.16. The site also lies within the City Fringe Opportunity Area 'Core Growth Area' and Strategies 2(D) and 3 of the Draft City Fringe Opportunity Area Planning Framework (Consultation Draft, December 2014) encourage and support the delivery of new Class B employment floorspace within this part of the Borough.
- 8.17. In addition, Policy SP06(3) of the Council's adopted Core Strategy (2010) and Policy DM15(3) of the Council's adopted Managing Development Document (2013) support the provision of new office floorspace in the Borough, specifically small, flexible workspaces of up to 250sqm that are suitable for Small and Medium Enterprises (SME).
- 8.18. Policy DM8(4) of the Managing Development Document (2013) supports the delivery of new community facilities in or at the edge of town centres.

### Proposed Land Uses

- 8.19. The proposals are for the demolition of the existing buildings and the erection of three new buildings ranging from 5 to 6 storeys in height to provide 63 new residential units (Use Class C3), 1,254sqm of office floorspace (Use Class B1), 418sqm of floorspace for Toynbee Advice Services and 779sqm of ancillary floorspace at basement level (including plant, car and cycle parking).
- 8.20. The proposals would result in a 3,522sqm uplift in Use Class C3 residential floorspace at the site, with the overall number of residential units increasing from 46 to 63, with the new units located within the redeveloped Attlee and Sunley Houses. This uplift in residential floorspace is supported in land use terms, in accordance with the objectives of Policy SP02(1) of the Council's adopted Core Strategy (2010), Policy DM1(1) of the Managing Development Document (2013) and Policy 3.3 of the London Plan (2015).
- 8.21. The proposals would also result in a 87sqm uplift in Use Class B1 office floorspace at the site, with the bulk of the new office floorspace (990sqm) being located within the redeveloped Profumo House. A separate smaller office space (264sqm) would be located in part of the ground floor and basement of Attlee House, fronting onto Mallon Gardens.

- 8.22. The proposed uplift in office floorspace, including the provision of some smaller, flexible workspaces suitable for SME occupiers, is supported in accordance with the objectives of Policy SP06(3) of the Core Strategy (2010), Policy DM15 of the Managing Development Document (2013) and emerging guidance set out within the Draft City Fringe Opportunity Area Planning Framework (Consultation Draft, December 2014).
- 8.23. The proposals would result in the loss of 1,215sqm of existing HMO (Sui Generis) floorspace within Attlee and Profumo Houses. It is noted that the existing HMO accommodation is of poor quality in terms of its condition, size and accessibility and adopted policy does not seek to protect HMO uses within the Borough. As such, the loss of HMO floorspace is considered to be acceptable in principle in land use terms.
- 8.24. The proposals also include the provision of 418sqm of floorspace for use by Toynbee Advice Services, located on the basement and ground floor of the redeveloped Profumo House. This would enable the creation of a new, larger Toynbee Advice Centre, which is supported in accordance with the objectives of Policy DM8(4) of the Council's Managing Development Document (2013).
- 8.25. Taking into account the above, it is considered that the proposed development is acceptable in principle in land use terms.

## **HOUSING**

### *Residential Density*

- 8.26. Policy 3.4 of the London Plan (2015) seeks to optimise housing output for different types of location within the relevant density ranges shown in Table 3.2 in the London Plan, taking into account local context and character, the design principles and public transport capacity.
- 8.27. The application site is in a 'Central' location with a Public Transport Accessibility Level (PTAL) of 6b. The Sustainable Residential Quality (SRQ) Density Matrix at Table 3.2 of the London Plan (2015) provides a target density range of 650–1,100 hr/ha for sites in such locations.
- 8.28. For mixed use schemes, whereby buildings include a mix of residential and non-residential uses, the residential density of the development can be calculated using the 'Greenwich Method', in which the non-residential proportion of the site is discounted from the site area for the purposes of the density calculations.
- 8.29. In this instance, the non-residential floorspace (excluding ancillary basement) accounts for 23% of the total floorspace within the scheme. As such, the total site area of 0.285ha is to be reduced by 23% in order to arrive at the net residential site area, which equates to 0.219ha.
- 8.30. The proposed development would provide a total of 186 habitable rooms on a net residential site area of 0.219ha, which results in a residential density of 849hr/ha. This sits comfortably within the London Plan target density range of 650–1,100 hr/ha for the site.
- 8.31. Whilst the residential density sits within an acceptable range, it remains important to take into account the wider impacts of the development, including the scale, height, mass and form of buildings and their impact on the surrounding townscape and street scenes, together with impacts on the amenity of neighbouring residents and future residential occupants within the site in terms of daylighting and sunlighting conditions, outlook and

privacy. These matters are discussed in detail in the later sections of this report and officers consider that, on balance, the proposed residential density is acceptable in this instance.

### Affordable Housing

- 8.32. Policy 3.11 of the London Plan (2015) seeks to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London over the term of the London Plan.
- 8.33. Policy SO8 of the Council's adopted Core Strategy (2010) seeks to ensure that housing contributes to the creation of socially balanced and inclusive communities by offering housing choice reflecting the Council's priorities for affordable and family homes. Policy SP02(3) Core Strategy (2010) requires the provision of 35% - 50% affordable homes on sites providing 10 new residential units on more, subject to viability.
- 8.34. Policy DM3(2) of the Council's adopted Managing Development Document (2013) seeks to ensure that affordable housing is built to the same standards and shares the same level of amenities as private housing. Policy DM3(3) of the Managing Development Document (2013) seeks to ensure that development maximises the delivery of affordable housing on-site.
- 8.35. The existing site includes 28 private tenure residential units (50 habitable rooms) and 18 social rented affordable units (31 habitable rooms), all of which are either studio or 1 bed units, which would be demolished as part of the proposals. This existing accommodation is of poor quality in terms of its condition, accessibility, size and layout and does not benefit from private amenity space or child play space.

### **Photograph of Existing Housing (Kitchen):**



**Photograph of Existing Housing (Living Room):**



8.36. The proposals are for the redevelopment of the site to include a total of 63 new homes (186 habitable rooms), of which 14 units (57 habitable rooms) would be affordable homes and 49 units (129 habitable rooms) would be market tenure. A breakdown of both the existing and proposed affordable housing is provided in the table below.

**Existing and Proposed Affordable Housing:**

| Tenure                       | Studio | 1 bed | 2 bed | 3 bed | 4 bed | Total Units | Total Hab Rooms |
|------------------------------|--------|-------|-------|-------|-------|-------------|-----------------|
| <b>Existing Social Rent</b>  | 5      | 13    | 0     | 0     | 0     | 18          | 31              |
| <b>Existing Intermediate</b> | 0      | 0     | 0     | 0     | 0     | 0           | 0               |
| <b>Proposed Social Rent</b>  | 0      | 1     | 3     | 5     | 1     | 10          | 45              |
| <b>Proposed Intermediate</b> | 0      | 1     | 3     | 0     | 0     | 4           | 12              |

8.37. Taken as a stand-alone development, the scheme would deliver 31% affordable housing by habitable room. However, Policy DM3(4) of the Managing Development Document (2013) states that any existing housing should be taken into account when calculating affordable housing provision. As such, when calculated in terms of the proposed uplift in

residential accommodation the scheme would deliver 25% affordable housing by habitable room.

- 8.38. All of the rented units would be provided at Social Target Rent levels, which is strongly supported as it would provide the most affordable form accommodation for residents of the Borough. The social rented units would be located on the ground to fourth floors of the replacement Sunley House building on Gunthorpe Street and the family sized units would benefit from separate kitchens, which is supported.
- 8.39. The current application is accompanied by a Viability Appraisal, which is been independently assessed by the Council's appointed consultant, BNP Paribas Real Estate, who advise that the scheme is unviable at current costs and market values and that the scheme could therefore not support any increase in affordable housing provision, over and above the current offer.
- 8.40. Taking into account the above, it is considered that the proposed development maximises the delivery of on-site affordable housing, in accordance with the objectives of Policy SP02(3) of the Council's adopted Core Strategy (2010) and Policy 3.11 of the London Plan (2015).

#### Residential Mix

- 8.41. Policy SP02(5) of the Council's adopted Core Strategy (2010) and Policy 3.8 of the London Plan (2015) require developments to provide a mix of housing sizes. In addition, local policies place an emphasis on the delivery of family sized dwellings given the shortfall of family units across the Borough identified in the LBTH Strategic Market Housing Assessment (2009), which forms part of the evidence base for Policy SP02 of the Core Strategy (2010).
- 8.42. Policy DM3(7) of the Council's adopted Managing Development Document (2013) sets out the Council's targets for the mix of dwelling sizes by tenure. Table 1 below sets out the proposed residential mix against the Council's target residential mix by tenure.

**Proposed Residential Mix:**

| <b>Tenure</b>        | <b>Home Type</b> | <b>Proposed Mix</b> | <b>Policy Target Mix</b> |
|----------------------|------------------|---------------------|--------------------------|
| <b>Market</b>        | 1 bed            | 43%                 | 50%                      |
|                      | 2 bed            | 51%                 | 30%                      |
|                      | 3 bed            | 6%                  | 20%                      |
|                      | 4 bed            |                     |                          |
| <b>Intermediate</b>  | 1 bed            | 25%                 | 25%                      |
|                      | 2 bed            | 75%                 | 50%                      |
|                      | 3 bed            | 0%                  | 25%                      |
|                      | 4 bed            | 0%                  | 0%                       |
| <b>Social Rented</b> | 1 bed            | 10%                 | 30%                      |
|                      | 2 bed            | 30%                 | 25%                      |
|                      | 3 bed            | 50%                 | 30%                      |
|                      | 4 bed            | 10%                 | 15%                      |

- 8.43. With regard to the market tenure mix, the proposals would result in an under-provision of 1 bed and 3-4 bed units and an over provision of 2 bed units against policy targets. However, the mix of market tenure units invariably responds to current market conditions and on the basis that a good overall mix of market tenure units would be provided, with the majority of units being provided as 1 and 2 beds whilst including some family sized units, it is considered that the market tenure mix is generally acceptable.



- 8.44. With regard to the intermediate tenure mix, the proposals would meet the 25% target for 1 bed units, although would result in an over-provision of 2 bed units and omits any 3 bed units. It is noted that only 4 intermediate units are being provided, and as such the current proposals deviate from the target mix by providing one additional 2 bed unit, in place of a 3 bed unit. Given the current buoyancy of the residential property market together with the central location of the site (E1 postcode), it is acknowledged that 3 bed intermediate units in this location would not be sufficiently affordable to residents of the Borough. On this basis, and given the limited number of intermediate units that are proposed, it is considered that the intermediate tenure mix is on balance acceptable in this instance.
- 8.45. With regard to the social rented tenure mix, the proposals would result in an under-provision of 1 bed units and an over-provision of 2 bed and family sized (3+ bed) units against policy targets. However, on balance it is considered that the social rented tenure mix is acceptable in this instance as the proposals would provide a good overall mix of unit sizes whilst maximising the delivery of family sized (3+ bed) units, which would be provided at social target rents, for which there is an identified need within the Borough.
- 8.46. Taking into account the above, it is considered that the proposed residential mix is acceptable on balance, in accordance with the objectives of Policy SP02(5) of the Core Strategy (2010), Policy DM3(7) of the Managing Development Document (2013) and Policy 3.8 of the London Plan (2015).

#### Tenure Split

- 8.47. Policy 3.11 of the London Plan (2015) seeks an affordable housing tenure split of 60:40, social rented to intermediate respectively. Policy SP02(4) of the Council's adopted Core Strategy (2010) and Policy DM3(1) of the Council's adopted Managing Development Document (2013) require an tenure split of 70:30, rented to intermediate.
- 8.48. The tenure split for the proposed affordable homes is 71:29, social rented to intermediate, which is just outside the Council's target split and is considered to be acceptable on balance.

#### Residential Design & Space Standards

- 8.49. Policy 3.5 of the London Plan (2015) seeks to ensure that new residential developments accord with the minimum space standards set out in Table 3.3 (in the London Plan) and take into account of factors relating to 'arrival' at the building and the 'home as a place of retreat', have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives.
- 8.50. Policy DM4(1) of the Council's adopted Managing Development Document (2013) seeks to ensure that all housing developments have adequate provision of internal space in order to provide an appropriate living environment, to accord with the minimum space standards in the London Plan (2015).
- 8.51. The proposed residential units have been assessed against the above policies, together with the design standards set out within the Housing Supplementary Planning Guidance (2012), and it can be seen that the units all either meet or exceed the relevant space and design standards. It is also noted that the proposals do not include any single aspect north-facing units, which is supported.

- 8.52. Taking into account the above, it is considered that the proposed residential units are well designed and include adequate internal space so as to provide an appropriate living environment for future residential occupants. The proposal therefore accords with Policy DM4(1) of the Council's adopted Managing Development Document (2013) and Policy 3.5 of the London Plan (2015).

#### Private Amenity Space

- 8.53. Policy SP02(6e) of the Council's adopted Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013) require residential developments to include adequate provision of private amenity space. Specifically, a minimum of 5sqm must be provided for each 1-2 person dwelling with an additional 1sqm to be provided for each additional occupant, with balconies/terraces to have a minimum width of 1,500mm.
- 8.54. Each of the residential units includes a balcony, terrace or winter garden, which either meet or exceed the Council's minimum amenity space standards. As such, it is considered that the proposals include adequate provision of private amenity space.

#### Communal Amenity Space

- 8.55. Policy DM4(2) of the Council's adopted Managing Development Document (2013) requires all developments with 10 or more residential dwellings to include adequate provision of communal amenity space. Specifically, 50sqm of communal amenity space must be provided for the first 10 units, with a further 1sqm to be provided for every additional unit thereafter. The proposed development would deliver 63 new residential units, for which adopted policy therefore requires a minimum provision of 103sqm of communal amenity space.
- 8.56. The proposals include the provision of 104sqm of communal amenity space at ground level, located to the rear of Attlee House and Sunley House, situated between these new buildings and Toynbee Hall. Given that the communal amenity space is situated at ground level within the site and is bounded by buildings, these spaces will receive very little sunshine during winter months, although it is noted that the majority of these spaces will receive at least 2 hours of sunshine in summer days.
- 8.57. Whilst a lack of winter sun on the ground is not ideal, given the spatial constraints of the site, including the close location of the existing and replacement buildings to the listed Toynbee Hall building, it is considered that the position and extent of communal amenity space is generally acceptable in this instance.
- 8.58. It is recommended that a condition be included to secure full details of all hard and soft landscaping within the site, including the communal amenity spaces. Subject to condition, it is considered that the proposals include adequate provision of communal amenity space, in accordance with Policy DM4(2) of the Council's adopted Managing Development Document (2013).

#### Child Play Space

- 8.59. Policy 3.5 of the London Plan (2015) states that all new housing developments should make provision for public, communal and open spaces, taking particular account of the needs of children and older people.
- 8.60. Policy SP02(6e) of the Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013) require developments providing family homes

to include adequate child play space, with at least 10sqm of play space to be provided for each child.

- 8.61. The Mayor of London’s Play and Informal Recreation Supplementary Planning Guidance (2012) seeks to ensure that all children and young people have access to places for play within reasonable and safe walking distance of new residential developments. For children under 5 years old play spaces should be provided within 100m of their homes, whilst for 5-11 year olds play spaces should be within 400m of their homes and for 12+ year old should be within 800m.
- 8.62. The proposals would deliver a total of 63 residential units, which would generate the following child yield:

|                                  | <b>Under 5s</b> | <b>5-11 year olds</b> | <b>11+ year olds</b> | <b>Total</b>  |
|----------------------------------|-----------------|-----------------------|----------------------|---------------|
| <b>Child Yield</b>               | 7.04            | 6.06                  | 3.22                 | <b>16.319</b> |
| <b>Required Play Space (sqm)</b> | 70.4            | 60.6                  | 32.2                 | <b>163.19</b> |

- 8.63. The proposals include the provision of 82sqm of dedicated play space for under 5s on-site, located to the rear of Attlee House, between the new building and Toynbee Hall. This exceeds the policy requirement for the under 5’s age group. However, there is no on-site provision of child play space for 5-11 and 11+ year olds.
- 8.64. The Mayor of London’s Play and Informal Recreation SPG (2012) states that play space for under 5’s should be located within 100m of the site, whilst play space for 5-11 year olds should be within 400m and play space for 11+ year olds within 800m. This reinforces the importance of providing the play space for under 5’s on-site wherever possible, whilst acknowledging that play space for older children can be provided further afield.
- 8.65. It is noted that there are public parks and gardens located a short distance from the site which could be used for play by 5-11 and 11+ year olds living at the site, including Altab Ali Park, which is located 200m to the south-east of the site, and Christchurch Gardens, which is located 210m to the north of the site. It is also noted that these spaces lie well within the recommended maximum walking distances set out in the Mayor of London’s Play and Informal Recreation SPG (2012). In addition, the proposals include the reconfiguration and re-landscaping of Mallon Gardens, which adjoins the site, which will create a more consolidated and usable public open space, including for child play.
- 8.66. As discussed in the ‘Communal Amenity Space’ section of this report, given the spatial constraints of the site, it is acknowledged that it would not be possible to provide policy compliant levels of both communal amenity space and child play space. However, on that bases that the proposals exceed the on-site play space requirements for under 5’s, and given that there are public gardens and parks located a short distance from the site that could be used for play by 5-11 and 11+ year olds living at the site, it is considered that the proposed play space provision is on balance acceptable in this instance. It is recommended that a condition be included to secure full details of the on-site child play space.
- 8.67. Subject to condition, it is considered that the proposed provision of child play space is acceptable on balance, in accordance with the objectives of Policy SP02(6e) of the Core Strategy (2010), Policy DM4(2) of the Council’s adopted Managing Development Document (2013) and Policy 3.5 of the London Plan (2015).

*Inclusive Design and Wheelchair Adaptable/Accessible Homes*

- 8.68. Of the 63 proposed units, 6 units (10%) are wheelchair adaptable, 3 of which are located at ground floor level and the remainder are located on the first, second and third floors. Four of the wheelchair units will be for private tenure, with 1 unit for social rent and 1 unit for intermediate tenure. The wheelchair units on the upper floors are served by cores that include 2 lifts, which is supported as it provides wheelchair access resilience in the event that one lift is out of service.
- 8.69. Officers would seek for the social rented wheelchair units to be provided as wheelchair accessible, whilst the market tenure wheelchair units should be provided as wheelchair adaptable. Conditions should be included to require the delivery of 10% wheelchair adaptable/accessible homes, together 1:50 plans of the wheelchair units, and to require the units to be designed to accord with Part M4(3B) of the new Building Regulations (optional requirements for wheelchair dwellings), which came into force on 1<sup>st</sup> October 2015.
- 8.70. Subject to condition, it is considered that the proposed development would provide an appropriate environment for wheelchair users and accords with current accessibility standards, in accordance with Policy SP02(6) of the Council's adopted Core Strategy (2010).

**URBAN DESIGN & CONSERVATION**

*Existing Condition of the Site*

- 8.71. The application site comprises Attlee House, Sunley House, Profumo House and the College East building, together with adjacent land. Attlee House fronts onto Wentworth Street and was completed in 1971, comprising two buildings linked by high-level walkways, which together are 'L' shaped in plan form, are four storeys in height with flat roofs and faced in red brick. The buildings are of utilitarian design and include deck access for the upper floors at the rear.

**Photograph of the Existing Attlee House:**



- 8.72. College East also fronts onto Wentworth Street and adjoins the eastern side of Attlee House. The building dates from the 1980's is four to six storeys in height with pitched roofs, is faced in brick and includes an attractive 19<sup>th</sup> century retained facade on Wentworth Street.

**Photograph of Retained 19<sup>th</sup> Century Facade:**



- 8.73. Sunley House fronts onto Gunthorpe Street and was completed in 1976. The building is predominantly three storeys in height along its Gunthorpe Street frontage, rising to five storeys in height to the rear and sides of the building. The building is broadly rectangular in plan form and is faced in red brick, with a regular pattern of fenestration. The building includes a basement car park which is accessed via a car lift onto Gunthorpe Street. The building also includes a two storey undercroft providing vehicular access from the street to the yard at the rear of the building.
- 8.74. Profumo House fronts onto Commercial Street and dates from the late 1960s. The building is three storeys in height with a flat roof and includes a colonnade along its northern side providing access to Toynbee Hall and the Toynbee Theatre from Commercial Street. The building has a glazed shopfront frontage on Commercial Street and along the colonnade and is faced in brown brick on the upper floors.
- 8.75. It is noted that a letter of objection has been received from a neighbouring resident on the grounds that the existing buildings are of good quality in terms of their construction and that any replacement buildings will be of a lesser quality.
- 8.76. All of the existing buildings are in a poor state of repair to varying degrees, some of which include a number of long terms vacant residential, office and HMO units on the upper floors. In terms of their design and appearance, it is considered that the buildings are of no particular architectural merit and have at best a neutral impact on the setting of nearby Conservation Areas and the listed Toynbee Hall.
- 8.77. Subject to the replacement buildings being of an appropriate scale, height form and architectural quality, which is discussed further in the following section of this report,

officers have no in principle objections to the loss of the existing buildings. Furthermore, it is considered that the redevelopment of the site poses an opportunity to provide high quality buildings and open space that positively responds to the surrounding built form and enhances the setting of the listed Toynbee Hall and surrounding Conservation Areas.

*Urban Design, Scale, Height, Massing and Form*

- 8.78. Policy 7.4 of the London Plan (2015) seeks to ensure that buildings, streets and open spaces provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets, contributes to a positive relationship between the urban structure and natural landscape features, is human in scale, allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and is informed by the surrounding historic environment.
- 8.79. Policy SP10(4) of the Council's adopted Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.80. Policy DM24 of the Council's adopted Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design and ensuring that the design is sensitive to and enhances the local character and setting of the development in terms of scale, height, mass, building plot sizes, building lines and setback, roof lines, streetscape rhythm, design details and through the use of high quality building materials and finishes.
- 8.81. The proposals are for the demolition of Attlee House, Sunley House, Profumo House and College East and erection of three new brick faced buildings ranging between five and six storeys in height with set-back roof storeys. It is also proposed to retain the 19<sup>th</sup> century facade to the College East building.
- 8.82. On Wentworth Street the proposed Attlee House / College East replacement building is three storeys in height at its western end, adjacent to The Culpeper public house. Moving eastwards along the Wentworth Street frontage the building rises to six storeys in height with a set-back roof storey, falling to five storeys with a set-back roof storey either side of the retained 19<sup>th</sup> century facade. The building includes deck access to some of the units on the upper floors. The access deck is located at the rear of the building and enclosed by a brick facade, including both windows and openings on each floor.
- 8.83. The building would be primarily faced in brick, with the western half of the frontage including three main bays (each three windows wide) with a strong vertical emphasis provided through the use of brick piers. The bays are separated by recessed balconies with metal balustrades. At ground level recessed residential entrances and windows are located at the base of the three main bays. At fifth floor level the set-back roof storey comprises a light-weight aluminium framed glazed curtain wall system, which sits behind terraces that are located on top of each of the three bays.

**CGI of proposed Attlee House:**



- 8.84. The eastern half of the Wentworth Street frontage includes the retained 19<sup>th</sup> century facade, which is a richly detailed redbrick gabled frontage with arched window openings and traditional sash windows. It is proposed to introduce new facing materials to the replacement building on either side of the retained facade, with black brick to the west and red sandstone to the east of the retained facade.
- 8.85. On Gunthorpe Street the proposed Sunley House replacement building is five storeys in height with a set-back roof storey. The building is primarily faced in brick with the set-back roof storey comprising an aluminium framed glazed curtain wall system. At ground level the Gunthorpe Street frontage includes recessed residential entrances, providing areas of defensible space, together with the entrance to the car lift to the basement and a two storey gated undercroft, which provides vehicular access from the street to the rear of Toynbee Hall. The upper floors include projecting balconies with metal balustrades and a regular pattern of fenestration.
- 8.86. On Commercial Street the proposed replacement Profumo House building is five storeys in height with a set-back roof storey, effectively matching the height of the adjacent building to the south at 22 Commercial Street. The building is faced in brick and at ground level includes glazed entrances onto Commercial Street, together with an arched opening into to a colonnade that runs the length of the building, which is a key feature of the existing building.
- 8.87. On the upper floors the facade presents a regular pattern of fenestration, with a finer grain to the fenestration on the set-back roof storeys. On the north elevation at fifth floor



level it is proposed to display the stone frieze which is currently displayed on the south elevation of Attlee House.

**Photograph of Stone Frieze to be Retained:**



- 8.88. In terms of scale, height and massing, it is considered that the proposed replacement buildings sit comfortably within the context of the surrounding built form. At five storeys, incorporating set-back roof storeys, the replacements for College East, Sunley House and Profumo House are of comparable height to other nearby buildings, including the East London College and Toynbee Theatre building, the Cannon Barnett Primary School and the East One Building at 22 Commercial Street, all of which form part of the same urban block as the application site.
- 8.89. Whilst part of the replacement Attlee House building rises to six storeys, the building responds to its neighbors and minimises its massing when viewed from the street by stepping down in height towards adjacent buildings and through the use of a set-back roof storey. As a result, the building would not appear overbearing in local views along Wentworth Street and would sit comfortably behind the retained 19<sup>th</sup> century facade.

**CGI Model of the Scheme within its Local Context (looking south-west):**



- 8.90. In terms of detailed design and facing materials, it is considered that the architectural approach is robust and incorporates key elements of the 'New London Housing Vernacular' of residential building design. These elements include the provision of residential doors onto the street with defensible spaces at ground level, balconies above and the use of brick as the primary facing material.
- 8.91. It is noted that the replacement Attlee House building includes deck access to units on the upper floors, which is not usually supported. However, the design of the deck access has been developed throughout a lengthy pre-application process and it is considered that the current design, which includes internal voids adjacent to residential windows in order to maintain privacy and a solid appearing facade, is acceptable in design and amenity terms. It is also acknowledged that the deck access is necessary due to the spatial constraints of the site, which prohibit the erection of a replacement Attlee House building of sufficient width to include double-loaded corridors.

**CGI of Deck Access to Attlee House:**



- 8.92. In terms of site layout, the replacement buildings broadly sit on the footprints of the existing buildings and the main access routes into the site, including the gated access from Wentworth Street and Gunthorpe Street, would be retained, which is supported in principle.
- 8.93. It is recommended that a condition be included to secure details and sample of all facing materials, together with detailed drawings of the residential entrances, commercial entrances and the colonnade. In addition, a condition should be included to secure the methodology for retaining the 19<sup>th</sup> century facade.
- 8.94. Subject to condition, it is considered that the proposed development incorporates the principles of good urban design and takes into account and respects the surrounding built form and public realm in terms of scale, height, massing, detailed design, layout, facing materials and finished appearance. The proposals therefore accord with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM24 of the Council's adopted Managing Development Document (2013).

#### Surrounding Conservation Areas and Listed Buildings

- 8.95. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 8.96. Section 72(1) of the Planning (LBCA) Act 1990 requires decision makers determining planning applications that would affect buildings or other land in a conservation area to pay "special attention [...] to the desirability of preserving or enhancing the character or appearance of that area".
- 8.97. Policy 7.8 of the London Plan (2015) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (2015) states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.

- 8.98. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.99. Policy DM27(1) of the Council's adopted Managing Development Document (2013) requires development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive 'Places'.
- 8.100. The application site forms part of the Toynbee Hall estate, the centre piece of which is Toynbee Hall, which has stood on this site since 1884 and was given Grade II listed status in 1973. The principle significance of the building lies in it being a pioneering example of a university settlement which became a model for other universities throughout the country and worldwide. The building was designed in a simply decorated Tudor revival style by architect Elijah O Hoole.
- 8.101. The application site buildings are located to the sides and rear of Toynbee Hall when viewed from Commercial Street, which is the sole unobstructed view of the listed building from the public highway. The easternmost section of the existing Attlee House extends in front of the northern end of Toynbee Hall, partly obscuring the building in local views.
- 8.102. As discussed in this report above, the existing buildings are of no significant architectural merit and are in a poor state of repair. As such, there are no in principle objections to their demolition and it is considered that the proposals represent an important opportunity to enhance the setting of this nationally significant listed building.
- 8.103. In relation to the proposed development, the eastern wing of replacement Attlee House building is set further back from Toynbee Hall than the existing building, enabling the full front elevation of Toynbee Hall to be seen from Commercial Street, which is strongly supported. Whilst the proposed replacement buildings are generally between 1 and 2 storeys taller than the existing buildings, the scale of the development together with the use of set-back roof storeys limits intrusions into the backdrop of the hall in local views.
- 8.104. It is also considered that the robust detailed design of the proposed buildings, including the use of brick as a facing material, is visually sympathetic to the character and materiality of the listed building. In addition, the retention of some of the key features of the existing buildings, notably the colonnade and stone frieze, provides visual touchstones to the history of the site.

**CGI View of Profumo House Colonnade, Toynbee Hall and Attlee House:**



- 8.105. It is noted that there is an extant planning permission for works to the Toynbee Hall Estate, which includes the erection of a new 5 storey office building at 36 Commercial Street, on the north side of Mallon Gardens. Whilst it is unlikely that the building at 36 Commercial Street will come forward due to complications around the necessary land-swap, it is still possible that the building could come forward and consideration must be given to the cumulative impacts of both schemes.
- 8.106. The submitted Design & Access Statement includes a cumulative assessment, illustrating the view of Toynbee Hall from Commercial Street with both the proposed replacement Profumo House and the approved offices at 36 Commercial Street. It is noted that at 5 storeys the proposed replacement Profumo House building generally matches the height of the approved 2 storey extension to Profumo House. Whilst the cumulative assessment shows that the field of view of Toynbee Hall would be narrowed with both the replacement Profumo House and 36 Commercial Street in place, these impacts are not significantly different from that of the consented scheme and are considered to be acceptable on balance.
- 8.107. Overall, it is considered that the proposed development will enhance the setting of Toynbee Hall, protecting the special historic and architectural interest of the this Grade II listed building, in accordance with Policy SP10(2) of the Core Strategy (2010), Policy DM27 of the Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).
- 8.108. The site is also located adjacent to, although is outside of, the Wentworth Street Conservation Area and the Brick Lane and Fournier Street Conservation Area. Whilst the proposed development would be visible in the setting of some period buildings within the Wentworth Street Conservation Area, there are no nearby buildings of historic or architectural importance within the brick Lane and Fournier Street Conservation Area that would be affected by the proposals. The impact of the scheme on the Wentworth Street Conservation Area and notable buildings therein is discussed below.
- 8.109. The Culpeper Public House is located on the corner of Commercial Street and Wentworth Street and lies within the Wentworth Street Conservation Area. The building is a very attractive and richly detailed 3 storey Victorian public house, including a tiled frontage at ground level and faced in brick and stucco on the upper floors.

- 8.110. It is noted that the replacement Attlee House building retains the same parapet height as the existing building adjacent to The Culpeper, stepping down from 6 to 4 storeys towards the public house. It is considered that the stepping down in height, together with the architectural treatment of the proposed building, would preserve the setting of the public house in local views.
- 8.111. The four storey building at 44-52 Commercial Street is Grade II listed and lies within the Wentworth Street Conservation Area. Given the scale of the proposed development and its location in relation to 44-52 Commercial Street, the proposed buildings will not appear prominently in the main views of the listed building from Commercial Street and Wentworth Street.
- 8.112. Taking into account the above, it is considered that the proposed development, by virtue of its scale, height, form and detailed design, would preserve and enhance the character and appearance of surrounding Conservation Areas and would protect the special historic and architectural interest of the Grade II listed building at 44-52 Commercial Street. The proposals therefore accord with Policy SP10(2) of the Core Strategy (2010), Policy DM27 of the Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

Secure by Design

- 8.113. Policy 7.3 of the London Plan (2015) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
- 8.114. Policy DM23(3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.
- 8.115. It is noted that a letter of objection has been received from a local resident on the grounds that they consider the site to be unsuitable for family homes due to on-going instances anti-social behaviour in the area.
- 8.116. At present, Attlee House, Sunley House and College East have inactive frontages along Wentworth Street and Gunthorpe Street. This lack of activity limits the opportunities for natural surveillance of the streets, which in turn can encourage anti-social behaviour.
- 8.117. However, the proposed replacement buildings would be in residential use, with defensible spaces, doors and windows onto the street at ground level and balconies and windows above. This will result in enhanced natural and passive surveillance of these streets, which will discourage anti-social behaviour and make the streets feel safer.
- 8.118. The communal amenity space and child play space within the development, which is located between Toynbee Hall and Attlee House and Sunley House, would be secured with gated access. The proposals also include indicative details for the re-landscaping of Mallon Gardens, which is an area of Council owned land located at the front of Toynbee Hall, comprising a sunken, paved garden that is enclosed by railings and is in poor condition.
- 8.119. The proposed landscaping improvements to Mallon Gardens, which would be secured through the S106 agreement, would raise the level of the gardens to street level and

introduce areas of hard and soft landscaping. These improvements, in association with the residential and commercial uses within the development, would result in an active space that benefits from good levels of natural and passive surveillance, which would reduce opportunities for anti-social behaviour and is supported in principle.

- 8.120. The proposals have been assessed by the Metropolitan Police Designing Out Crime Officer, who raises no objections. It is recommended that a condition be included to secure a Secure by Design Statement, which shall detail the measures that are to be incorporated into the development to ensure that it achieves Secure by Design accreditation.
- 8.121. Subject to condition, it is considered that the proposals would reduce the opportunities for criminal behaviour and improve safety and security within and around the site without compromising good design. The proposals therefore accord with Policy 7.3 of the London Plan (2015) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

Public Open Space - Mallon Gardens

- 8.122. Mallon Gardens is a public gardens, owned and operated by the Council, that is located to the front of Toynbee Hall, adjoining the application site. The gardens are poorly laid out, being gated and accessed from the Toynbee Hall estate, with no direct access from the public highway on Commercial Street, The gardens are set at a lower level than the surrounding public highway, with stepped access, and are therefore not fully accessible. The current layout and access arrangements for Mallon Gardens, together with associated poor levels of natural surveillance, result in an uninviting space that attracts anti-social behaviour and rough-sleeping.

**Photograph of Mallon Gardens:**



- 8.123. In association with the current redevelopment proposals, the applicant proposes to re-landscape Mallon Gardens and the current submission includes indicative landscape

plans for this space. The proposals include raising the level of the gardens to grade (street level), together with opening-up of the space by removing the existing railings and gates and the provision of new hard and soft landscaping, including new planting, trees and street furniture.

- 8.124. LBTH Parks and Open Spaces have been involved in on-going discussions with the applicant around the reinstatement and landscaping of the gardens and consider that the indicative proposals would encourage greater use of the space and increase natural surveillance into the site. LBTH Parks and Open Spaces approve of the indicative landscaping proposals in principle, noting that the detailed design and timings for delivery will need to be agreed with the Council.
- 8.125. It is considered that the re-landscaping of Mallon Gardens is a significant public benefit of the scheme, which will provide a high quality, accessible public open space and will enhance the setting of the Grade II listed Toynbee Hall. It is proposed for the reinstatement and landscaping works to be secured through the S106 agreement, with the works to be carried out by the applicant as an 'in kind' non-financial contribution, which is supported in principle.

#### Strategic Views

- 8.126. Policy 7.11 of the London Plan (2015) designates a list of strategic views that have been identified as containing significant landmarks, buildings or urban landscapes that help to define London at a strategic level. The policy seeks to protect these strategically important views and is supported by the Mayor's London View Management Framework (LVMF) Supplementary Planning Guidance.
- 8.127. Policy 7.12 of the London Plan (2015) states that new development should not harm, and where possible should make a positive contribution to, the characteristics and composition of the strategic views and their landmark elements. It should also preserve or enhance viewers' ability to recognise and to appreciate strategically important landmarks in these views and, where appropriate, protect the silhouette of landmark elements of World Heritage Sites as seen from designated viewing places.
- 8.128. The application site lies within the protected vista of LVMF view 25A.1, which is the view of the Tower of London UNESCO World Heritage Site looking northwards from the Queen's Walk, adjacent to City Hall. However, given the significant distance between the site and the view point, together with the limited height of the proposed buildings, the development would not be visible in this strategically important view.

#### Archaeological Impacts

- 8.129. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance archaeological remains and Archaeological Priority Areas. Policy DM27(4) of the Council's adopted Managing Development Document (2013) requires any nationally important archaeological remains to be preserved permanently in site, subject to consultation with English Heritage (now named Historic England).
- 8.130. A small section of south-east corner of the site lies within an Archaeological Priority Area. Accordingly, the Historic England Greater London Archaeological Advisory Service (GLAAS) were consulted on the application. GLAAS have assessed the proposals and have concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and advise that no further archaeological assessment or conditions are necessary.



## **AMENITY**

### Policy Context

- 8.131. Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of existing and future residents and buildings occupants, together with the amenity of the surrounding public realm.

### Daylight and Sunlight – Impacts on Neighbouring Properties

- 8.132. The daylighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times their former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room and figures should not exhibit a reduction beyond 20% of their former value.
- 8.133. Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.
- 8.134. The application is accompanied by a Daylight, Sunlight and Overshadowing Report and addendum, prepared by Point 2 Surveyors, which has been independently assessed by the Council's appointed consultant, GVA. The results of the assessment are provided below.

### **1-16 Nathaniel Close:**

- 8.135. The buildings at 1-16 Nathaniel Close comprise a 4 storey block of flats and 3 storey terraced houses which are located immediately to the north of the application site, on the opposite side of Wentworth Street.
- 8.136. In terms of VSC, of the 45 affected windows, 43 windows would remain BRE compliant, with VSC reductions of less than 20%. The two windows which breach the BRE guidelines only do so by a very marginal amount, with VSC reductions of 20.06% and 20.16% respectively.
- 8.137. In terms of NSL, of the 36 affected rooms, 27 rooms would remain BRE compliant, whilst 4 rooms would be subject to minor NSL reductions of 20-29.9% and 5 rooms would be subject to more significant NSL reductions of 40-60%. GVA note that the worst affected rooms on the ground floor of nos.12-16 benefit from large windows and whilst the daylight received at the face of the windows would not be unreasonable, the depth of daylight penetration (NSL) into the room would be reduced to around half the depth of the room, which whilst not ideal is not unacceptable.

- 8.138. As such, it is considered that the impacts on the daylighting conditions of properties at 1-16 Nathaniel Close are generally acceptable.
- 8.139. In terms of sunlight impacts, all 45 windows facing within 90 degrees of due south would remain BRE compliant in terms of Annual APSH. It is noted that 23 windows would see Winter APSH reductions of over 20%; however, GVA consider that it would be unreasonable to expect full compliance with winter sunlight standards in an inner city urban environment. This is because winter sunlight is only available at relatively shallow vertical angles of altitude and will therefore be obstructed even where there are relatively low buildings or structures in front of the windows.
- 8.140. On this basis, and given that the Annual APSH results are BRE compliant, it is considered that the impacts on the sunlighting conditions of properties at 1-16 Nathaniel Close are generally acceptable in this instance.

***1-3 Thrawl Street:***

- 8.141. The building at 1-3 Thrawl Street is a three storey residential building that adjoins the eastern end of 1-16 Nathaniel Close, located immediately to the north of the site on the opposite side of Wentworth Street.
- 8.142. In terms of VSC, all of the 11 affected windows would remain BRE compliant.
- 8.143. In terms of NSL, of the 8 affected rooms, 5 rooms would remain BRE compliant, whilst 3 rooms would be subject to minor/moderate NSL reductions of between 27-31%. However, it is noted that the NSL of the worst affected rooms previously reached the back wall of the rooms, so whilst the NSL reductions appear proportionately large, the rooms would still benefit from good residual NSL levels and the impacts are therefore considered to be acceptable.
- 8.144. As such, it is considered that the impacts on the daylighting conditions of properties at 1-3 Thrawl Street are generally acceptable.
- 8.145. In terms of sunlight impacts, all 10 windows facing within 90 degrees of due south would remain BRE compliant in terms of Annual APSH. Whilst 7 windows would be subject to Winter APSH reductions of over 20%, given the central urban setting of the site and the close proximity of neighbouring buildings, together the fact that the impacts on Annual APSH would be BRE compliant, it is considered that the impacts on the sunlighting conditions of properties at 1-3 Thrawl Street are generally acceptable in this instance.

***48-50 Wentworth Street:***

- 8.146. The buildings at 48-50 Wentworth Street comprise three storey terraced houses, located immediately to the east of 1-3 Thrawl Street, on the opposite (north) side of Wentworth Street from the application site.
- 8.147. In terms of VSC, all 8 affected windows would remain BRE compliant. In terms of NSL, of the 7 affected rooms, 6 rooms would be BRE compliant, with 1 room being subject to a reduction in NSL marginally exceeding BRE guidelines at 20.9%. Overall, it is considered that the impacts on the daylighting conditions properties at 48-50 Wentworth Street are acceptable.
- 8.148. In terms of sunlight impacts, all 8 windows facing within 90 degrees of due south would remain BRE compliant in terms of Annual APSH. Whilst 2 windows would be subject to Winter APSH reductions of between 20-25%, overall it is considered that the impacts on

the sunlighting conditions of properties at 48-50 Wentworth Street are generally acceptable in this instance.

**36 Thrawl Street:**

- 8.149. The building at 36 Thrawl Street is a three storey block of flats located at the corner of Wentworth Street and Thrawl Street, to the north-east of the application site.
- 8.150. In terms of VSC, all 18 affected windows would remain BRE compliant, with negligible VSC reductions of less than 6%. In terms of NSL, all 16 affected rooms would remain BRE compliant. As such, it is considered that the impacts on the daylighting conditions of properties at 36 Thrawl Street are acceptable.
- 8.151. In terms of sunlight impacts, all 18 windows facing within 90 degrees of due south would be BRE compliant with negligible Annual APSH reductions of 8.3% or less. Whilst 2 windows would see minor Winter APSH reductions of 21.1% and 27.3%, overall it is considered that the impacts on the sunlighting conditions of properties at 36 Thrawl Street are generally acceptable in this instance.

**Bartlett House and McAuley House:**

- 8.152. Bartlett House and McAuley House are adjoining part 3, part 4 storey buildings that are used for temporary accommodation and are located immediately to the east of the application site, on the opposite side of Gunthorpe Street. Whilst it is noted that these buildings provide temporary accommodation, including short stays of a few nights, given that some studios and units provide longer term accommodation of up to two years it is considered these buildings should be treated as being in residential use for the purpose of the daylight and sunlight assessment.
- 8.153. In terms of VSC, of the 77 affected windows, 44 windows (57%) would remain BRE compliant, 23 windows (30%) would be subject to minor VSC reductions of between 20-29.9% and 10 windows (13%) would be subject to moderate VSC reductions of between 30-39.9%. Whilst GVA advise that VSC reductions of over 20% would be materially noticeable to occupants, they further note that the worst affected windows would still retain residual VSC values in the mid-to-high teens, which are not in themselves unacceptable.
- 8.154. In terms of NSL, of the 38 affected rooms, 6 rooms (16%) would remain BRE compliant, 2 rooms (5%) would be subject to moderate NSL reductions of 30-39.9% and 30 rooms (79%) would be subject to more significant NSL reductions of 40-60%. GVA note that the loss of internal daylight distribution would be noticeable and is not ideal, which is principally the result of the distance between the facing buildings across Gunthorpe Street and the height of the replacement buildings, which range between 1 and 2 storeys taller than the existing buildings.
- 8.155. However, given the transient occupancy of these hostel rooms, it is considered that a greater deal of flexibility should be applied when considering the daylighting conditions of the rooms. Having regard to this, together with the spatial constraints of the site, which are such that the replacement Gunthorpe Street building could not be moved further back into the site by any meaningful distance, it is considered that the reductions to the daylighting conditions of windows/rooms within Bartlett House and McAuley House are not so significant so as to warrant a reason for refusal in this instance.
- 8.156. In terms of sunlight impacts, of the 69 windows facing within 90 degrees of due south, 27 windows (39%) would be subject to minor Annual APSH reductions of between 20-

29.9% and 3 windows (4%) would be subject to moderate Annual APSH reductions of 30-39.9%. Winter APSH impacts are lesser in this instance, with 18 windows (26%) being subject to minor Winter APSH reductions of 20-29.9%.

- 8.157. Whilst the proposed replacement buildings are of comparable height to other nearby buildings, including the Cannon Barnett Primary School and the Toynbee Theatre, it is noted that Gunthorpe Street is particularly narrow, which has exacerbated the sunlight impacts in this instance. Having regard to the site's proximity to surrounding buildings, and on the basis that over half the windows would remain BRE complaint in terms of Annual APSH and that the impacts on the remainder of windows are predominantly minor in nature (20-29.9%), on balance it is considered that the impacts on the sunlighting conditions at Bartlett House and McAuley House are not so significant so as to warrant a reason for refusal.

***Cityscape:***

- 8.158. Cityscape is a seven storey building comprising commercial units at ground floor level with residential units on the upper floors and is located to the west of the site on the opposite side of Commercial Street.
- 8.159. In terms of VSC, all windows would remain BRE complaint. In terms of NSL, of the 74 affected rooms, 71 would remain BRE compliant, whilst 3 rooms would be subject to minor NSL reductions of between 20-29.9%. On balance, it is considered that the impacts on the daylighting conditions of properties within Cityscape are acceptable.
- 8.160. In terms of sunlight, of the 3 windows facing within 90 degrees of due south, 1 window would be subject to a minor 20.0% reduction in Annual APSH. However, overall it is considered that the impacts on the sunlighting conditions of properties within Cityscape are acceptable.

***Cannon Barnett Primary School:***

- 8.161. Cannon Barnett Primary School is a four storey building dating from the Victorian period that is in use as a primary school, located to the south of the site on Gunthorpe Street.
- 8.162. In terms of VSC, of the 34 affected windows, 32 windows would be BRE compliant, whilst two windows would be subject to minor-to-moderate VSC reductions of 27.19% and 30.02%. However, as these 2 windows serve a large room that is itself served by 6 windows, it is considered that the room would retain good levels of daylight. This is reflected in the NSL results, which show that all rooms would remain BRE compliant. As such, it is considered that the impacts on the daylighting conditions of the school are acceptable.
- 8.163. As the school is located to the south of the site, the proposed development would not have any impacts on the sunlighting conditions of the school.

***38 Commercial Street:***

- 8.164. The building at 38 Commercial Street is a four storey building with a further set-back roof storey, which comprises a commercial unit at ground floor level with residential units on the upper floors. The building is located immediately to the west of Attlee House and includes windows on its east elevation that directly face Attlee House, with a very narrow separation distance of 3.5 metres between the buildings.

- 8.165. It is noted that a letter of objection has been received from a neighbouring resident at 38 Commercial Street on the grounds that the proposals would result in the deterioration of the daylighting and sunlighting conditions of habitable rooms within their property. In order to minimise the impacts on these neighbouring properties the design of the development was subsequently amended, with the upper floors of Attlee House now stepping away from 38 Commercial Street to a greater extent. Details of the revised daylight assessment are provided below.
- 8.166. In terms of VSC, of the 11 affected windows, 3 windows would be BRE complaint, 4 windows would be subject to minor VSC reductions of 20-29.9% and 4 windows would be subject to moderate VSC reductions of 30-39.9%. It is noted that the revisions to the scheme have lessened the VSC impacts on the lower windows by between 10-15%. It is also noted that the residual VSC of the upper 7 windows would range between the mid-teens and mid-thirties, which is not unacceptable for sites in central urban locations.
- 8.167. In terms of NSL, of the 11 affected rooms, 4 rooms would be BRE complaint, 3 rooms would be subject to minor NSL reductions of 20-29.9%, 2 rooms would be subject to moderate NSL reductions of 30-39.9%, 1 room would be subject to a NSL reduction of 41.3% and 1 room would actually see a NSL gain of 43.3%.
- 8.168. Given the extremely close proximity of the east elevation of 38 Commercial Street to the west elevation of the existing/replacement Attlee House building, it is acknowledged that any additional massing at high level would result in disproportionately large reductions in daylight to the facing windows.
- 8.169. It is noted that the scheme has been designed to minimise the impacts on 38 Commercial Street, with the replacement Attlee House building having the same parapet height as the existing building. The above impacts are caused by the set-back upper storeys, although it is further noted that the design of the upper storeys has been modified during the course of the application to lessen the impacts on 38 Commercial Street.
- 8.170. Whilst the VSC and NSL reductions to some properties within 38 Commercial Street are above BRE guideline levels, on balance, it is considered that the impacts of the revised development on the daylighting conditions of properties at 38 Commercial Street are not so significant so as to warrant a reason for refusal in this instance.

*Daylight and Sunlight within the Development*

- 8.171. The daylighting conditions within new homes are normally assessed in terms of the Average Daylight Factor (ADF). British Standard 8206 recommends the following minimum ADF values for new residential dwellings:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 8.172. Of the 119 rooms tested, 102 rooms meet or exceed the relevant ADF standards, whilst 17 rooms fall below these standards. Of the 17 rooms that fail to meet the minimum daylight standard, 11 rooms face onto Gunthorpe Street and have a direct outlook onto Bartlett House and McAuley House, which include rooms that will themselves be subject to losses of daylight in excess of BRE recommended levels.

- 8.173. GVA advise that the distance, height and block spacing between Sunley House and Bartlett and McAuley House appears to be insufficient to enable the daylight standards to be met. This is despite the fact that the east elevation of the proposed Sunley House building is set back from the eastern boundary of the site by 3 metres, as Gunthorpe Street is particularly narrow.
- 8.174. It is also noted that a number of the proposed rooms within the development which fail to achieve the minimum daylight standards are only slightly below the target ADF levels, and that the worst affected rooms are predominantly bedrooms, which have a lesser requirement for daylight. Where living/kitchen/dining rooms fall below the target ADF levels, the living areas are located close to the windows, to maximise the levels of daylight to the primary living spaces, whilst the kitchens are located to the rear of the rooms. It is considered that this approach provides a degree of mitigation.
- 8.175. Taking into account the above, on balance it is considered that the proposed residential units would be afforded adequate levels of daylight, in accordance with the objectives of Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

#### Overlooking, Outlook and Sense of Enclosure

- 8.176. The layout of the proposed buildings is such that there would be no direct overlooking between habitable rooms windows or balconies within the development. In terms of any overlooking into neighbouring properties, the windows in the west elevation of Attlee House have been staggered so that they do not face towards windows at 38 Commercial Street, thus mitigated any loss of privacy.
- 8.177. Given the narrow width of the street on Gunthorpe Street, the separation distance between the east elevation of Sunley House and the west elevation of Bartlett House and McAuley House is approximately 13 metres. Whilst this is below the Council's target separation distance of 18 metres between facing residential windows, given the across-street relationship between the buildings, together with the spatial constraints of the site, it is considered that the separation distance between the buildings is acceptable in this instance and would afford residents comparative levels of privacy to existing conditions.
- 8.178. If the approved 5 storey office block at 36 Commercial Street was to come forward it is noted that it would result in a degree of enclosure to the rear (east facing) terrace at 38 Commercial Street. In order to minimise the impacts of the proposed development on 38 Commercial Street, the upper storeys of Attlee House have been set back from the east elevation of 38 Commercial Street at 4<sup>th</sup> and 5<sup>th</sup> floor level. It is considered that the set-back adequately mitigates any overbearing sense of enclosure to the neighbouring property and would afford neighbouring residents adequate levels of outlook.
- 8.179. Taking into account the above, it is considered that the proposed development would afford existing and future residents within and around the site with acceptable levels of privacy and outlook, in accordance with the objectives of Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

#### Noise & Vibration

- 8.180. The current application is accompanied by a Site Suitability Noise Assessment, prepared by WSP/Parsons Brinkerhoff, which includes the results of a baseline noise survey carried out between 11<sup>th</sup> and 13<sup>th</sup> March 2015, which establishes the existing noise levels on the site, against which the suitability assessment has been carried out. The report includes recommendations of minimum acoustic specifications for facade

treatment in order to ensure that the internal noise levels within the residential units are acceptable. The report also includes assessment of the noise levels on the balconies within the development.

- 8.181. The submitted Site Suitability Noise Assessment has been reviewed by the LBTH Environmental Health (Noise & Vibration) Officer, who notes that the results of the baseline noise survey shows that the site falls into both Noise Exposure Categories B and C, whereby mitigation is required for both internal and external areas.
- 8.182. With regard to internal noise levels within the proposed dwellings, the report provides details of the minimum acoustic specifications of the facade treatments that would be required in order to ensure that the dwellings meet the relevant standards set out British Standard 8223 (2014).
- 8.183. The LBTH Environmental Health Officer recommends that conditions be included to set internal noise limits for the habitable rooms and require post completion noise testing to demonstrate compliance, and to require the use of adequate sound insulation for residential units that adjoin commercial premises, together with post completion noise testing.
- 8.184. With regard to external noise levels, the LBTH Environmental Health Officer notes that the external noise levels at the balconies are above recommended level, although advises that this can be accepted in accordance with BS 8223 (2014) which states:
- 8.185. *"In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited"*.
- 8.186. The proposed residential dwellings include a mix of balconies and winter gardens, which therefore reduces the number of private amenity spaces that would be exposed to the background noise levels. Whilst the noise levels on the balconies would exceed recommended levels, given that the site is in a central urban location, where outdoor private amenity space is scarce, and given that the Council has approved balconies in other developments in the area, including in the Holland Estate on the opposite side of Commercial Street, it is considered that the noise levels on the balconies is on balance acceptable.
- 8.187. Subject to conditions, it is considered that the proposed development would adequately protect future residents from undue noise disturbance, in accordance with Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

## **TRANSPORTATION & HIGHWAYS**

### *Car Parking*

- 8.188. Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) require developments located in areas of good public transport accessibility to be secured as 'car free'. Policy 6.13 of the London Plan (2015) also promotes 'car free' development in areas with good access to public transport, whilst still providing for disabled people. This policy also

seeks to ensure that 20% of parking spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles.

- 8.189. The Council's Parking Standards, as set out in Appendix 2(1) of the Managing Development Document (2013), require developments with off-street parking to include 2 spaces or 10% of all spaces to be provided as accessible parking as a minimum.
- 8.190. The application site currently includes a basement car park beneath Sunley House, which is accessed by a car lift from Gunthorpe Street. The proposals would retain the existing basement car park to provide 7 disabled (blue badge) car parking spaces for the 7 wheelchair adaptable homes within the development. No other on-site car parking is proposed. The proposed car park would also include 20% active provision of electric car charging points, with a further 20% passive provision for the future installation of additional charging points, and would be accessed by a relocated car lift from Gunthorpe Street.
- 8.191. Both LBTH Transportation & Highways and Transport for London have reviewed the proposals and consider the proposed on-site disabled car parking arrangements to be acceptable, subject to the inclusion of a condition to ensure that the spaces are retained and maintained solely for disabled parking for the life of the development.
- 8.192. The site benefits from excellent access to public transport, with a PTAL of 6b, and in accordance with both adopted policy and the recommendations of LBTH Transportation & Highways, the associated S106 agreement would include a clause to secure the residential units as 'car and permit free' (with the exception of disabled parking and on-street parking for residents using the Permit Transfer Scheme).
- 8.193. It is noted that a letter of objection has been received on the grounds that insufficient car parking is being provided. However, as set out above, the proposed provision of 7 disabled car parking spaces and the omission of on-site resident and visitor parking is considered to be acceptable and in accordance with the requirements of Policy SP09(4) of the Core Strategy (2010), Policy DM22(2) of the Managing Development Document (2013) and Policy 6.13 of the London Plan (2015).

#### Cycle Parking

- 8.194. Policy DM22(4) of the Managing Development Document (2013) and Policy 6.9 of the London Plan (2015) require developments to include adequate provision of safe, secure and accessible cycle parking facilities. The cycle parking standards set out at Table 6.3 of the London Plan (2015) require the following minimum provision of cycle parking by land use:

| Land Use              | Long-stay Cycle Parking   | Short-stay Cycle Parking   |
|-----------------------|---|--|
| <b>B1 Office</b>      | 1 space per 90sqm.  | first 5,000 sqm: 1 space per 500sqm;<br>thereafter: 1 space per 5,000sqm |
| <b>C3 Residential</b> | 1 space per studio / 1 bed unit;<br>2 spaces per all other dwellings. | 1 space per 40 units.  |

- 8.195. The development would deliver a total of 1,254sqm of Use Class B1 office floorspace (GIA), with 990sqm provided within Profumo House and 164sqm provided within Attlee House. In addition, 418sqm of floorspace would be provided for Toynbee Advice Services. The proposals include the provision of designated cycle stores at basement



level, located adjacent to the lift cores of these buildings, together with some sheltered spaces at ground level. Within Profumo House 18 cycle spaces would be provided for the B1 office use, of which 3 spaces would be short-stay visitor spaces. Within Attlee House, 4 spaces would be provided for the B1 office use, of which 1 space would be a short-stay visitor space.

- 8.196. The development would also deliver a total of 63 residential units, of which 23 units would be 1 bed and 40 units would be 2+ bed. As such, the London Plan cycle parking standards require a minimum provision of 103 residential cycle parking spaces in this instance.
- 8.197. The proposals include the provision of four residential cycle stores within the basements of Attlee House and Sunley House, located adjacent to each of the lift cores. In addition, visitor cycle parking is provided at ground level, adjacent to Attlee House. A total of 105 cycle parking spaces would be provided for the residential element of the scheme, of which 2 spaces would be short-stay for visitors, which exceeds policy requirements.
- 8.198. The proposed cycle parking arrangements have been assessed by LBTH Transportation & Highways and Transport for London and are considered to be acceptable, subject to the inclusion of a condition to secure full details of the layout of the cycle stores and to require the cycle spaces to be retained and maintained for the life of the development.
- 8.199. Subject to condition, it is considered that the proposals include adequate provision of safe, secure and usable cycle parking facilities, in accordance with Policy DM22(4) of the Council's adopted Managing Development Document (2013) and Policy 6.9 of the London Plan (2015).

#### Waste & Recyclables Storage

- 8.200. Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013) require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.
- 8.201. The proposals include the provision of 4 designated refuse stores, which are located adjacent to each of the residential lift cores. The refuse stores are well located for collections, being directly accessed from the public highway on Wentworth Street and Gunthorpe Street, and can also be accessed internally by residents.
- 8.202. The proposed waste and recyclables storage arrangements have been assessed by LBTH Waste Policy & Development and Transport for London and are considered to be appropriate, subject to the inclusion of a condition to secure plans showing full details of the waste storage facilities, together with a waste access plan. On this basis, the proposed waste and recyclables storage facilities are considered to be acceptable, in accordance with Policy SP05 of the Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013).

#### Servicing

- 8.203. Servicing for the proposed offices and Toynbee Advice Services within Profumo House and Attlee House would be carried out via the existing off-street servicing area located to the rear of Sunley House, as per the existing arrangement. The submitted Transport Statement includes a swept path plan which shows that a 7.5t box van is able to enter the servicing area by reversing in from Gunthorpe Street and exit back onto Gunthorpe Street in forward gear.

- 8.204. The proposed servicing arrangements have been assessed by LBTH Transportation & Highways, who note that it is not ideal for vehicles to reverse into the site from the public highway, although raise no objections given the particular constraints of the site and given that the servicing vehicle movements are as per the existing arrangement. LBTH Transportation & Highways further recommend that a condition be included to secure a Delivery and Servicing Management Plan. The proposals have also been assessed by Transport for London, who consider the servicing arrangements to be suitable for the site.
- 8.205. Taking into account the above and subject to condition, it is considered that the proposed servicing arrangements would not result in any significant adverse impacts on the safety or capacity of the road network. The proposals therefore accord with Policy SP09(3) of the Core Strategy (2010) and Policy DM20(2) of the Managing Development Document (2013).

### **ENERGY & SUSTAINABILITY**

- 8.206. At a national level, the National Planning Policy Framework (2012) 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 (2015), Policies SO24 and SP11 of the Core Strategy (2010) and Policy DM29 of the Managing Development Document (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.207. The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.208. Policy DM29 of the Managing Development Document (2013) includes the target to achieve a minimum 50% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.209. The submitted proposals have followed the energy hierarchy and seek to minimise CO<sub>2</sub> emissions through the implementation of energy efficiency measures (25%), site wide combined heat and power (CHP) system (32kWth engine; 8%) and utilise photovoltaics (PVs) on the available roof area (160m<sup>2</sup>; 9%). The CO<sub>2</sub> emission reductions proposed are supported and would result in a circa 42% reduction against the Building Regulations 2013.
- 8.210. Based on the current proposals there is a shortfall to Policy DM29 requirements by 3% which equates to 2.8 tonnes of regulated CO<sub>2</sub>.
- 8.211. The Planning Obligations SPD includes the mechanism for any shortfall in CO<sub>2</sub> to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2015 which states:

- 8.212. *“...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.”*
- 8.213. It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014).
- 8.214. For the proposed scheme it is recommended that a figure of £5,040 is sought for carbon offset projects as identified in the submitted Energy Statement:
- Shortfall to meet DM29 requirements = 2.8 tonnes/CO2 x £1,800 = £5,040 offset payment to meet current policy requirements.
- 8.215. With the shortfall in CO2 emissions met through carbon offsetting contribution, the current proposals are considered appropriate for the development and meet policy requirements for energy and sustainability. It is recommended that the proposals are secured through appropriately worded Conditions.
- 8.216. In relation to environmental sustainability, the submitted proposals include a BREEAM Pre-assessment which demonstrates that the scheme has been designed to meet BREEAM ‘Excellent’ rating. This is supported by the Sustainable Development Team and the Final Certificates should be secured through an appropriate Condition.
- 8.217. It is further recommended that conditions be included to ensure the delivery of the CHP system, to secure details of the PV array and to require the submission of post-completion energy calculations to demonstrate that the projected carbon savings detailed in the Energy Strategy are delivered.

## **BIODIVERSITY**

- 8.218. Policy 7.19 of the London Plan (2015), Policy SP04 of the Core Strategy (2010) and Policy DM11 of the Managing Development Document (2013) seek wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value, this should be protected and development which would cause damage to a Site of Importance to Nature Conservation (SINC) or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.219. The application site consists largely of existing buildings. The LBTH Biodiversity Officer notes that the site is located far from any significant areas of good bat foraging habitat, which makes it unlikely that the buildings will support bat roosts. The proposals include the removal of some existing trees, which will result in a small adverse impact on biodiversity.
- 8.220. The Biodiversity Enhancement Summary report states that the proposals include nest boxes for swifts, house sparrows and house martins, and bat boxes. The proposals also include the installation of new hedges, ornamental shrub and herbaceous planting.
- 8.221. The LBTH Biodiversity Officer notes that these features would contribute to a target in the LBAP for new mixed native hedges, improved forage for bumblebees and swifts nests. If all these proposed enhancements are implemented, the LBTH Biodiversity

Officer notes that these features will more than compensate for the loss of existing trees, and ensure overall benefits for biodiversity.

- 8.222. It is therefore recommended that a condition be included to secure full details of the biodiversity enhancement measures to be delivered on the site and to require the measures to be implemented and maintained.
- 8.223. Subject to condition, it is considered that the proposed development will make a positive condition to the protection, enhancement, creation and management of biodiversity, in accordance with Policy 7.19 of the London Plan (2015), Policy SP04 of the Core Strategy (2010) and Policy DM11 of the Managing Development Document (2013).

## **ENVIRONMENTAL CONSIDERATIONS**

### *Air Quality*

- 8.224. Policy SP03 of the Core Strategy (2010) 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 of the Managing Development Document (2013) 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.
- 8.225. The current application is accompanied by an Air Quality Assessment Report, prepared by WSP/Parsons Brinckerhoff. The report has been reviewed by the LBTH Environmental Health (Air Quality Officer), who noted that assessment shows that the NO<sub>2</sub> annual objective is predicted to be greatly exceeded at all facades of the proposed development in the opening year. As such, the development will be introducing new exposure into an area of unacceptable air quality, resulting in a negative significant impact, for which mitigation is required.
- 8.226. The report suggests that these impacts can be suitably mitigated through the use of mechanical ventilation with NO<sub>x</sub> filtration in order to reduce the NO<sub>2</sub> concentration to acceptable levels within the buildings. It is recommended that a condition be included to secure details of the mechanical ventilation and filtration system and to require it to be installed prior to occupation and retained and maintained for the life of the development.
- 8.227. Given the poor air quality the LBTH Environmental Health Officer objects to the provision of open balconies and recommends that they be designed out of the scheme if possible. It should be noted that not all units have open balconies, with a number of units having winter gardens instead, which provides a degree of mitigation across the scheme. However, it is considered that the amenity benefits of open balconies should be balanced against the air quality objectives and it is considered that the current mix of balconies and winter gardens is acceptable in this instance.

### *Demolition and Construction Noise, Vibration and Dust*

- 8.228. The demolition and construction works associated with the proposed development have the potential to cause noise and vibration disturbance to nearby residents and building occupants. In order to suitably and proportionately mitigate these impacts it is recommended that a condition be included to secure a Construction Environmental Management Plan (CEMP).

- 8.229. The CEMP will be required to include details of the measures to be put in place to minimise and mitigate the noise, vibration and dust impacts arising from the demolition works. Such measures include siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate pilings methods and damping down and covering spoil piles.
- 8.230. Subject to condition, it is considered that the demolition and construction works would not result in unacceptable adverse noise, vibration or dust impacts and would protect neighbouring residential amenity, in accordance with Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013). These policies require development to protect, and where possible improve, the amenity of existing and future residents and building occupants, together with the amenity of the surrounding public realm.

#### Contaminated Land

- 8.231. The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the Managing Development Document (2013). Specifically, Policy DM30 requires suitable site investigation and remediation schemes to be secured and agreed for development proposals on contaminated land or potentially contaminated land.
- 8.232. The proposals have been assessed by the LBTH Environmental Health (Contaminated Land) Officer, who raises no objections subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination and detail the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

#### **IMPACT UPON LOCAL INFRASTRUCTURE / FACILITIES**

- 8.233. Policy SP13 of the Core Strategy (2010) seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 8.234. 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.
- 8.235. Regulation 122 of the 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.
- 8.236. Securing appropriate planning contributions is further supported Policy SP13, which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.237. The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations.
- 8.238. The SPD was approved for public consultation by the Mayor in Cabinet on the 8th April 2015. The consultation will be carried out between the 27th April 2015 and the 1st June

2015, for a period of five weeks which is in line with the Council's Statement of Community Involvement.

8.239. The boroughs four main priorities remain:

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

8.240. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.241. The applicant has agreed to the full financial contributions as set out in the Planning Obligations SPD in relation to:

- Enterprise and Employment Skills and Training;
- energy; and,
- a 2% monitoring contribution.

8.242. The applicant has also offered 31% affordable housing by habitable room with a tenure split of 71/29 between social rented and intermediate tenure housing. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant policy.

8.243. The financial contributions offered by the applicant are summarised below:

- a) A contribution of £32,172 towards construction phase employment, skills, training and enterprise.
  - b) A contribution of £46,900 towards end user phase employment, skills and training.
  - c) A contribution of £5,040 towards carbon offsetting.
  - d) A contribution of £5,500 towards monitoring.
- Total Contribution financial contributions £89,612.

8.228. The non-financial contributions offered by the applicant are summarised below:

- a) Delivery of 31% Affordable Housing comprising of 10 social rented units and 4 shared ownership units.
- b) 20% local employment during the construction and operational phases.
- c) 20% of procurement from local business during the construction phase
- d) 9 apprenticeships during construction & end user phases
- e) Reinstatement of Mallon Gardens
- f) Car and Permit Free Agreement
- g) Travel Plan
- h) Compliance with the Code of Construction Practice

8.244. These obligations are considered to meet the tests set out in guidance and the CIL regulations.

## **FINANCIAL CONSIDERATIONS**

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

8.245. Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

8.246. Section 70(4) defines “local finance consideration” as:

- 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
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.247. In this context “grants” might include New Homes Bonus.

8.248. These are material planning considerations when determining planning applications or planning appeals.

8.249. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme. The approximate CIL contribution is estimated to be around £144,900.

8.250. The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor’s Supplementary Planning Guidance (SPG) “Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy” (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). The site is within the Central London Crossrail charging area.

8.251. In this case, on the basis that the proposals would result in a small uplift in office floorspace of only 87sqm, and given that the existing offices are not fully vacant, a financial contribution towards Crossrail is not required.

8.252. The New Homes Bonus (NHB) 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. For the first year the NHB is expected to be in the region of £24,290 and over the six year period around £145,740.

8.253. This application is also subject to the Borough’s Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council’s adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £1,143,333.

## HUMAN RIGHTS CONSIDERATIONS

- 8.254. 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:-
- 8.255. 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".
- 8.256. 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.
- 8.257. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 8.258. 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.
- 8.259. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.260. 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.
- 8.261. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.



## **EQUALITIES ACT CONSIDERATIONS**

8.262. 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.

8.263. The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

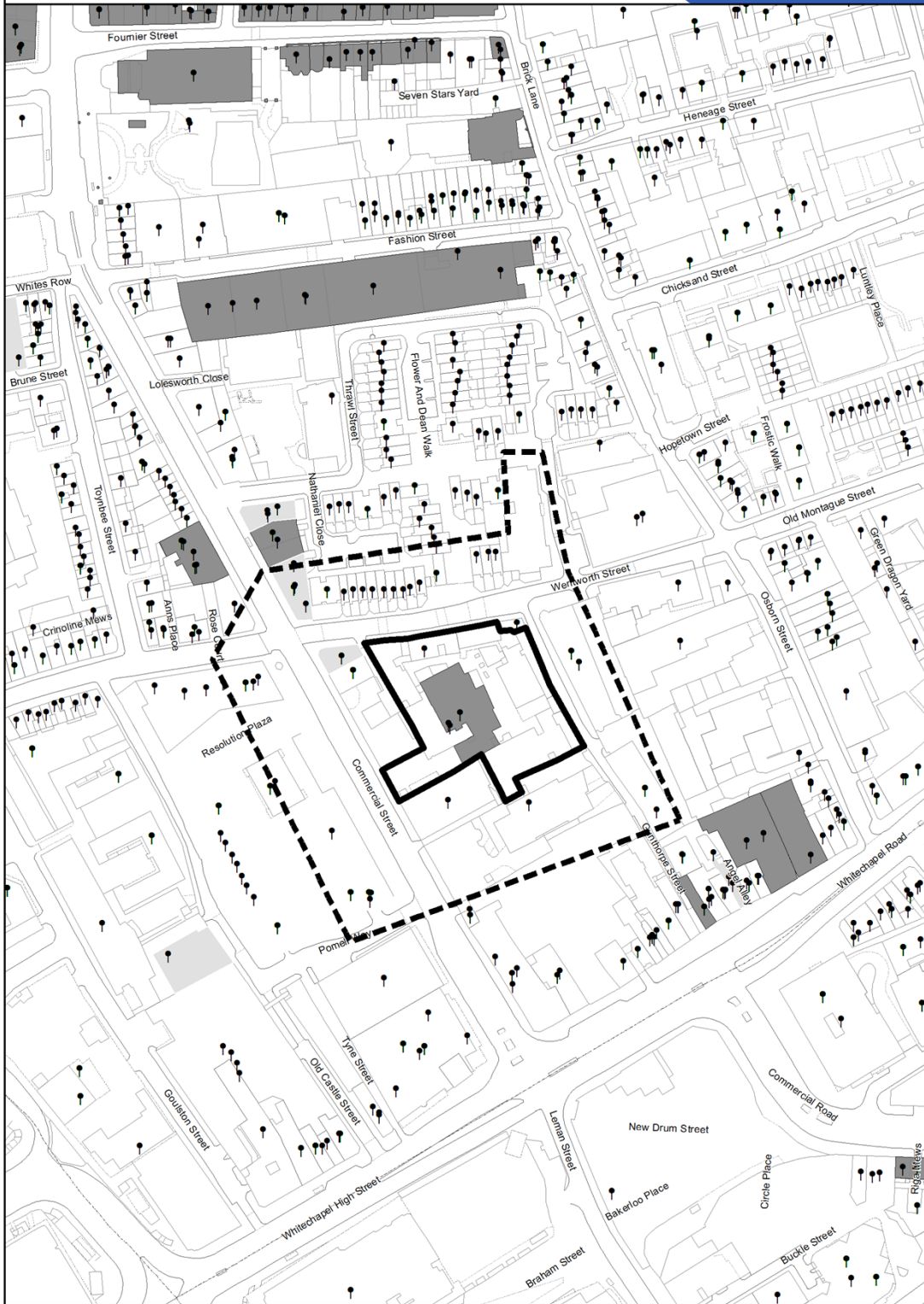
8.264. The affordable housing supports community wellbeing and social cohesion.







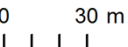
8.265. The proposed development allows for an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking and wheelchair adaptable/accessible homes.

## **9. Conclusion**

9.1. All other relevant policies and considerations have been taken into account. Planning Permission should be granted for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Planning Application Site Map  
PA/15/02156



|  |  |   |   |
|--|--|---|---|
|  Planning Application Site Boundary |  Locally Listed Buildings   |  Land Parcel Address |  |
|  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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