



Application for Planning Permission

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Reference	PA/19/00669
Site	38-44 White Horse Road and 605-623 Commercial Road, London
Ward	Limehouse
Proposal	Development of mixed-use scheme up to 5 storeys comprising 38 residential units, 740sqm flexible commercial floor space (Use Class A1, A2, A3, B1, D1, and D2) at basement and ground floor level, and associated amenity space and cycle storage.
Summary Recommendation	Approve planning permission subject to conditions and a legal agreement.
Applicant	Limehouse Equity Limited
Architect	ROK Planning
Case Officer	Shahara Ali-Hempstead
Key dates	<ul style="list-style-type: none">- Application registered as valid on 15/05/2019- Public consultation finished on 27/02/2020

EXECUTIVE SUMMARY

The application site contains a number of single and two storey post-war buildings and warehouses which were last used as retail and storage space. The site lies within York Square Conservation Area and Limehouse Neighbourhood Centre.

The proposed development comprises the erection of part 3, 4 and 5 storey buildings which would provide 38 residential units and 740 square metres of commercial space at ground level.

In land use terms the mixed use scheme would contribute to the broader regeneration of the area and provides a significant opportunity to enhance the derelict site by bringing back commercial units and providing an active frontage along Commercial Road.

The scheme would provide 40% affordable housing by habitable room, including a variety of unit typologies across both affordable rented and intermediate tenures. Residential dwellings would provide a good standard of internal accommodation and generous private and communal amenity space and child play space.

The height, massing and design of the proposed development would appropriately respond to the local context. The detailed architecture is considered to be of high quality.

The proposals would involve the demolition of non-designated heritage assets within the York Square Conservation Area. The public benefits of the proposal, including the new housing, affordable housing and commercial units would offset this less than substantial harm to the conservation area.

The proposal would impact upon the daylight and sunlight to some habitable rooms to Powesland Court on the west side of White Horse Road. The impacts have been quantified and carefully assessed and are considered acceptable in the specific context of the proposals.

The proposals are acceptable in highways, servicing, biodiversity and energy terms, subject to the appropriate use of planning conditions and obligations.

SITE PLAN:



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- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

**Planning Applications Site Map
PA/19/00669**

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process

Scale : 50m grid squares



London
Borough of
Tower
Hamlets

Date: 01 July

1. SITE AND SURROUNDINGS

- 1.1 The application site, approximately 0.1 hectares in size, lies north of Commercial Road at the corner with White Horse Road. Prior to 2018, the site comprised fourteen small scale buildings. Four adjoining buildings at nos. 38-44 White Horse Road, and ten adjoining buildings at nos.605–623 Commercial Road. The application site also includes two separate parcels of land located between no.38 White Horse Road and no.605 Commercial Road and between no.623 Commercial Road and 627 Commercial Road.
- 1.2 In 2018 a number of nineteenth century buildings were demolished at the site. Three nineteenth century buildings remain partially intact, namely the facades of nos. 44 and 46 White Horse Road and nos. 615 & 617 Commercial Road.
- 1.3 The site is bounded by Barnes Street to the east and Wakeling Street to the north. Directly north of the site and facing Commercial Road is a car park accessed via Wakeling Street. This site lies in the York Square Conservation Area with York Square located further north east of the site where there are a significant number of Grade II listed terraces. The closest listed buildings to the subject site are at the start of Barnes Street, on both sides of the road. 62-68 White Horse Road, north of the application site is also Grade II listed.
- 1.4 The Half Moon Youth Theatre is located opposite no.44 White Horse Road. The theatre building is locally listed and is laid out over a generous two storeys with basement. Its front elevation has an elaborate stuccoed, Italianate façade fronting White Horse Road. Standing just beyond is 45-55 White Horse Road, also a locally listed building. Opposite the site, at the intersection of Commercial Road and Butcher Row is the locally listed White Swan PH (formerly White Horse Pub). These buildings are all unique in their design and a positive contributors to York Square Conservation Area and characteristic of the conservation area.
- 1.5 The surrounding area is mixed use in character, including retail units on Commercial Road, residential use in the form of both post-war and contemporary flatted development. A range of commercial uses lie within the Cable Street Studios to the south of the site, and an entertainment use exists in the Half Moon Theatre. The scale of development in the area is predominantly low-to-mid rise, with buildings typically ranging between two and five storeys in height.
- 1.6 The application site lies within the York Square Conservation Area, which was designated in January 1973 and extended in October 2008. Its northern boundary reaches to Durham Row and terraces facing Matlock Street and it includes and goes beyond Commercial Road to the south, along Butcher Row towards the Limehouse Link. The western boundary is defined by 474 Commercial Road and Chalkwell House, and the eastern boundary comprises terraces facing Aston Street, Raby Street and Brunton Place. The York Square Conservation Area was designated to protect the architectural integrity of the Mercer's Estate, and to protect the public open space and the high quality townscape around the Grade I listed Parish Church of St Dunstan and All Saints and its churchyard, which forms the northern boundary of the Conservation Area, and St James's Gardens, which lies between the Grade II* Listed St Katherine's Foundation and Rotherhithe Tunnel.
- 1.7 The site lies within the Limehouse Neighbourhood Centre, as designated in the Council's adopted Local Plan (2020).
- 1.8 The site benefits from good access to public transport, being located 35 metres to the west of Limehouse National Rail and Docklands Light Railway (DLR) stations. The site is well served by a number of bus routes. As a result, the site has a Public Transport Accessibility Level (PTAL) of 6a, on a scale from 1a to 6b where 1a is very poor and 6b is excellent.
- 1.9 The following is an aerial view of the site (edged in red).



Figure 1: Site location

2. PROPOSAL

- 2.1 The proposed development and the evolution of the design are described in detail within the applicant's Design and Access Statement (and its addendums). In brief, the applicant seeks to redevelop the site to provide new homes and re-provide a slightly reduced quantum of commercial floorspace.
- 2.2 The proposed development would consist of the demolition of the existing buildings and construction of 3, 4 and 5 storey buildings to provide 38 residential units and 740sq.m of non-residential floorspace comprising (use Class A1, A2, A3, B1, D1, and D2) at basement and ground floor level, and associated amenity space and cycle storage.
- 2.3 The development would provide 40% affordable housing at a tenure split of 74% affordable rented to 26% intermediate, with a broadly equal split between Tower Hamlets Living Rent and London Affordable Rent properties within the affordable rented tenure. In terms of size and design, the building would have 5 storeys fronting Commercial Road which wraps around to White Horse Road, stepping down to 4 and 3 stories on both northern end of White Horse Road and eastern end of Commercial Road elevation. The elevations of the building are stepped back at fourth and third floor and would include juliet balconies which sit entirely within the footprint of the buildings. Facing materials would be predominantly brick and stone.
- 2.4 The commercial units would provide activated 'shopfront' facades onto Commercial Road. The residential units would be accessed via entrances on both Commercial Road and White Horse Road. Cycle parking and waste storage for the residential units would be provided at ground floor level, accessed from the communal lobbies.

- 2.5 Deliveries for the commercial element of the scheme would take place from a designated loading bay on Commercial Road, servicing of the site would take place on White Horse Road. The development would be 'car-free'.
- 2.6 The building would provide private amenity space in the form of balconies for all residential units. It would also provide 134sqm of communal amenity space and 189sqm of child play space on site.

3. RELEVANT PLANNING HISTORY

3.1 PA/16/02842

Approval granted on 31/01/2018 for the demolition of existing buildings and redevelopment of the land to provide 22 residential units over part 3, part 4 and part 5 storey buildings and the provision of 775sqm of commercial floorspace (Use class A1/A2) at ground and basement level, with associated landscaping, access and cycle parking.

3.2 ENF/18/00206

Enforcement investigation into the unauthorised demolition of buildings within the York Square conservation area without planning permission.

3.3 PA/18/01943

Minor Material Amendments to Planning permission Ref: PA/16/02842 Dated 31/01/2018. The amendments sought includes the demolition of façades at nos. 619 – 623 Commercial Road. This application is pending determination.

3.4 The above permitted application (PA/16/02842) applies to the same land and buildings as the current application, with the exception of 605-610 and 614-618 Commercial Road.

3.5 Since application PA/16/02842, numbers 46 White Horse Road, 605 – 609 Commercial Road, and 625 Commercial Road have come under the same ownership. The current application is therefore for the wider redevelopment of the site, encompassing all the buildings located at the corner of White Horse Road and Commercial Road.

4. PUBLICITY AND ENGAGEMENT

4.1 A total of 66 planning notification letters were sent to nearby properties as detailed on the attached site plan on 07/06/2019. A site notice was erected and a press notice was advertised on 25/07/2019.

4.2 A second public consultation was undertaken in February 2020 following the revision to the design of the scheme.

4.3 Nine letters objecting to the proposal were received. The comments raised in the objections can be summarised as follows:

- Daylight/Sunlight and Overshadowing Impacts;
- Visual Impacts caused by the proposed height of the development;
- Development is not in-keeping with the Conservation Area;
- Amenity concerns including impacts on privacy, overlooking, sense of enclosure, noise;
- Possible anti-social behaviour from A1 use;

- Impacts during the construction phase of the development including heavy traffic and increased pollution;
- The development would have an impact on the local amenities in the area;
- Unauthorised demolition of the buildings; and
- Removal of the alleyway/ access way to the back of the properties No. 627, 629 and 631

4.4 The scheme has been developed in light of extensive pre and post-application discussions held with officers at LBTH since early 2018.

5. CONSULTATION RESPONSES

Internal consultees

LBTH Transportation and Highways:

5.1 No objection to the proposal subject to conditions to secure the provision of a car free agreement, a Parking Management Plan, cycle facilities, a Travel Plan, a S278 Agreement for highways improvements works and a Demolition and Construction Management Plan.

LBTH Affordable Housing:

5.2 The applicant has amended the affordable rented unit mix from 3no 3B units to 2no and 1no 4B unit to 2no units. This change does not affect the total unit figure of 38 however minimally changes the affordable housing offer from 39% to 40% and the tenure split from 73:27 to 74:26 (affordable rent and intermediate rent). We maintain our comments below dated earlier this year and consider the affordable housing offer to be considered acceptable.

Initial comments

5.3 The applicant has provided clarification on the habitable rooms and is providing 114 habitable rooms in total. The affordable housing offer is 39% at a total of 45 affordable habitable rooms. The tenure split now suggests 73:27 (Affordable Rent and Intermediate Rent) which given the size of the scheme, would be considered acceptable.

5.4 Affordable rent – the applicant has offered 33% 1 beds against a target of 25%;
22% 2 beds against a target of 30%;
33% 3 beds against a target of 30%
11% 4 beds against a target of 15%.

5.5 There is a slight overprovision of 1 beds and an under provision of 2 beds, however given the number of units involved we are minded to accept the applicant's offer in this instance. The quantum of family sized units is 44%, which is also acceptable.

5.6 Intermediate Units – The borough requirement for 1 beds of this tenure is 15%. The applicant is offering 50% but there are only 2 units. Similarly, we have a borough target of 40% 2 beds and the applicant is proposing 25% - representing 1 unit. It's worth exploring with the applicant the inclusion of additional intermediate units for rent to make the scheme more compliant.

5.7 It's worthy of note that the revised scheme no longer includes any units for private sale and those that previously existed have been replaced with 25 units for market rent. We're not opposed to this proposal given the affordable housing quantum has largely been met, with the exception of the comments above and the state of uncertainty in the housing market.

- 5.8 The applicant is providing 3no ground floor affordable rented wheelchair units. The applicant does not achieve the 10% wheelchair unit requirement which would require a total of 4 units.

LBTH Waste Policy and Development

- 5.9 The wheeling distance is within 10 meters and with an existing loading provision this is acceptable. The applicant has mentioned TfL will not allow for a dropped kerb, however if there is no step access at the loading provision then this is fine.
- 5.10 As there is a bulky waste provision, this is also fine. The applicant has addressed all concerns.

LBTH Environmental Health (Smell/Pollution)

- 5.11 If kitchen extraction system is proposed for A3 use, a Kitchen Extract Standards for Commercial Uses condition should be secured.
- 5.12 Any odour nuisance from the premises may be subject to action under relevant legislation including the Environmental Protection Act 1990

LBTH Environmental Health (Air Quality)

- 5.13 The predicted concentrations of NO₂ in 2017 and 2022 approach or exceed the annual mean objective across the majority of receptors on the ground and first floors. As such, mitigation measures will need to be adopted in order to protect the inhabitants of these units. Predicted concentrations fall within APEC Category B, which means appropriate mitigation should be considered.'
- 5.14 A condition which stipulates that the air intake for ventilation is demonstrated by modelling to be at a location below the national Air Quality Objective level for NO₂ should be secured.
- 5.15 Air quality impacts from construction activities can be mitigated by the use of a suitable condition.
- 5.16 It is recommended that the strictest environmental standards and a full air monitoring scheme should be required as part of the construction management plan which should be submitted to and approved by the Council before any work starts on site. This should comply with the latest Institute of Air Quality Management Guidance on Dust Control and monitoring and the GLA SPG on construction dust.

LBTH Environmental Health (Noise/Vibration)

- 5.17 No objection subject to recommended conditions

LBTH Environmental Health (Contaminated Land)

No objection subject to conditions

LBTH Sustainable Urban Drainage

- 5.18 A detailed surface water drainage scheme will need to be submitted to LPA prior to works commencing as such a pre-commencement condition will be necessary to secure this.

LBTH Biodiversity

- 5.19 As there is only low potential for bat roosts, the original emergence survey found very low levels of bat activity, and some of the buildings have already been demolished (while the original bat emergence survey was still valid), I'm willing to accept the approach

recommended by the applicant's ecologist. A condition should require soft stripping of all features which have the potential for supporting roosting bats, in the presence of a licenced bay worker.

LBTH Energy Efficiency

5.20 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 32.99% reduction in CO2 emission reductions. The current proposals for CO2 emission reductions fall short of the 45% requirements of policy DM29. However, subject to Conditions securing the energy and sustainability proposals and the CO2 emission reduction shortfall being met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for sustainability and CO2 emission reductions.

5.21 It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:

- Delivery of Energy Strategy and CO2 savings to at least 32.99%
- Carbon offsetting contribution secured through S106 contribution (£14,220)
- Renewable energy specification to be submitted prior to commencement

LBTH Enterprise & Employment:

5.22 Section 106 Agreement to include obligations relating to construction and end-use phase provisions and financial contributions.

External Consultees:

Thames Water:

5.23 No objections to the proposal subject to conditions requiring the submission of a Piling Method Statement and informatives.

TFL – Land Use Planning:

5.24 The footway and carriageway of Commercial Road must not be blocked during the construction of the proposed development. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Commercial Road. Any temporary arrangements proposed will require approval from RMS.

5.25 All vehicles associated with the construction of the above development must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.

5.26 No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with RMS. All applications of this nature must be made through RMS A13 plc and approved by them.

5.27 To support the residential aspect of the development 86 long-stay cycle parking spaces and 2 short-stay cycle parking spaces are proposed. This level of provision accords with London Plan standards and is welcomed.

- 5.28 The layout for short-stay cycle parking in relation to nearby bus infrastructure has been agreed. The bus stop and flag post will remain in their existing location as agreed by the applicant and TfL Asset Operations. Following a reduction in the commercial floor space by 40sqm, 1 Sheffield Stand has been removed which removes conflict with the existing bus stop flag post and relieves concerns of the creation of pedestrian/ cyclist conflict.
- 5.29 The addition of short-stay cycle parking on the footway of Commercial Road will require the developer to enter into a Section 278 agreement with TfL/RMS. Ongoing maintenance of this provision will be payable by the applicant and will be covered under the Section 278 process.
- 5.30 A condition should be attached to any permission stating that the applicant should secure RMS approval prior to proceeding with the works.
- 5.31 It is welcomed that long-stay cycle parking provision has been revised to provide 5% Sheffield type stands. These should be arranged in accordance with LCDS requirements to ensure they are appropriate for use by larger or adapted cycles.
- 5.32 The applicant should confirm, following revisions to cycle parking, that associated dimensions and aisle widths now comply with the minimum requirements of the LCDS. A plan showing these details should be provided.
- 5.33 Proposals to utilise the loading bay adjacent to the site along Commercial Road for servicing (between the hours of 10am and 4pm) are considered provisionally acceptable and subject to final TfL/RMS approval. Where possible, residential and commercial deliveries should be consolidated and a site delivery booking system should be implemented to avoid conflicts of use and reduce impact upon the TLRN.
- 5.34 As previously requested, clarity on the proposed construction logistics should be provided. Details including site access, estimated vehicle numbers and measures to ensure safety, including maintaining safe cycling and walking routes throughout the construction period must be provided prior to determination. This can be presented in the form of an outline Construction logistics Plan (CLP). A full Construction Logistics Plan, prepared in accordance with TfL guidance should be secured as part of any permission, in line with ItP London Plan policy T7.

Metropolitan Police (Designing Out Crime):

- 5.35 No objections to the proposal. Conditions required in relation to the Secure by Design compliance and standards.

Greater London Archaeology Advisory Service (GLAAS):

- 5.36 We've not commented on earlier applications and as you say it's on the edge of an APA. However the size of the site justifies some archaeological consideration.
- 5.37 White Horse Lane is an old routeway, linking Stepney with Ratcliffe, which are both settlements with Saxon (and probably older given the Butcher Row Limehouse Link finds) roots.
- 5.38 I was disappointed that the submitted Heritage Statement didn't reproduce any pre-nineteenth century mapping. Earlier maps would have shown the substantial eighteenth century buildings on the site, which may survive archaeologically.
- 5.39 The open ground in front of the modern White Swan pub across the Commercial Road is a survival of the earlier inn's yard. The old inn was cut in half by the Commercial Road and the northern part of the complex likely occupied some or all of the application site.

- 5.40 I'm not clear from the application material what disturbances have taken place at the site in connection with the relatively recent demolitions.
- 5.41 However given the common thicknesses of overburden in east London, archaeological survival of the White Swan Inn as well as earlier evidence of human activity, may be preserved.
- 5.42 I recommend a condition be secured on any forthcoming consent

London Fire Brigade

- 5.43 No comments received

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

Development Plan

- 6.1 Planning decisions must be taken in accordance with relevant policies in the Development Plan, unless there are material considerations which indicate otherwise.

The Development Plan comprises:

- The London Plan (March 2016)
- Tower Hamlets Local Plan 2031 (January 2020)

- 6.2 The key Development Plan policies relevant to the proposal are:

Land Use – LP3.3, LP3.8, LP3.9; TH S.H1, TH D.H7
(*housing*)

Design – LP7.1, LP7.2, LP7.3, LP7.4, LP7.5, LP7.6; TH S.DH1, TH D.DH2
(*layout, townscape, appearance, public realm, safety*)

Heritage – LP7.8; TH S.DH3, TH D.DH4
(*historic environment*)

Housing – LP3.5; TH S.H1, TH D.H2, TH D.H3, TH D.H7
(*housing quality*)

Amenity – LP7.6; TH D.DH8
(*privacy, outlook, daylight and sunlight, noise, construction impacts*)

Transport – LP6.9, LP6.10, LP6.13; TH S.TR1, TH D.TR2, TH D.TR3, TH D.TR4
(*sustainable transport, highway safety and capacity, car and cycle parking, servicing*)

Waste – LP5.17; TH D.MW3
(*waste capacity and collection*)

Environment – LP5.2, LP5.3, LP5.18, LP7.14, LP7.15, LP7.19; TH S.ES1, TH D.ES2, TH D.ES3, TH D.ES5, TH D.ES7, TH D.ES8, TH D.ES9

(air quality, biodiversity, contaminated land, energy efficiency and sustainability, sustainable drainage)

6.3 The new London Plan is currently in draft form. The weight carried by most emerging policies is substantial. Some policies are subject to Secretary of State Directions made on 13/03/2020 and these policies have only limited or moderate weight. The statutory presumption still applies to the London Plan 2016 up until the moment that the new plan is adopted.

6.4 The key emerging London Plan policies relevant to the determination of this application are:

Land Use – H1, H4, H16 (previously H18), E3
(housing, affordable workspace)

Design – D3, D4, D5, D8, D11
(layout, scale, public realm, safety)

Heritage – HC1
(historic environment)

Housing – H6, D6
(housing quality)

Transport – T5, T6, T6.1, T7
(car and cycle parking, servicing)

Environment
(air quality, biodiversity, energy efficiency and sustainability, sustainable drainage)

Other policies and Guidance

6.5 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- National Design Guidance (2019)
- LP Affordable Housing and Viability SPG (2017)
- LP Draft New London Plan (2020)
- LBTH Planning Obligations SPD (2016)
- York Square Conservation Area Character Appraisal and Management Guidelines (2009) adoption of addendum (2016)
- Building Research Establishment (BRE) "Site layout planning for daylight and sunlight: a guide to good practice" (2011)
- GLA Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)

7. PLANNING ASSESSMENT

The key issues raised by the proposed development are:

- i. Land Use
- ii. Housing
- iii. Quality & Standard of Accommodation

- iv. Design
- v. Heritage
- vi. Neighbouring Amenity
- vii. Transport and Servicing
- viii. Environment
- ix. Infrastructure Impact
- x. Planning Benefits
- xi. Equalities and Human Rights

Land Use

- 7.1 London Plan Policy 4.1 promotes the continued development of a strong, sustainable and diverse economy across London.
- 7.2 The site falls within the Limehouse Neighbourhood Centre in the town centre hierarchy, but is not a designated employment area. Policy D.TC2 of the Local Plan refers to the protection of retail uses in town centres.
- 7.3 D.EMP3 states that proposals involving the loss of employment land outside of designated employment areas – such as this site - will be considered on a site by site basis. Specifically, the acceptability of such a proposal will be subject to the submission of either 2 years of marketing evidence, or the submission of information which indicates that the site is unsuitable for its continued employment use due to its condition, or that the benefits of alternative use would outweigh the benefits of employment use.
- 7.4 Policy D.EMP2 states that, outside of designated employment areas new employment space will be directed to designated town centres. It also states that new employment space must be completed to a standard which meets the needs of potential end users.
- 7.5 London Plan Policy 3.3 seeks to ensure the pressing need for more homes in London is recognised by increasing the supply of housing. Policy 3.8 seeks to ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.
- 7.6 Draft London Plan Policy H1 sets out objectives to increase the supply of housing and sets out ten year targets to be achieved and in particular sets out a target of 66,000 new homes for London each year for at least 20 years.
- 7.7 Local Plan policy S.H1 seeks to achieve the housing target of 3,931 new homes per year across the borough. This is proposed to be achieved by ensuring that development does not undermine the supply of self- contained housing – in particularly family homes. Development is expected to contribute towards the creation of mixed and balanced communities.
- 7.8 Prior to the demolition works at the site, the previously existing buildings comprised 1,061 sqm of floorspace, the lawful use of which was A1. The demolition works were undertaken pursuant to the previous approval on site (PA/16/2842) save for the demolition of the buildings at 619 to 623 Commercial Road. However, as this previous approval has not been fully implemented – only demolition has been undertaken – the proposals in this application will be assessed against the pre-existing context ie the 1,061sqm of A1 floorspace at the site.
- 7.9 The proposed redevelopment seeks to re-provide 740sqm employment uses consisting of A1 (Shops), A2 (Professional and Financial Services), A3 (Restaurants and Cafes), B1 (Office),

D1 (Non-residential institutions) and D2 (Assembly and leisure) use. The proposals will provide a high standard of commercial floorspace more befitting of modern day requirements in accordance with Policy D.EMP2.

- 7.10 The site is located within the Limehouse Neighbourhood Centre and directly opposite Limehouse DLR in accordance with policy S.TC1 the proposal will provide a range of shops and services to meet the needs of the local area. While there would be a net reduction in overall floorspace, the development would offer a significantly an improved quality of commercial floorspace. This improved quality of offer would complement the role and function of the town centre through encouraging activity with a range of retail units and employment business spaces, including small shops and workspaces suitable for independent operators.
- 7.11 In terms of the alternative, mixed use, there is strong policy support for the proposed residential led nature of the scheme. The development would contribute to the Council's extensive housing objectives which are given great weight, given the targets set by the Mayor of London in the London Plan (2016) and draft London Plan. It should be noted here that whilst historically the use along Commercial Road was retail led, the area has evolved over time with the changing economic landscape and now comprises mainly of mixed use developments, which make optimal use of the available land.
- 7.12 The application proposes to deliver a scheme that is policy compliant in relation to the provision of 40% affordable housing whilst maintaining active frontages along Commercial Road. The introduction of the residential use would result a significant floorspace requirement for residential entrances, refuse and cycle storage and communal areas and would consequently reduce the amount of floorspace available to commercial uses.
- 7.13 Overall, the quality of the commercial accommodation and the benefits of the alternative, mixed use, with significant residential element are considered to outweigh the reduction in quantum of commercial space on the site. The proposal is acceptable in land use terms.

Housing Mix

- 7.14 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. LBTH Policy D.DH2 seeks to secure a mixture of small and large housing. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2017).
- 7.15 The table below details the mix of unit sizes proposed, as they apply to the market, affordable and intermediate tenured residential units:

Table 1: Proposed housing mix against policy targets

Unit Size	Total Units	Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate			Units	As a %	Policy Target %
Units	As a %	Policy Target %	Units	As a %	Policy Target %	Units	As a %			
Studio	0									
1 Bed	15	3	33.3%	25%	2	50%	15%	10	40%	30%
2 Bed	14	2	22.2%	30%	1	25%	40%	11	44%	50%

3 Bed	7	2	22.2%	30%	1	25%	45%	4	16%	20%
4 Bed	2	2	22.2%	15%	0	0		0	0%	
Total	38	9	100%	100%	4	100%	100%	25	100%	100%

- 7.16 As per the above table, there is an over provision of 1 bed units across all tenures, a slight under provision of 2 bed units and an under provision of 3/4 bed units. However, when looking specifically at the proposed affordable rented units there would be an under provision of 2 and 3 bed units and an overprovision of 1 and 4 bed units. For intermediate units, there would be an overprovision of 1 bed units with under provision for 2 and 3 bed+ units.
- 7.17 Whilst the proposed unit mix for affordable rent and intermediate residential units would not strictly meet policy guidance, given that the affordable rented tenure is weighted towards the provision of larger, family sized units (3 bed+), along with the significant identified need for units of this type in the Borough, the lack of compliance with certain aspects of Local Plan Policy D.DH2 is considered acceptable on balance. In addition, the Council's Housing Team have reviewed the proposal and confirmed that the proposed unit mix across each tenure would be acceptable.

Affordable Housing

- 7.18 The Mayors strategic target is for 50% of all new homes to be genuinely affordable. To contribute towards this aim, policy H4 requires that major housing developments provide affordable housing, using the 'threshold' approach.
- 7.19 The threshold approach sets a benchmark level of affordable housing to be provided on residential development – at 35% of the total housing provision. Where developments meet this threshold and where additionally the offer is consistent with a 70% affordable rented / 30% intermediate tenure split, the application can follow the 'fast track' route and a Viability Assessment need not be submitted. If the above criteria are not met, the application must follow the 'viability tested' route, and submit a Viability Assessment for scrutiny.
- 7.20 It should be noted that, a percentage of the site is in ownership of the Local Authority. Land that is in public ownership or public use which is used for housing development will be expected to deliver at least 50 per cent affordable housing without grant to benefit from the Fast Track Route.
- 7.21 The applicant has provided evidence which shows that the applicant purchased leasehold for 38-44 White Horse Road, 611-613 & 619-623 Commercial Road from Tower Hamlets Council on a 199 year lease from 4th March 2016. In this instance it is considered that the scheme could progress as fast track route given it was sold on long lease prior to the 50% rule for public land being adopted in either supplementary guidance or development plan policy.
- 7.22 The application would provide 40% affordable housing, with a 74% affordable rented/ 26% intermediate, split. The 4% divergence in relation to the tenure split is not considered material in this instance and the scheme is eligible for the 'fast track' route, particularly given that the proposals would provide above the 35% threshold. In order to encourage the implementation of any permission, the requirement for an early stage review will be triggered if an agreed level of progress on implementation is not made within 2 years of the permission being issued. This review mechanism is based on the GLA's standard template and will be secured within the Section 106 legal agreement.
- 7.23 In regards to affordable rented units, a 56/44 product split would be provided between the London Affordable Rent and the Tower Hamlets Living Rent products, This is broadly in line with the Council's Local Plan. This would ensure an appropriate provision is made to support

the need for housing amongst local residents with various options made available as part of the development.

Standard of Residential Accommodation

- 7.24 The GLA's Housing SPG aims to ensure that housing is "*fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime*". The document provides advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 7.25 Policy D.H3 of the Tower Hamlets Local Plan requires that new dwellings meet the minimum standards prescribed within the London Plan, with particular regard for 2.5m minimum floor to ceiling heights and the provision of 10% wheelchair housing. The policy also highlights the requirement that affordable housing not be of a distinguishable difference in quality.
- 7.26 Of the 38 residential units 3 would be located at ground floor and 35 units at first floor and above. Each unit would meet or exceed minimum space standards and all units would have outdoor private amenity areas in compliance with relevant standards.
- 7.27 3 units (7.8%) would be wheelchair accessible, in accordance with Part M4(3) of the Building Regulations. All three units are located at ground floor level and are all affordable rented units, which addresses demand and need. The remaining 35 units would be accessible and adaptable units in accordance with Part M 4(2) of the Building Regulations.
- 7.28 The provision of wheelchair accessible units is below policy requirement however, the applicant has provided all the ground floor units to be wheelchair units at affordable rent, all three units would have their own separate entrances, two off White Horse Road and one from Commercial Road. It is also noted that one of the unit is a 3 bed 4 person family unit with 54sqm of private amenity space. To provide an additional wheelchair unit above ground would require a second lift to the lobby. Officers are aware of the constraints of the site and recognised that in this instance it is not possible to achieve a wheelchair unit above ground due to the limited ground floor area.
- 7.29 The market core would be accessed from White Horse Road and affordable core would be accessed from Commercial Road via separate entrances. The cores would provide separate access to bin and cycle stores on the ground floor of the building. Each core would be provided with one lift, ensuring adequate ability to access units located above.
- 7.30 Whilst it is acknowledged that policy guides developments to provide mixed and balanced communities, the split arrangement would ensure that the management of the affordable rented units is effective. It would ensure that service charge remains at an affordable rate. This advice has been provided by numerous registered providers and is the predominant approach for major residential schemes within the Borough.
- 7.31 The 'Standards for new Homes' document (2017) was produced jointly by the Housing Forum and Tower Hamlets council. It sets standards for the design and finish of affordable new homes – in relation to internal and external communal areas, the internals of the flats themselves and the appearance of the exterior of the building. The developer will commit to implement the development in accordance with the guidance in that document, to ensure a consistency of quality and durability of finish to affordable and market elements of the scheme alike, to ensure the development is 'tenure blind'.
- 7.32 Out of the 38 units 23 would be dual aspect, the single aspect units would all face due south providing all single aspect units with sufficient daylight and sunlight.

7.33 Separate kitchen and living areas would be provided for all 3 bed and 4 bed affordable rented units. This has been provided on the advice from Council's Housing Team. This is based on feedback from existing tenants where the separately provided rooms would provide greater levels of liveability and usability.

Communal Amenity Areas & Child Play Space

7.34 In a built up area like London, safe communal areas and stimulating play facilities are essential for a person's well-being.

7.35 In relation to communal amenity space, Local Plan Policy D.H3 requires the provision of a minimum 50sqm for the first 10 units of a development and a further 1sqm for every additional unit. With the proposed 38 residential units, this equates to a minimum provision requirement of 78 square metres across the development.

7.36 Local Plan Policy D.H3 requires major developments to provide a minimum of 10sqm of high quality play space for each child, calculated using the anticipated 'child yield' calculator.

7.37 The market tenured units would generate a child yield of 5.3 total children, which requires a minimum 53sqm of play space. The affordable and intermediate tenured units would generate a child yield of 13.2, which requires a minimum 132sqm of play space, split across the different age groups, as set out in the GLA's Play and Informal Recreation SPG (2012).

7.38 The proposal would provide communal space and play space in the following 2 locations:

- Ground floor – 67sqm 'play space' accessible by all residents
- 4th floor Block B – 122sqm 'play space and communal space' accessible by the residents of Block B only (Affordable & Intermediate)
- 4th floor Block A – 67sqm play space and communal space accessible by the residents of Block A (private market)

7.39 The overall requirement for both playspace and communal space for the development would be 263sqm whereas the total space provided is 7sqm short at 256 sqm. All playspace for younger children (0 to 11) will be provided on site and it is recommended that all details of communal/play space are reserved by condition to allow a robust consideration of details of play space layout and the quality of the spaces provided so as to ensure the design of the space meets Play England's design principles..

7.40 In terms of access, residents from both the market and affordable/intermediate tenured units would have shared access to the ground floor play space within the development. A condition would be applied to the development to secure this arrangement. Given the constraints of the site, the rooftop amenity would be the most practical location for meeting the child play space and communal play space requirements, and given that the blocks have separate tenures, this would lead to an element of separation between the tenures. However, this is considered on balance acceptable given the requirement for separate cores and the impracticalities of having residents from separate cores accessing buildings where they are not in residence. It is noted that some off-site play facilities would provide additional facilities for future residents. White Horse Road Park and Stepney Green Park, within 320m of the development, would provide informal recreation areas, sufficiently extensive green spaces and more formal play.

Daylight and Sunlight for the new residential dwelling

7.41 Policy D.DH8 requires the protection of the amenity of future residents and occupants by ensuring adequate levels of daylight and sunlight for new residential developments. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE)

handbook 'Site Layout Planning for Daylight and Sunlight' (2011). The primary method of assessment of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

- 7.42 Further guidance is provided with regard to sunlight, with the BRE guidance stating that in general, a dwelling which has a particular requirement for sunlight will appear reasonable sunlight if at least one main window faces within 90 degrees due south and the centre of one window to a main living room can receive 25% annual probably sunlight hours (APSH), including at least 5% annual probably sunlight hours in the winter months (WPSH) between 21 Sept and 21 March
- 7.43 The applicant has provided a Daylight / Sunlight assessment, undertaken by T16 Design.
- 7.44 In relation to daylight, the ADF was used, which is a measure of the amount of daylight in an interior and is dependent on the room and window dimensions, the reflectance of the interior surfaces and the type of glass, together with any obstructions outside.
- 7.45 The submitted results indicate that all of habitable rooms would meet or exceed the relevant ADF value. The proposed accommodation would therefore provide good access to daylight for the future residents.
- 7.46 In relation to sunlight, the BRE guidance uses the Annual Probable Sunlight hours (APSH) that windows facing within 90 degrees due south should receive. Windows that aren't within the aforementioned parameters are not assessed in relation to sunlight. The guidance recommends that relevant windows should receive at least 25% of the total available sunlight, including at least 5% during winter periods.
- 7.47 The submitted results demonstrate that all rooms would meet or exceed the annual and winter sunlight hours target.

Design

Planning Policy

- 7.48 The Development Plan policies requires that schemes of high quality design that reflects local context and character and provides attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets.

Height, Scale and Massing

- 7.49 The application proposes the construction of a building comprising of a ground and between 3 and 4 stories above. The proposal would include commercial units at basement and ground level with three residential units at ground floor and on-site child play space. The remaining residential units will be located at first floor and above with communal amenity and child play space.
- 7.50 The massing of the proposed development would follow the footprint of the perimeter of the street and established building lines. There are two areas of retained facade that have heritage value. These are two storeys in height. Starting on White Horse Road and next to the former White Horse Pub, the scheme proposes the retention of the two storey façade at number 44 and 46 and adds a further storey above, set back from the period property. The overall height is the same as the Pub but with additional set-back to emphasis the retained property below.

- 7.51 The building rises to four storeys above the main residential entrance and steps up again to five storeys at the junction with Commercial Road – a similar height as the existing mixed use development to the west.
- 7.52 The height of the building is reduced at its northern and eastern ends to respect the existing townscape and storey heights of the buildings adjacent and the varied height found along Commercial Road and White Horse Road.
- 7.53 Areas of communal amenity space and child play space would be conveniently placed at ground floor and on the terraced setbacks, allowing the visual form to be broken up and would provide visual relief.



Figure 1 – CGI Visual of Proposed Development from the South-West of the Site.



Figure 2 – CGI Visual of Proposed Development from the South-East of the Site.

- 7.54 Powesland Court development immediately to the west is 5 stories, to the south lies a 3 story pub and 2 storey residential buildings along White Horse Road, Wakeling Street and Barnes Street. Given the surrounding context and the stepped design approach, it is considered that the size and height of the building is in keeping with the form, rhythm and character of the Commercial Road and White Horse Road street scene.
- 7.55 The massing and scale of the development is considered to be proportionate to the context of the surrounding area and sits comfortably within its townscape setting.

Appearance and Layout

- 7.56 The scheme has gone through a number of iterations; the revised scheme would consist of a traditional 'ground, middle and top'. This has been achieved by setting back the top floor from the middle.
- 7.57 Where demolition has taken place the facades of no. 619, 621 and 623 are to be rebuilt in period style but to an increased height of three storeys to improve the relationship and transition in height from the corner (White Horse Road) to the adjacent terraced housing next to the site. The top floor of this section has been set back – creating a base/ middle and top as per the main elevation of the building. This would ensure a consistent built form across White Horse Road and would ensure the building would not be visually oppressive to the streetscape.
- 7.58 To the eastern end of the site a new three storey house is proposed adjacent to the existing row of Terraced Houses on Commercial Road.
- 7.59 The White Horse Road elevation will have two retained facades at no. 44 and 46, above the retained façade; the top floor is set back from the parapet wall to reduce its scale and help mediate between the new and the existing pub.
- 7.60 In regard to the ground floor layout and visual treatments, the development would contain active frontages both along Commercial Road and White Horse Road. The shopfronts will be glazed with adequate space for signage and lighting. This will ensure necessary signage into clear and distinct locations.

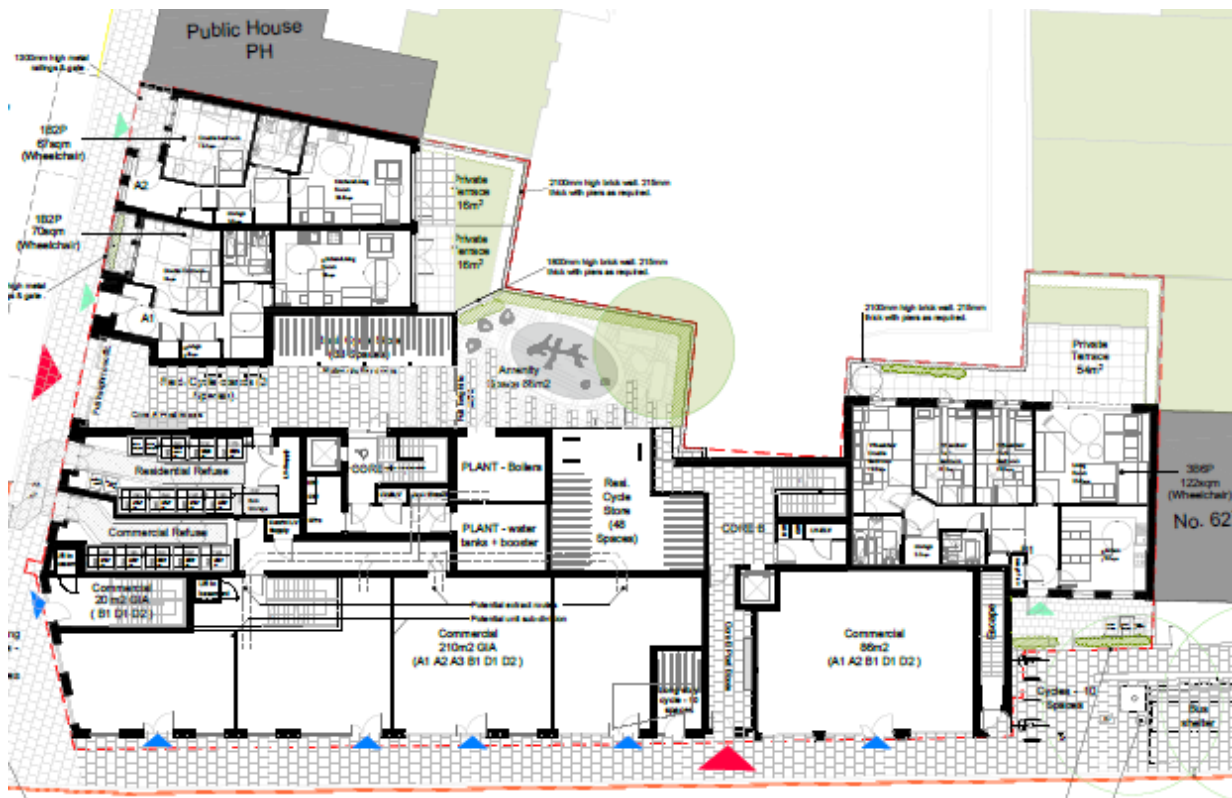


Figure 3 – Ground Floor layout

Materials

- 7.61 The suite of materials used throughout the building includes, stock buff tone face brickwork which would be used as the predominant base material along each elevation and twice weathered stone coping to parapets.
- 7.62 At ground floor a dark grey/black brick is proposed to highlight the commercial frontage with security shutters to be placed behind the glazing.



Figure 4 – Proposed Materials and Finishes

- 7.67 Upper levels of the building would comprise Juliet balconies with dark tone steel balustrades. Unit windows would be framed with a dark aluminium material whilst balcony treatments would comprise buff tone brick parapets with mid grey tone steel balustrades.
- 7.68 The group of proposed materials respects the heritage aspect of the site and surrounding area whilst still being of high quality. The materials and overall appearance of the building would be consistent with guidance within the Local Plan.

Landscaping

- 7.69 The proposed space to the northern end of the site would contain a small amenity area providing seating and play equipment with planting.
- 7.70 The proposals would also include non-accessible green roof areas 3rd, 4th and 5th floor level. These are discussed in more detail when considering biodiversity below.
- 7.71 Due to the constrained nature of the site landscaping proposal is limited. Nevertheless, subject to conditions requiring details of proposed hard and soft landscaping, officers are satisfied that the proposed landscaping of the scheme would be on balance acceptable.
- 7.72 Representations have been made to the effect that the proposals will remove access the car park at the north of the site which runs to the rear of the properties at 625 to 631 Commercial Road. This access would not appear to be a matter for direct consideration in the planning application, nevertheless it is noted that there is no new proposed built form in this location.

Secure by Design

- 7.73 Policy 7.3 of the London Plan and policy D.DH2 of the Local Plan seek to ensure that developments are safe and secure.
- 7.74 The proposed development has been assessed by the Crime Prevention Officer who has not raised objection to the proposal, however wanted further clarification on the development. A Condition would therefore be attached to any approval, to ensure that the development will seek to achieve the Secure by Design Accreditation.
- 7.75 Subject to conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy D.DH2 of the Local Plan.

Conclusion

- 7.76 In terms of overall design, the development is well considered, appropriately detailed and would allow a building of suitable mass and scale for the site's location.
- 7.77 Whilst being only slightly higher than immediately surrounding developments, the additional height would be concentrated along Commercial Road and at the junction of White Horse Road and would step down on the northern and eastern ends. The overall design of the building with communal amenity and child play space terraces and modest design would provide sufficient visual relief.
- 7.78 The provision of active frontages is consistent with policy guidance to make use of areas open and visible to the public and would activate this part of the Limehouse Town Centre.
- 7.79 The suite of materials and the contemporary design ensure there is compatibility between new built element the heritage of the surrounding area, whilst also ensuring a high quality, modern

design approach. The design of the building effectively meets Local Plan policy considerations and would make a positive contribution in the surrounds.

Heritage

- 7.80 Paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.81 Chapter 16 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).
- 7.82 Paragraph 189 of the NPPF states that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.'*
- 7.83 Paragraph 190 of the NPPF states *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*
- 7.84 Paragraph 192 states that *'In determining applications, local planning authorities should take account of:*
- a. *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b. *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c. *the desirability of new development making a positive contribution to local character and distinctiveness.'*
 - d.
- 7.85 Paragraph 193 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 7.86 Paragraph 194 of the NPPF sets out that *'Any harm to, or loss of, the significance of a designated heritage asset (and the NPPF specifically states that this includes harm from development within its setting), should require "clear and convincing justification". Substantial harm or loss of: ...*
- b. *assets of the highest significance, notably... grade ...II* listed buildings... should be wholly exceptional.'*
- 7.87 As discussed further below, the Local Planning Authority considers the overall harm from the application to be 'less than substantial'. As such, paragraph 195 of the NPPF relating to substantial or total loss is not considered relevant and instead paragraph 196 applies.

- 7.88 Paragraph 196 states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 7.89 The weight to be given to harm remains a matter of planning judgement for the Local Planning Authority and it is shown above that Paragraph 196 states that harm can be weighed in the balance against the public benefits of the proposal, including where appropriate, securing the optimum viable use of the listed building. The Planning Practice Guidance also now advises that within the less than substantial harm category, *'the extent of the harm may vary and should be clearly articulated'*. So whilst considerable weight should be attached to any less than substantial harm, it may still be affected by the extent of the harm.
- 7.90 Paragraph 198 states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- 7.91 Paragraph 199 states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 7.91 Paragraph 200 also states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Local Planning Authorities should also look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance.
- 7.92 The scope and proper application of the overarching statutory duty provided under Section 66 (1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is explained in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors* [2014] (CD 5.2). At paragraph 23 of the 'Barnwell Manor' decision, Lord Justice Sullivan explained that *'there is a 'strong presumption' against granting planning permission for development which would harm the character and appearance of a conservation area precisely because the desirability of preserving the character or appearance of the area is a consideration of 'considerable importance and weight.'*
- 7.93 London Plan policy 7.8 states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. This is continued in policy HC1 of the draft New London Plan which states that *'Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should seek to avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.'*
- 7.94 This site lies within the York Square Conservation Area, fronting Commercial Road and wrapping around the corner to White Horse Road. Opposite to the site are the White Swan public house which is locally listed, and the Half Moon Theatre which is also locally listed. Adjoining it to the west are the White Horse Public House and attached terrace which are typical of the character and appearance of the conservation area, and to the east a short terrace of 3 modern properties intended to mirror the character of the conservation area.

7.95 The York Square Conservation Area Appraisal states:

York Square Conservation Area was constructed to a consistent Regency design which was typical of the area. It consists mainly of a grid of two storey terraced houses with butterfly roofs and front parapets. Many of these are Grade II listed. Many of the terraces in the York Square area open directly onto the street. Terraces set back from the street were originally enclosed by cast iron railings, set in a stone plinth and are important to the character and appearance of the street. Some of the surfaces have York Stone paving.

Streets are characterised by the homogenous layout of small scale streets and uniform modest terraces of narrow, flat fronted houses and the grid street pattern focuses upon York Square. The plan incorporated a hierarchy of streets and some terraces within York Square itself were built with a mansard storey, giving these properties greater prominence and indicating their relative importance within the hierarchy of roads in the Mercers estate. This is an original uniform treatment and thus the homogeneity is both intended and witnessed on the north and south sides of York Square. The largest houses were on Commercial Road, the more modest on local side streets.

The more irregular and varied development on White Horse Road reflects its development over time as a street that precedes the 1823 grid design. Unique buildings on the road include the locally listed White Horse Pub (now the White Swan) on the intersection of Commercial Road and Butcher Row and in the former Limehouse District Board of Works Offices. The locally listed Works Office with two storey plus basement was conceived on a generous scale, but is of moderate size and contains relatively few rooms. It has an elaborate stuccoed, Italianate façade to the street, with the rear of the building plain. In 1994, the building was converted to the Half Moon Youth Theatre but with a much damaged interior. The former two storey Hamlet of Ratcliffe School, founded in 1710, also locally listed, stands just beyond.

Commercial Road was constructed in 1810 and land on either side was sold to speculative builders. This resulted in piecemeal development over time that retains a period character but contrasts with the highly planned grid that characterises other parts of the Conservation Area.

The road is now characterised by commercial premises at ground floor with mainly residential uses at upper floors.

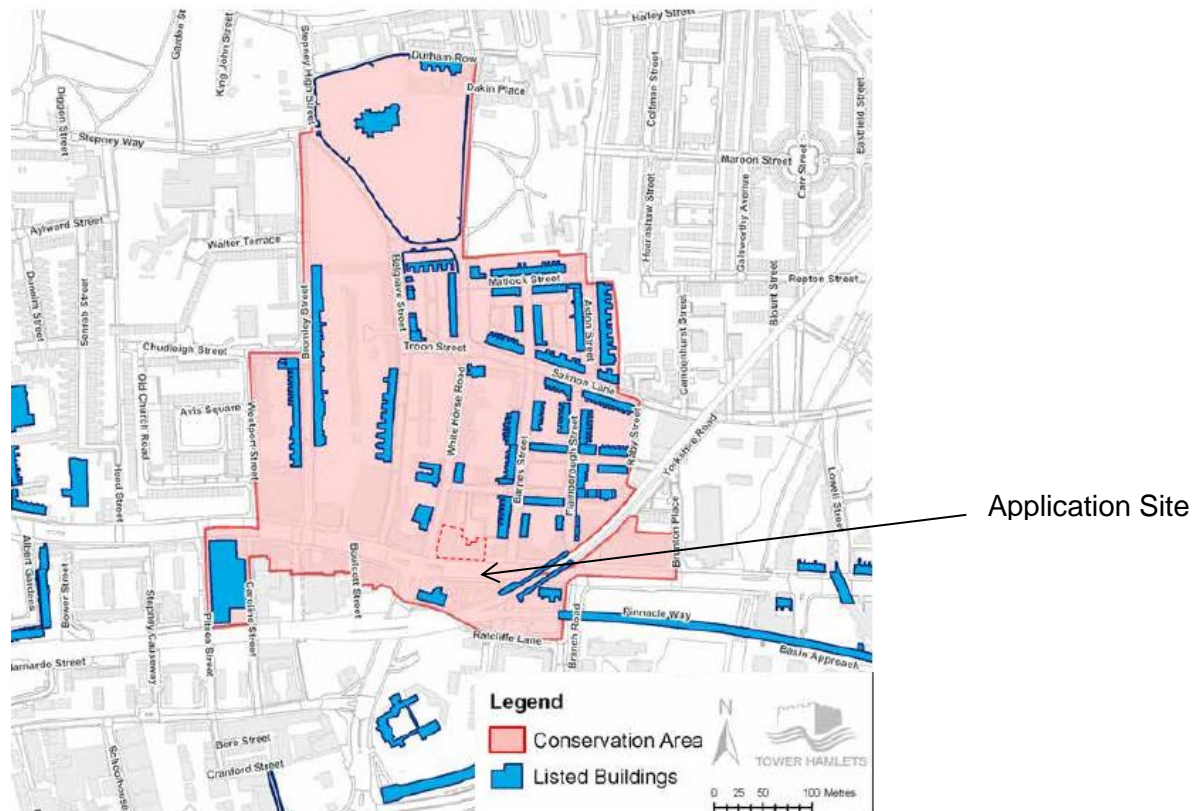


Figure 5 – York Square Conservation Area

Demolition

- 7.96 The application site originally contained a number of buildings which were similar in age, scale and materials to that of the mainly residential buildings of the conservation area. The previous approval under PA/16/02842 gave permission for the demolition of nine buildings with façade retention of buildings no. 44 White Horse Road and nos. 619 to 623 Commercial Road.
- 7.97 A pre-application meeting was held on 29th May 2018 with the Council's Planning and Building Control officers to discuss condition 3 of the above permission which required the retention of the façades along White Horse Road and Commercial Road. As part of this pre-application submission a structural survey was provided which advised that the existing properties at numbers 619 to 623 Commercial Road were in a severely dilapidated state of repair and had partially collapsed. The structural survey also recommended the following steps were undertaken:
1. carefully recording the façade in detail,
 2. carefully taking down the façade and storing the existing brickwork for reuse
 3. reconstruct the façades in facsimile
- 7.98 The Council provided a pre-application response which advised that the applicant carry out a full and thorough risk assessment to establish the extent of any potential dangerous structures and undertake any subsequent remedial repairs that are required, thus limiting any potential harm to the public. It further advised that due to the dilapidated state, partial collapse of buildings and potential dangerous structures the recommended steps within the structural survey in this instance would be acceptable in principle. However, this should be pursued through a new planning application and further information in terms of design details would be required; the applicant was also required to demonstrate how practical it is to dismantle the façade in order to reuse the bricks.

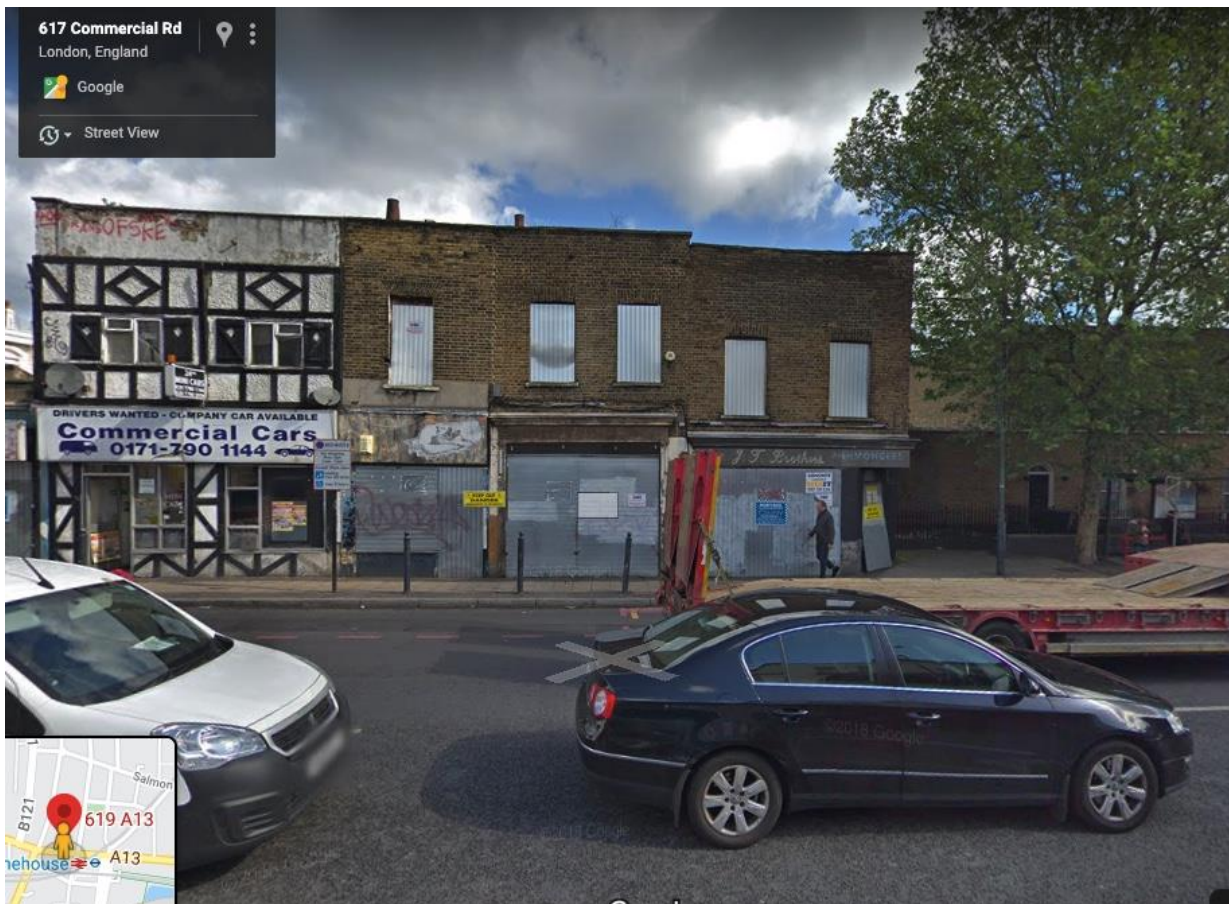


Figure 6 – 619 to 623 Commercial Road prior to demolition in 2018 – the brick fronted buildings, Source: Google Street View.

- 7.99 In the months following the meeting, the buildings at 619 to 623 Commercial Road were demolished, however, this was undertaken without the benefit of planning permission and as such is this unauthorised demolition is subject to an ongoing planning enforcement investigation.
- 7.100 The application proposals therefore seek to regularise this situation by applying for the redevelopment of the site which includes the demolition of these building and the construction of new buildings in their place.as part of the wider comprehensive development of the urban block. Any action with respect to the enforcement investigation has been held in abeyance until the outcome of this application - along with the S73 application (PA/18/01943) at the site which is currently awaiting determination - is known.
- 7.101 Of the buildings demolished on site, the buildings at nos.619, 621 and 623 Commercial Road were considered to contribute positively to the character of the conservation area due to their scale, proportions and detailing, and this was reflected in the proposals to retain these as part of the planning permission PA/16/02842 for the site.
- 7.102 Given the positive contribution these buildings previously made, their demolition results in harm to the character and appearance of the York Square Conservation Area. For the purposes of the NPPF, the buildings would also be considered non-designated heritage assets.

Rebuild of Commercial Road properties

- 7.103 The proposals would see the rebuilding of the facades of the demolished buildings at 619 to 623 in facsimile. Whilst this is acceptable as a design approach to the site, the successful recreation of these facades will be dependent on the materials used in construction and their faithfulness to the original design and materiality of the demolished facades. As such, a condition is recommended requiring all details and samples of all materials to these facades.
- 7.104 While the facades would be replicated it should also be noted that the buildings behind the facades would be tied into the wider development site and as such, these replica facades would be topped by two additional stories following the more contemporary and robust appearance of the remainder of the development plot.
- 7.105 The proposals would see the retention of the facades of at nos. 44 and 46 White Horse Road date which date from the early 19th century, and are also two storey with a parapet. The retention of these building facades is supported

Wider impacts on the Conservation Area

- 7.106 The proposed development would increase the overall scale and massing on this prominent corner in the York Square Conservation area. However with the proposed stepping down of the new building along White Horse Road this will ensure that important views are not impeded and the footprint of the proposed development would largely follow the historic line of built form on the street and sit comfortably in its street context. It is noted within the Conservation Area Appraisal that buildings on Commercial Road would be typically higher than those on side streets including White Horse Road, which is characterised by a more varied form of development. The proposal, with the majority of its height situated to towards Commercial Road, and its notable reduction in height along White Horse Road would respect this characteristic. The Conservation Area Appraisal also notes the typical typology along Commercial Road with commercial units and ground floor and residential above, again the proposals would respect this.
- 7.107 The proposed use of traditional materials including brick and stone and regular fenestration pattern would be in keeping with the surrounding historic built form and as such would contribute positively to preserving the character and appearance of the conservation area.

Other heritage assets

- 7.108 The site does not accommodate any statutory listed buildings, but there are a number of statutory and locally listed buildings situated within the local area; to the west of the site is locally listed Half Moon Theatre (43 White Horse Road) to the east of the site lie 1-15 (odd) and 2-10 (even) Barnes Street Grade II listed properties and to the south the White Swan Public House (556 Commercial Road) is locally listed.
- 7.109 The general scale of the application proposals, which ensures appropriate transitions between neighbouring sites and positions its highest five storey elements on Commercial Road, is not considered to affect the heritage significance of these building thus satisfying section 66 of the Listed Buildings Act 1990 that there will be no harm to the statutory listed building and their settings.

Strategic Views

- 7.110 The development does not affect any strategic views.

Archaeology

7.111 The site is located at the edge of Limehouse archaeological priority area with potential to contain eighteenth century buildings on the site. The scope of the proposed basement would have a comprehensive effect on the eighteenth century buildings also given the common thicknesses of overburden in east London, archaeological survival of the White Swan Inn as well as earlier evidence of human activity may be preserved. These should be managed in advance of the development commencing, under a staged condition. The Greater London Archaeological Advice Service (GLAAS) have provided comments and are satisfied that the proposal could be dealt with by an appropriately worded condition.

Conclusions with respect to heritage

7.112 The loss of the non-designated heritage assets at 619 to 623 Commercial Road results in some harm to the York Square Conservation Area. While the rebuilding of the facades of the buildings would act to offset this harm to some extent, this would not wholly compensate for the loss of the original historic constructions which made a positive contribution to this part of the conservation area. As such, the harm resulting here is considered less than substantial in line with the provisions of Section 16 of the NPPF.

7.113 As set out of above, the proposals would not negatively impact the remainder of heritage assets within the vicinity including the locally listed and statutorily listed buildings.

Balancing harm and public benefits

7.114 The starting point for any proposal involving heritage assets is to 'do no harm' to the significance of the asset. Where harm would occur and this is found to be less than substantial, the harm can be balanced against the public benefits of the scheme as required by para 196 of the NPPF.

7.115 The loss of the non-designated heritage assets at 619 to 623 Commercial Road would result in harm in and of itself and entirely erode the heritage significance of these buildings. In accordance with paragraph 197 of the NPPF, proposals which involve the loss of significance to non-designated heritage assets require a balanced judgement to be made with regard given to the scale of harm and/or loss and the significance of the heritage asset.

7.116 As noted above, the level of harm to the significance of the conservation area caused by the demolition of the buildings at 619 to 623 Commercial Road, is assessed to be less than substantial, and given the proposed replication of the building facades, officers' opinion is that this harm lies at the lower end of this scale. In accordance with paragraph 196, the public benefits arising from the proposed development would include:

- a. The provision of 38 new residential units;
- b. The provision of 40% (9 affordable/social rented units and 4 intermediate units) of affordable housing to be provided on site;
- c. The provision of high quality commercial space fronting Commercial Road helping to ensure a more active frontage in this Town Centre location;
- d. The new building, which is assessed to be of a high design quality, and commercial uses which will optimise the use of the application site by removing the vacant/dilapidated spaces which currently have a detrimental effect on the character of the conservation area; and

e. Employment and enterprise contributions;

7.117 Officers consider that the proposed public benefits listed above would outweigh the less than substantial harm to the York Square Conservation Area. In addition, the proposed public benefits would offset any harm resulting from the loss of the non-designated heritage assets, and given their overall significance, their loss is acceptable on the basis of the balanced judgement required by paragraph 197 of the NPPF.

Neighbouring Residential Amenity

7.118 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating or allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions.

Daylight and Sunlight

7.119 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

7.120 A number of residential properties surround the site. These properties have been tested in relation to Daylight, Sunlight and overshadowing impacts and the results recorded in the submitted Daylight Sunlight Report conducted by T16 Design. This report has been reviewed by the Council's Daylight and Sunlight Officer.

7.121 For calculating daylight to neighbouring residential properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.

7.122 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 not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. VSC is a metric that determines the amount of light falling on a particular point, in this case, on the centre point of the window. The calculations for VSC do not take into account window size, room dimensions or the properties of the window itself.

7.123 The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. NSL assesses where daylight falls within the room at the working plane (850mm above floor level in houses), Daylight distribution assessment is only recommended by the BRE Report where room layouts are known.

7.124 The technical analysis within the applicant's report demonstrates that 15 residential properties were assessed. These properties include Powesland Court White Horse Road, 50-52 White Horse Road, 2-6 Wakeling Street and 574-588 Commercial Road. A summary of results for each assessed property will be contained below in this report.



Figure 6 – Subject Site and Surrounding Developments

7.125 There is no definitive categorisation for impacts that exceed BRE guidelines, however the following significance criteria banding is useful when seeking to summarise the overall daylight and sunlight effects to surrounding buildings;

- Negligible; 0-20% loss against existing
- Minor adverse; 20-30% loss against existing
- Moderate adverse; 30-40% loss against existing
- Major adverse; >40% loss against existing

Powesland Court

7.126 The Powesland Court is located on the western side of White Horse Road, to the west of the Proposed Development.

7.127 The submitted assessment demonstrates that of the 12 windows assessed 4 windows do not meet the BRE guidelines, 2 of these windows would experience minor adverse impacts (28% and 29% reductions) and 2 windows would experience a moderate adverse impacts (34 and 32% reductions). Nevertheless, while these windows would see noticeable reduction against BRE guidelines, they would however retain residual VSC levels in excess of 20% which can be considered acceptable in the specific urban context.

7.128 In regards to NSL results, it is noted that the consultant has advised that calculations could not be undertaken as no floor plans were available for the building. However the consultant has

adopted the mirror massing approach for the 4 windows which did not meet VSC targets. All 4 of these windows would be BRE complaint in relation to the mirror test.

50-52 White Horse Road

- 7.129 50 and 52 White Horse Road are two storey houses, the submitted assessment demonstrates that the proposed development would not negatively impact the daylighting and sunlighting conditions within this building and would be BRE compliant in relation VSC and APSH tests.

2, 4 and 6 Wakeling Street

- 7.130 2-6 Wakeling Street are two storey houses, the submitted assessment demonstrates that the proposed development would not negatively impact the daylighting and sunlighting conditions within this building and would be BRE complaint in relation to both VSC and APSH tests.

574-588 Commercial Road

- 7.131 574 – 588 Commercial Road consist of nine buildings with commercial units at ground floor and residential above. The submitted assessment demonstrates that the proposed development would not negatively impact the daylighting and sunlighting conditions within this building and would be BRE complaint in relation to both VSC and APSH tests.
- 7.132 No NSL test was carried out for the above properties however as the VSC and APSH test were largely positive this is considered on balance acceptable.

Overshadowing

- 7.133 In relation to the potential overshadowing of gardens and open spaces, BRE guidance sets out that the centre of an existing area should receive at least two hours of sunlight on the 21st. The proposed development would not have significant overshadowing impacts on neighbouring amenity areas.
- 7.134 The results demonstrate that amenity spaces on neighbouring developments would be adequately sunlit for at least 2 hours a day on the 21st of March and would meet BRE Guidance.

Conclusions on Daylight, Sunlight and Overshadowing

- 7.135 In summary, the results in relation to daylight, sunlight and overshadowing demonstrate that the majority of the surrounding properties will not be adversely affected by the proposed development. There are however four windows within residential Powesland Court, that will experience slight reductions in the daylight and sunlight levels as specified in detail above.
- 7.136 Having regard to this, it is noted that Part 1(d) of Policy D.DH8 of The Tower Hamlets Local Plan 2031 (Managing Growth and Sharing the Benefits) requires that new developments should not result in an unacceptable material deterioration of the daylighting conditions of surrounding development including habitable rooms of residential dwellings.
- 7.137 In assessing the proposals against the above policy context, the existing site conditions and location of the proposals are also of relevance. In this regard it should be noted that the application site is developed with a low scaled building and neighbouring sites are developed up to, or in close proximity to the site boundary, with a number of windows orientated towards or receiving daylight from the application site. It is therefore considered that any substantial above ground development on the application site would result in daylight and sunlight implications to surrounding properties.

7.138 Further to the above, it is noted that planning policies promote optimisation of underutilised sites and a variety of land uses. When taken in the context of the transgressions from BRE guidance, the wider benefits of the proposed development and the existing site conditions, it is considered that the proposed development would not result in an unacceptable impact on daylighting or sunlighting conditions to surrounding properties.

Overlooking and privacy

7.139 Local Plan policy D.DH8 promotes a distance of 18 metres between windows of habitable rooms to ensure sufficient privacy and no unreasonable loss of amenity from overlooking between habitable rooms of adjacent residential properties and private amenity areas.

7.140 In terms of outlook and sense of enclosure, the proposed massing, which steps down from 5 to 3 storeys, officers do not consider it would result in an overbearing presence or result in an undue increased in sense of enclosure within the context of the site.

7.141 Habitable room windows within the development have been designed to ensure compliance with policy. To the north, residential units would overlook the amenity space and beyond an existing carpark space.

7.142 To the south, residential units would overlook Commercial Road, there would be a separation distances of 22 meters between the proposed development and properties adjacent to ensure minimal overlooking impacts.

7.143 To the eastern end of the development, there is the potential for overlooking impacts from the first and second floor units (B3 and B7) balcony, as part of the redesign changes the balcony has been partly recessed reducing its projection to approximately 0.5m the applicant has further agreed to the installation of a privacy screen . This will increase the level of privacy to neighbouring property at no.627 Commercial Road and reduce the amount of overlooking.

7.144 The balcony of unit B10 faces due east to reduce overlooking and impact on privacy the applicant has agreed to a privacy being installed.

7.145 The bedrooms of unit B3 and B7 would be located approximately 15 meters south west of no.1 Barnes Street, with an angled view towards Barnes Street, it is considered that privacy would not be undermined and the separation distance within this urban setting is on balance acceptable.

7.146 To the north west units A5 at first floor and A12 at second floor are located adjacent to White Horse Public House no.48 White Horse Road. The public house is currently vacant with residential use above. The proposed units are set back approximately 2.3m from the building of 48 White Horse Road and the balconies do not project beyond the building line to cause any unacceptable overlooking or loss of privacy.

7.147 The separation distances internally and with adjacent buildings within this urban setting are on balance considered sufficient to limit the potential for unacceptable levels of overlooking and with the installation of privacy screens would not unacceptably impact on neighbouring privacy.

Noise and Vibration

7.148 The application is supported by a Noise Assessment. The report demonstrates that the scheme has been designed so that it appropriately responds to the immediate application site context. Subject to conditions requiring plant noise emissions to be below the Council's noise

criterion, the completed proposed development would not give rise to significant effects in respect of operational noise and vibration.

Construction Impacts

- 7.149 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts. These will control working hours and require the approval and implementation of Construction Environmental Management and Logistics Plan.

Summary

- 7.150 Overall, the proposed development would not have an unacceptable adverse impact on the surrounding area in terms of daylight or sunlight conditions. The potential for overlooking has been addressed and sufficient distances and measures have been incorporated into the development. Overall there would be compliance with policy D.DH8 which seeks to protect the amenity of existing buildings and their occupants.

Transport

- 7.151 Development Plan policies promote sustainable modes of travel and seek to limit car parking and car use to essential user needs. These policies also seek to secure safe and appropriate servicing arrangements to ensure developments are managed effectively and efficiently.

Car Parking

- 7.152 The applicant has committed to a 'car free' development. The 'car free' nature of the proposal is considered acceptable given the site's access to surrounding public transport networks and is supported. The provision of the development as 'car free' would need to be secured through a legal agreement. No visitor parking bays have been provided.
- 7.153 The proposal does not offer accessible 'blue badge' bay, due to the site constraints, its location on an arterial road, the small number of units proposed the non provision of an accessible on balance is acceptable.

Servicing and Deliveries

- 7.154 The refuse collection for both residential and commercial will take place on White Horse Road. The deliveries and servicing strategy is for on-street servicing from dedicated delivery bay on Commercial Road which is considered appropriate, given that the residential units would generate a low level of servicing requirements.
- 7.155 Residential deliveries generally consist of post, occasional furniture deliveries, online shopping and grocery deliveries. It is expected that the majority of deliveries would be undertaken in a 7.5ft box van.
- 7.156 Commercial units typically generate 0.25 deliveries per day, therefore the proposed 740sq.m of commercial floor space would be expected to generate 2 deliveries per unit per day.
- 7.157 There is no objection to the proposed arrangements subject to a condition requiring the submission of a Delivery, Servicing and Waste Management Plan.

Cycle Parking

7.158 The proposed development would generate the following need for cycle parking to be provided in line with the up to date requirements of the Draft London Plan:

- Residential Use: 86 long stay spaces and 2 short stay spaces
- Commercial Use: 10 long stay spaces and 10 short stay spaces

7.159 The proposed Cycle parking spaces for both the residential and commercial units would be located on the ground floor of the building.

7.160 Cycle parking spaces for the purpose of residential long stay purposes would be split into two storage areas and would be located between the two residential cores. Residential short-stay spaces would be located within the building adjacent to residential entrance Core A.

7.161 Commercial long stay and short stay spaces to service staff and visitors would be located off Commercial Road.

Trip generation

7.162 The submitted Transport Assessment has considered the total trip generation for both the residential and commercial portion of the development.

7.163 The assessment concluded that the proposed development has the potential to generate approximately 76 two-way trips during a typical weekday (Peak times between 08:00 and 18:00). The majority of these trips would be made via the DLR/Underground/Train/Bus services (81%) whilst pedestrian/cycle transport would make up 17%.

7.164 For commercial units, the development has the potential to generate approximately 176 two-way trips during a typical weekday AM peak time (between 0800-0900) and approximately 116 during a typical weekday PM peak time (between 1700-1800). Similar to the residential trip generation, the large majority of trips would be made either via public transport options or by cycling/walking.

7.165 There is no objection to the trip generation details submitted as part of the development and the site and surrounding infrastructure network would sustain the net increase in trips.

Travel Planning

7.166 The applicant has not submitted a Travel Plan. A full travel plan would to be secured via condition.

Demolition and Construction Traffic

7.167 Should the application be approved, the impact on the road network from demolition and construction traffic would be controlled by way of conditions requiring the submission and approval of Demolition and Construction Management Plans. The Demolition and Construction Management Plan will need to consider the impact on pedestrians, cyclists and vehicles as well as fully considering the impact on other developments in close proximity.

Environment

Energy Efficiency

7.168 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2015 and the Tower Hamlets Local Plan (D.ES7) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

7.169 Policy SI2 of the emerging London Plan requires major development to be net zero-carbon. This means reducing carbon dioxide emissions from construction and operation, and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

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

7.170 Policy D.ES7 includes the requirement for non-residential developments to be zero carbon with a minimum of 45% reduction in regulated carbon dioxide on-site with the remaining regulated carbon dioxide emissions to 100% to be offset with cash payment in lieu.

7.171 The submitted Energy and Sustainability Statement (NRG Consulting - July 2016) has followed the principles of the Mayor's energy hierarchy, and focuses at on the Be Lean stage to reduce energy demand and BE Green to integrate renewable energy technologies (Air source heat pumps and a photovoltaic array (27kWp)).

7.172 The CO2 emissions are:

- Baseline – 65.7 Tonnes/CO2/yr
- Proposed design – 44 Tonnes/CO2/yr
- LBTH policy requirement – 36.1 Tonnes/CO2/yr
- Annual Shortfall – 7.9 Tonnes/CO2/yr

7.173 The total on-site site wide CO2 emission reduction is anticipated to be 32.99%. This shows the proposals are for a 44 tonnes/CO2 reduction in on-site emissions and would result in a carbon offsetting contribution of £14,220 to offset the remaining 7.9 tonnes CO2 and achieve net zero carbon for the proposed development.

7.174 The financial contribution will be included as a planning obligation in the related Section 106 Agreement.

Sustainability

7.175 Policy D.ES7 requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. This policy requires all non-residential uses which form part of a development to achieve a BREEAM Excellent rating of 70%.

7.176 However, the proposals are for only 757sqm of commercial space which is split between the 3 blocks, with an average unit size well below 500m2. In this specific instance it is not considered appropriate to apply the BREEAM requirements due to the costs imposed onto

future tenants to deliver the standards compared to the size of the units. The Energy and Sustainability statement should be delivered and the CO2 emission reduction measures, cooling and overheating proposals and water efficiency proposals implemented.

Summary and Securing the Proposals

7.177 It is considered that the proposals are in accordance with adopted policies for sustainability and Carbon (CO2) emission reductions and it is recommended they are secured through appropriate conditions to deliver:

- Energy Statement Update to include how energy demand and carbon dioxide emissions post-construction will be monitored annually (for at least five years), proposals explaining how the site has been future-proofed to achieve zero-carbon on-site emissions by 2050 and an analysis of the expected cost to occupants associated with the proposed energy strategy.
- Submission of a post completion verification report including the as built calculations (SBEM) to demonstrate the reduction in CO2 emissions have been delivered on-site.
- Submission of renewable energy specification

Air Quality

7.178 Development Plan policies require major developments to be accompanied by assessments which demonstrates that the proposed uses are acceptable and show how development would prevent or reduce air pollution.

7.179 The application is accompanied by an Air Quality Assessment. The assessment concludes that the predicted concentrations of NO2 in 2017 and 2022 approach or exceed the annual mean objective across the majority of receptors on the ground and first floors. As such, mitigation measures will need to be adopted in order to protect the residents of these units.

7.180 The applicant has agreed to install a mechanical ventilation system that draws air in from the roof. The inlets will be placed as high as possible (roof level) and as far away from the local roads as possible.

7.181 The assessment and mitigation measures has been reviewed by Council's Air Quality team and confirmed to be accurate and acceptable. Condition would be secured for details of the mechanical ventilation system to be submitted. Conditions would also be necessary to limit the impact on local air quality as a result of the construction phase of the development. This would be secured and monitored through a required Construction Management Plan.

Waste

7.182 Development Plan policies require adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.

7.183 The LBTH Waste Team have reviewed the proposal and are satisfied that subject to securing the details of bin storage size and servicing arrangements by condition, the proposal would be acceptable.

Biodiversity

- 7.184 Development Plan policies seek to safeguard and provide for net gains for biodiversity. The application site contains buildings and hard standing with small areas of overgrown vegetation on the eastern edge of the site. These have the potential to support nesting birds. It is however noted that much of the site has already been cleared.
- 7.185 Nonetheless it is considered that the loss of these vegetation would not have a significant adverse impact on biodiversity. Following consultation with the Council's biodiversity officer, no objections have been raised subject to biodiversity mitigation and enhancement condition.
- 7.186 Biodiversity landscape measures included within the proposal comprise a biodiverse green roof and nectar rich flowers which are welcomed and would contribute well to the Council's Biodiversity Action Plan objectives.

Flood Risk & Drainage

- 7.187 Development Plan policies seek to manage flood risk and encourage the use of Sustainable Urban Drainage. The application site is located within Flood Zone 1. The application is supported by a Flood Risk Assessment and a Sustainable Urban Drainage Strategy.
- 7.188 The Environment Agency (EA) online flood map confirms that the site is in Flood Zone 1, where there is less than a 0.1 per cent (1 in 1000) chance of fluvial flooding occurring each year. In terms of flood risk from surface drainage, the EA maps classify the site as being at a very low risk.
- 7.189 The submitted documents demonstrate that based on the likely flooding risk and scheme, it is considered that the proposed development could be constructed and operated safely in flood risk terms.
- 7.190 Subject to condition the flooding risk and the urban drainage impacts of the development are acceptable.

Land Contamination

- 7.191 The application has been reviewed by the Council's Environmental Health Land Contamination officer and subject to standard conditions, the proposals are acceptable from a land contamination perspective and any contamination that is identified can be satisfactorily dealt with.

Infrastructure Impact

- 7.192 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £256,762.50 and Mayor of London CIL of approximately £542,400.00. It is important to note that these figures are approximate. The final figures will be determined if approval for the application is granted.
- 7.193 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.
- 7.194 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:

- £15,912.00 towards construction phase employment skills training

- £13,838.00 towards end-user phase employment skills training

Planning Benefits

7.195 The scheme would provide significant public benefits including the provision of 38 residential units and 3 high quality commercial units. Other notable benefits anticipated by the applicant include:

- 40% affordable housing offer
- An Employment and Skills Training programme during construction;
- CIL contributions;
- Significant construction spend in the economy;
- Significant additional visitor spend into the local economy each year;
- Business rate receipts each year for the 3 commercial units;

8. Human Rights & Equalities

8.1 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.

8.2 The proposed provision of residential units meets inclusive design standards and whilst the proposal does not meet the 10% wheelchair accessible unit criteria in this instance the scheme provides all the ground floor units to be wheelchair units and at affordable rent. On balance this is considered acceptable and these standards would benefit future occupants, employees and visitors, including disabled people, elderly people and parents/carers with children.

8.3 The proposed development would not result in adverse impacts upon equality or social cohesion.

9 RECOMMENDATION

9.1 That **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

9.2 Financial Obligations

- £15,912.00 to support and/or provide the training and skills needs of local residents
- ££13,838.00 towards the training and development of unemployed residents in Tower Hamlets
- £14,220 Carbon offsetting obligation
- £500 Monitoring fee for each head of term

9.3 Non-Financial Obligations

- Access to employment
 - 20% local procurement
 - 20% local labour in construction
 - 2 end-user phase apprenticeships
 - 1 construction phase apprenticeships

- Transport
 - Car Free Agreement
 - Section 278 work

- Housing

- 40% affordable housing provision - 9 units at affordable rent (3x 1b, 2x 2b, 2x 3b, 4x 4b) and 4 intermediate units (2x 1b, 1x 2b, 1x 3b)

10. **PLANNING CONDITIONS**

Compliance

1. 3 years deadline for commencement of development
2. Development in accordance with approved plans
3. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice
 - b. Standard hours of construction and demolition
 - c. Air quality standards for construction machinery
 - d. Ground-borne vibration limits
 - e. Noise pollution limits.
4. Tree Removal Time Periods (Biodiversity)
5. External Lighting

Pre-commencement

6. Piling
7. Air quality emission standards for boilers & CHP
8. Contaminated Land
9. Archaeological Written Scheme of Investigation
10. Construction Environmental Management Plan and Construction Logistics Plan

5

Pre- Superstructure Works

11. Highway Improvement Works
12. SUDS
13. Details of external facing materials and architectural detailing
14. Details of cycle parking

Prior to completion of Superstructure Works

15. Details of hard and soft landscaping of all public realm and open spaces including details relating to play equipment, biodiversity mitigation and enhancements
16. Play space details
17. Shopfront and Residential Entrance Details
18. Energy and efficiency standards

Pre-occupation

19. Delivery, Servicing and Waste Management Plan
20. Details of Accessible Rooms
21. Secure by Design Accreditation
22. Biodiversity Mitigation and Enhancements
23. Noise Mitigation

Appendix 1 – List of drawings and documents

Drawings:

- 1033-P-0100 X Existing - Site Plan
- 1033-P-0101 X Existing - Topographical Plan
- 1033-P-0105 X Existing - Site Plan
- 1033-P-0120 X Existing - Demolition Plan 1
- 1033-P-0121 X Existing - Demolition Plan 2

- 1033-P-0110 A Proposed - Site Plan
- 1033-P-1000 D Proposed - Basement Plan
- 1033-P-1001 H Proposed - Ground & Landscape Floor Plan
- 1033-P-1010 B Proposed - First Floor
- 1033-P-1011 B Proposed - Second Floor
- 1033-P-1012 B Proposed - Third Floor
- 1033-P-1013 C Proposed - Fourth Floor
- 1033-P-1014 C Proposed - Roof Plan

- 1033-P-1050 A Proposed Wheelchair Accessible layout 1
- 1033-P-1051 A Proposed Wheelchair Accessible Layout 2
- 1033-P-1052 A Proposed Wheelchair Accessible Layout 3

- 1033-P-1060 A Proposed Cycle Parking layout - External
- 1033-P-1062 B Proposed Cycle Parking layout - Internal
- 1033-P-1070 A Proposed - Refuse Store Layout
- 1033-P-2001 X Existing - Survey Elevations Sheet 1
- 1033-P-2002 X Existing - Survey Elevations Sheet 2
- 1033-P-2010 B Proposed - Context Elevations
- 1033-P-2100 B Proposed - Elevations Sheet 1
- 1033-P-2110 B Proposed - Elevations & Strip Sections
- 1033-P-3100 X Proposed - Detail Elevation and Section
- 1033-P-3101 X Proposed - Detail Sheet 1
- 1033-P-3102 X Proposed - Detail Sheet 2
- 1033-P 9000 Proposed - CGI 1
- 1033-P 9001 A Proposed - CGI 2

- 1033-B-20-03 D Accommodation Schedule
- 1033-B-20-03 E Plot Schedule
- 1033-B-20-05 B Material Schedule

Documents:

Planning Statement prepared by ROK Planning
Design and Access Addendum - Part 1 and 2 (March 2020)
Heritage Statement prepared by CgMs (March 2019)
Transport Assessment prepared by TPA (March 2019)
Flood Risk Assessment and SUDS prepared by JOMAS Associates
(March 2019)

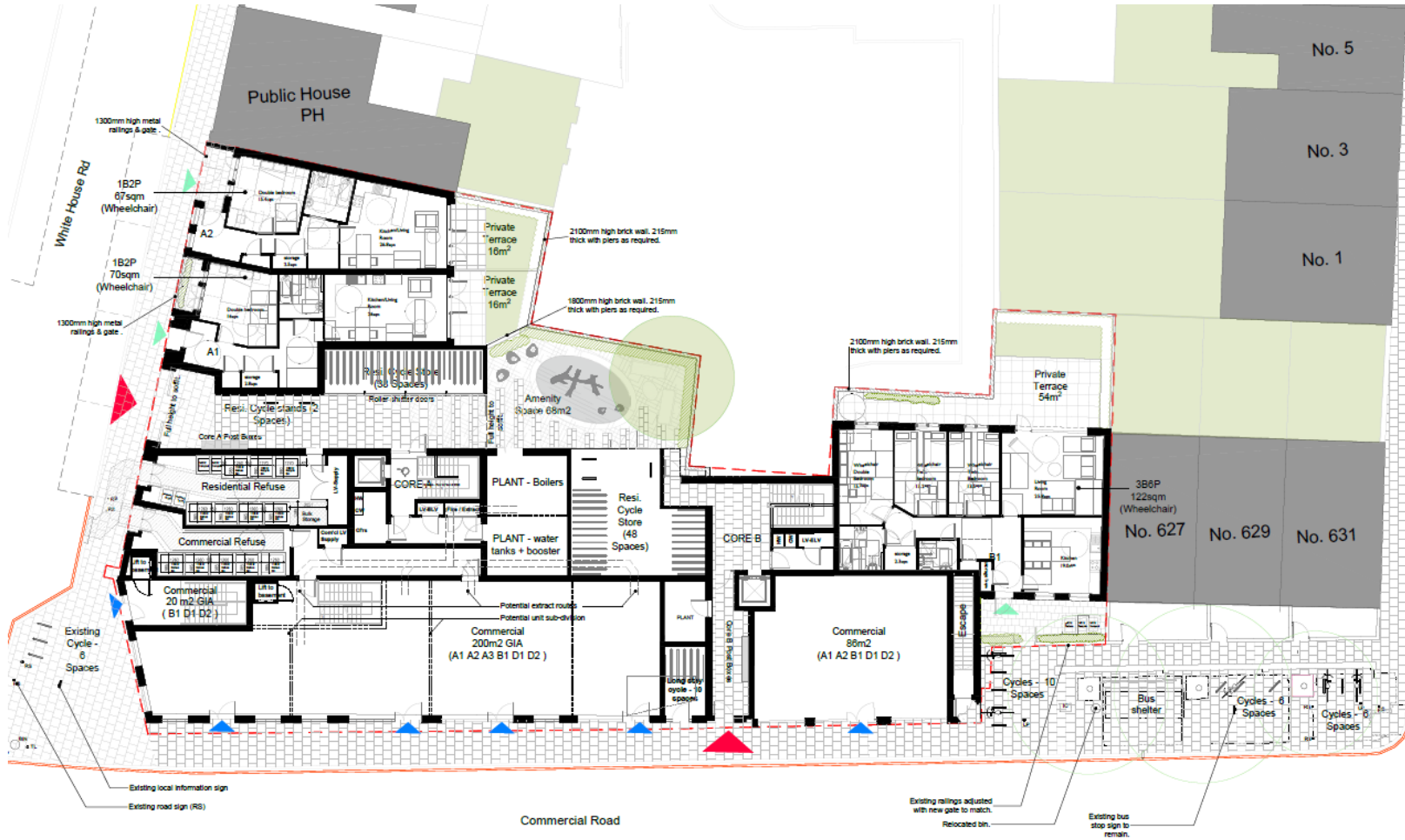
Contaminated Land Assessment prepared by JOMAS Associates
(February 2019)
Daylight and Sunlight Assessment prepared by T16 (January 2020)
Ecology Assessment prepared by Applied Ecology (February 2019)
Arboricultural Assessment prepared by TM Consulting (March 2019)
Air Quality Assessment prepared by GEM Air Quality; (March 2019)
Sustainability and Energy Assessment prepared by NRG (March
2019)
Noise Assessment prepared by KR Associates (March 2019)

Appendix 2 – Selected Plans and Elevations

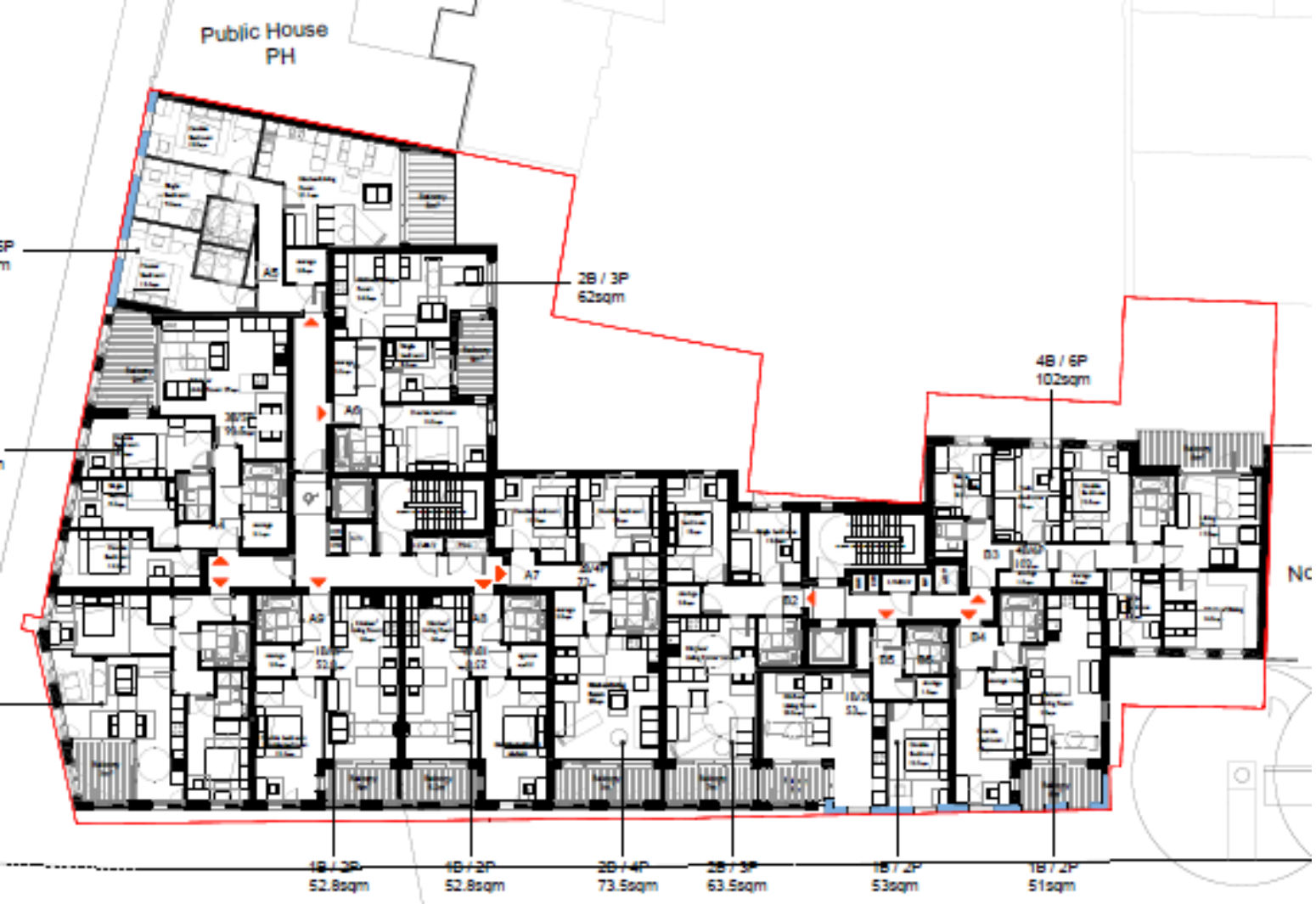
Site Location Plan:



Ground Floor Plan:



First Floor Plan:



Fourth Floor Plan:



South and West Elevation and Strip Section:



Rear Elevation and Strip Sections:



Existing site – View from junction of Commercial Road and Butchers Row (prior to demolition)



Existing site – View from White Horse Road looking south (prior to demolition)



Existing site – View of nos. 44, 46 and 48 White Horse Road (prior to demolition)



Existing site – View from Commercial Road looking north west (prior to demolition)



Existing site – View of no. 605 – 621 Commercial Road looking north west (prior to demolition)



View of site following demolition

