



## DEVELOPMENT COMMITTEE

11<sup>th</sup> March 2021

Report of the Corporate Director of Place

Classification: Unrestricted

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### Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/20/02101 and PA/20/02102
<b>Site</b>	Bow House and Theatre Building, 1 Paton Close, London, E3 2QE
<b>Ward</b>	Bow East
<b>Proposal</b>	<p>PA/20/02101: Development to provide a two-storey roof extension to the existing Theatre Building, 1 Paton Close, comprising nine dwellings (2x one-bedroom, 4x two-bedroom and 3x three-bedroom), associated cycle parking, access, refuse and recycling storage, amenity space, landscaping, and restoration works to the existing facade of the existing Theatre Building and adjoining Bow House.</p> <p>PA/20/02102: Works to the Listed Building for restoration works to the existing facade of the existing Bow House building.</p>
<b>Summary Recommendation</b>	Grant planning permission and Listed Building Consent with conditions and subject to s106 Agreement
<b>Applicant</b>	W & R Buxton Holdings Limited
<b>Architect/agent</b>	Mr Connor Hall
<b>Case Officer</b>	Antonia McClean
<b>Key dates</b>	<ul style="list-style-type: none"><li>- Application registered as valid on 07/10/2020</li><li>- Amendments received 26/02/2020</li><li>- Public consultation finished on 6/11/2020</li></ul>

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### EXECUTIVE SUMMARY

The proposal is for a two storey roof top extension comprising of nine dwellings (2x one-bedroom, 4x two-bedroom and 3x three bedroom) with associated cycle parking, access, refuse and recycling storage, roof-top amenity space, landscaping, together with façade improvements to the Bow House and Bow Theatre buildings.

A separate listed building consent is also sought for restoration works to the existing facade of the existing Bow House building.

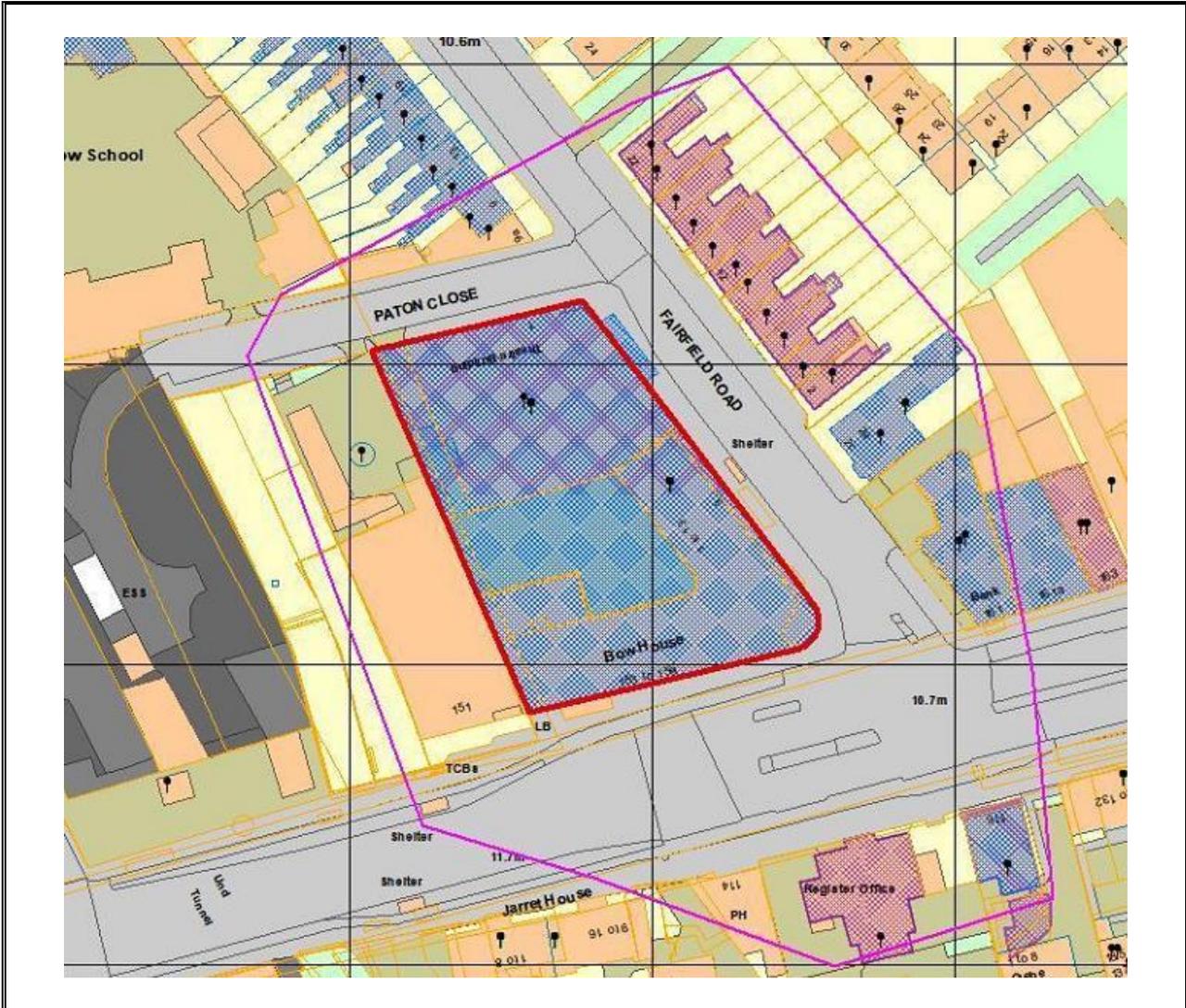
Officers have considered the particular circumstances of this application against the provisions of the Development Plan and other material considerations as set out in this report and recommend approval of planning permission and Listed Building Consent.

The proposal would optimise the development potential of the site to provide additional units in a sustainable location. The proposal would be acceptable in terms of height, scale, design, appearance, with minimal impact to listed buildings within the area.

The scheme would not result in any undue impacts on the residential amenities of the neighbouring occupiers and the quality of accommodation provided, along with the provision of external amenity space, would create a good standard of accommodation for the future occupiers of the site. The proposal includes additional cycle parking, waste storage, biodiverse roofs and a roof-top outdoor space. The proposal will improve the quality of amenities for existing residents. The proposal would be liable for small sites financial contribution towards affordable housing.

The proposal would enhance the appearance of the existing building and the Grade II Listed building by making improvements to the current degraded façades and would result in less than substantial harm to the heritage assets.

# 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/20/02101

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



**London Borough  
of Tower  
Hamlets**

Scale : 50m grid squares

Date: 02 March 2021

## 1. SITE AND SURROUNDINGS

- 1.1 The site, known as 'Bow House and Theatre Building, 1 Paton Close, Bow'. Bow House is a seven storey building which is a statutory listed located on the corner of Bow Road and Fairfield Road, and Bow Theatre Building is a six (6) storey building, adjoining Bow House Building containing fifty seven (57) flats and located at the junction of Fairfield Road and Paton Close. The existing vehicle access to the basement is provided via a gated ramp from Paton Close and the existing pedestrian access is provided from the corner of Paton Close and Fairfield Road.
- 1.2 Bow School is located across Paton Close to the north west of the subject site.
- 1.3 The site is located within the Fairfield Road Conservation Area. The Bow House Building (Former Poplar Town Hall) is Grade II listed building; Historic England reference number: 1393151. The opposite terraces (no's 9-19) along Fairfield Road are also Grade II listed. Bow House occupies a prominent corner location opposite the Bow Church DLR station. A car hire facility is located further to the west of the subject site.
- 1.4 The English Heritage listing states that the Poplar Town Hall is designated for the following principal reasons:
- *special architectural interest as the first town hall built on pure modern lines, designed by the noted architects Culpin & Son, with continuous bands of glazing and a curved bow front;*
  - *good quality materials including brick, terrazzo, green Swedish marble and stone with bronze doors, fixed lettering, and windows;*
  - *significant artworks that testify to the aspirations of the Borough of Poplar in the interwar years including a remarkable set of bas-relief panels of workers involved in the construction of the Town Hall by David Evans;*
  - *special historic interest for the connection with the interwar Poplar Borough Council, one of the most famous in the history of C20 British politics and local government, and the trailblazers of some aspects of post-war welfare reform.*
- 1.5 Apart from the heritage assets, under the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (Local Plan policy Framework) there are other no designations identified. The site is located in the vicinity of the Bow Church DLR station (approximately a three-minute walk) and the Tower Hamlets Registry Office. The Bow Garage Bus Depot lies approximately 107m north-east from the site along Fairfield Road .Given the distance towards the DLR and major bus routes the site has a PTAL score of 6a.
- 1.6 The site location is not identified as vulnerable to flooding.
- 1.7 A pre-application meeting was held at Council Offices on 07/01/2020 with follow up design assessment/advice and plans provided in April 2020. Advice focused on minimising any harm from the proposed bulk and scale on the existing building, adjacent listed building and surrounding conservation area. Thus, this resulted in the current proposal with 9 units.

## 2. PROPOSAL

- 2.1 The applicant seeks full planning permission (FPP) for alterations and additions to the Theatre Building and a Listed Building Consent (LBC) for alterations and external upgrades to the Grade II listed Bow House Building (Former Poplar Town Hall).

- 2.2 The proposed two storey extension to the Theatre Building will provide for nine new dwellings. The nine proposed dwellings will have following details:
- Unit 1: 2 bed 4 person 70sqm, 7sqm private amenity space,
  - Unit 2: 1 bed 2 person 50sqm, 5sqm private amenity space,
  - Unit 3: 2 bed 3 person 61sqm, 7sqm private amenity space,
  - Unit 4: 2 bed 3 person 62sqm, 6sqm private amenity space,
  - Unit 5: 1 bed 2 person 50sqm, 8sqm private amenity space,
  - Unit 6: 3 bed 5 person 99sqm, 8sqm private amenity space,
  - Unit 7: 3 bed 5 person 101sqm, 8sqm private amenity space,
  - Unit 8: 3 bed 5 person 99sqm, 8sqm private amenity space,
  - Unit 9: 2 bed 3 person 61sqm, 5sqm private amenity space.
- 2.3 The proposal also includes a 60sqm rooftop amenity space for all residents to access with a 1400mm secure glass balustrade setback from the roof edge.
- 2.4 The proposed new roof top extension will be constructed with flatlock zinc cladding. The new sixth floor will be setback 1.1m from the existing roof edge and the new seventh floor will be setback a minimum of 7m from the roof edge.
- 2.5 Façade improvements to the Theatre Building will be provided. The existing render is to be removed and replaced with a non-combustible Class A2-s1 d0 or better, high performance thermal insulation system; the existing air bricks are to be replaced.
- 2.6 The building currently has 10 cycle parking spaces (Sheffield type). 8 additional secure cycle parks (standing type) will be provided for residents. No loss of existing carparking spaces are proposed. 4 cycle parking spaces will be provided within the public realm in front of the existing building for visitors. The new standing cycle spaces will be accessed from street level via the existing access to the car park via a ramp down to the lower ground floor level.
- 2.7 The proposal will be car free and future residents will not qualify for any parking permits. This will be secured through s.106 agreement. A draft car parking management plan has also been supplied to manage the existing carparking.
- 2.8 The existing ground floor bin store will be enlarged to accommodate an additional 1280L Eurobin for refuse and another 1280L Eurobin bin for recycling waste. The scheme will also make provision for an additional 240L wheeled food waste bin.
- 2.9 The proposal will have an M-Tray Sedum Green Roof of levels 6 and 7 with a native wildflower mix.
- 2.10 Windows are proposed to Velfac energy triple glazed timber/aluminium composite windows.
- 2.11 No affordable housing on site is proposed or required; however, a section 106 planning obligations for small sites contribution will be sought. Using the current version of the small site's calculator (*Affordable Housing Commuted Sum Calculator for 10 Units or Less*), the total sum of the contribution required is £620,683.59.
- 2.12 Upgrades to the existing Bow Theatre Building and the listed Bow House Building (Former Poplar Town Hall) include the following:
- New zinc cladding on the top floors,
  - Existing window frames will be repainted; the design will introduce vertical elements between each fenestration bay,
  - Repointing and cleaning the brickwork and stonework,
  - Restoring the sculptures,
  - Replacing signage,

- Resealing windows.

### 3. RELEVANT PLANNING HISTORY

Bow Theatre Building

- 3.1 BW/95/00084 – Erection of a six-storey residential building comprising 57 flats with car parking and communal garden. Permitted: 03/05/1996.

Bow House Building

- 3.2 PA/00/00995 – Double height roof extension to the Bow Business Centre for 13 flats. Permitted: 23/05/2002
- 3.3 Various telecommunication applications and Listed building consent from 2011 to 2020.

### 4. PUBLICITY AND ENGAGEMENT

- 4.1 Upon validation of the application the surrounding sites were notified of the application. A press notice was issued on 18/06/2020. A site notice was put up on 16/10/2020.
- 4.2 33 Submissions were received in objection to the proposal with one neutral and one additional objection from a Councillor. The objections are predominantly are from leaseholders and residents of the Theatre Building.
- 4.3 The neutral submission stated: *The application states the number of parking spaces stays the same but from diagrams I see parking spaces removed for a new bicycle store. Is the application correct? If so where are the extra parking spaces being added to offset the ones being removed.*

*Also see additional bin storage on the lower ground floor. How are these emptied given the lower ground floor is gated?*

*Theatre Building currently has a large problem with insufficient recycling bin capacity. This would be a good opportunity to rectify this. The additional recycling capacity in this application would support the existing building but is insufficient to support the building and the nine new proposed dwellings. Planners response: No car park spaces are to be removed, additional standing cycle parking will be provided in addition to current cycle parking, additional waste storage will be provided in addition to the existing waste storage area, this existing area will be utilised for the additional waste space referred to within the proposal section of this report.*

The objection from a Councillor is as follows:

*The proposals do not meet Policy D.H3 Housing standards and quality due to the failure to provide reasonable outside space or contribute to communal outside space; address an underlying lack of lift provision in the block; address underlying lack of cycle storage space in the block.*

*The proposals do not sufficiently describe how they comply with or address D.DH8 – Amenity.*

Planners response: A new 60sqm rooftop amenity space will be provided. The applicant did not propose any further lift upgrades. Additional cycle storage space will be provided within the basement. Please see the amenity section below for assessment against policy D.DH8.

- 4.4 The 33 objections are summarised as following:

#### Other- general

- No affordable housing provided,
- Impact on existing lifts,

- Impacts on water and wastewater services,
- The Theatre Building itself is already a crowded site hence the additional properties will only put further pressure to the surrounding area,
- Cost of the project will fall on leaseholders, this should be sorted out before the works are undertaken,
- Impacts on the neighbouring school from increased traffic and overlooking also blocking access for school buses/transport.
- The extension on top of Bow House has had a negative impact on traffic and the listed building.

*Officer's response: For proposals with 10 or less units, there is policy obligation to provide affordable housing within the proposal. Part 2(ii) of policy S.H1 of the Local Plan require new development with 2-9 new units to help address the affordable housing need through a financial contribution, as highlighted above a section 106 contribution will be sought.*

*There will be potential noise impacts on neighbours and surrounding neighbours from construction activities, however, on balance A Construction Management Plan will be conditioned in order to address any potential impacts such as noise and construction traffic on residents and surrounding neighbours including schools.*

*To limit further traffic generation no parking permits will be available for future residents. The proposal will include new cycling facilities which will improve modal choice for residents.*

*Impacts from the new roof top extension on the listed building have been assessed by Council Conservation Design officers and was found to be acceptable.*

*Costs negotiated between leaseholders and the applicant is a private matter and council cannot comment.*

#### Amenity

- The proposals do not meet Policy D.H3 Housing standards and quality due to the failure to provide reasonable outside space or contribute to communal outside space; address an underlying lack of lift provision in the block; address underlying lack of cycle storage space in the block.
- Buxtons says their plan includes landscaping, but this will not benefit the existing flats. Buxtons were the original developer, and their original plan included landscaping, they never put it in, there is just a flat roof overlooking the carpark.

*Officer's comment: A new 60sqm roof top garden for use for all residents, space for waste and new standing cycle parking will be provided. Although, it is acknowledged that the standing cycle parking is not ideal as it is not seen as inclusive to all abilities, it is acknowledged that given the constraints on the site to retrofit the basement without losing carparking spaces, the proposal will be acceptable.*

*New landscaping will be provided on the roof top garden including with pollinator plants. New biodiverse roofs will be provided.*

#### Fire Safety

- Concerns in regard to the safety of the proposed cladding given concerns with the current building.

*Officer's comment: Council's Building Control Department has reviewed the proposed cladding and fire safety documents provided with the application and found no issues to be raised.*

### Design

- Proposal is an over development of the site and would make the building too dense.
- The proposal will put undue stress on the building, it would increase the load by approximately 40% on the existing structure,
- Impact on the Bow Theatre building and Conservation Area,
- Access for disabled persons,
- Loss of light and potential overshadowing,

*Officer's comment: Through discussion with Council design officers, discussion was held to find a balance between the number of units provided and the appropriate bulk and scale of the proposal and any impacts on the Conservation Area. 9 units with a large roof setback of the 7<sup>th</sup> floor would help mitigate any perceived over development on the site.*

*Main Access into the Theatre Building and the lift locations has not changed.*

*The applicant supplied a daylight and sunlight report with the application, this was reviewed by planning officers and no issues on surrounding properties were highlighted.*

### Highway and servicing

- Inadequate space for loading and turning,
- No space for any additional vehicles on site,
- People will use the car parking area illegally,
- Additional vehicles will cause traffic issues on Fairfield Road and contribute to higher levels to pollution and noise, refuse
- Strong concerns with regards to an increase in vehicle traffic and impacts on pedestrian safety.

*Planners response: A Parking Management Plan will be conditioned to ensure that the basement car parking is being managed correctly and to manage any illegal car parking. Access for servicing will utilise the current waste access. As stated above, no future residents will be able to qualify for parking permits for the proposal to limit any further traffic generation.*

### Construction

- Works will be extremely disruptive, odorous, noisy and dusty and adversely impact residents.

*Planners comment: A Construction Management Plan will be conditioned to address impacts from Construction including noise, dust, odour, and vehicle movements.*

4.5 The applicant has provided a response to the objections as following:

- *The height, scale and massing of the proposed extension has been designed in consideration of the surrounding area and to limit any impacts on the surrounding residential units. In addition, an application was approved in May 2002 for an upward extension of the adjacent Bow House, increasing the building height from to 7 storeys. The application looks to raise the building height of the Theatre Building to match Bow House.*
- *The design massing of the proposed roof extension has been developed cognisant of the adjoining Listed Building. The height of the proposed extension is subservient to the listed building and the massing has been set back from the façade to ensure that the listed building retains its prominence in townscape views. A heritage impact assessment and townscape analysis has been undertaken which both consider the relationship of the extension to the Listed Building. The Heritage Impact Assessment concludes that the proposals will have a negligible impact upon the principal views to, and the setting of, Bow House (former Poplar Town Hall) and to most of the surrounding listed buildings. It should be noted that in addition to the proposed extension the applicant proposes to reclad the façade of the theatre building and*

*proposes restoration and remedial works to the facade of Bow House (the Listed Building). This package of works has been proposed with the intent of enhancing the Listed Building*

- The proposal does not include the provision of any additional parking spaces beyond what is already provided onsite for existing residents. The local area is covered by a CPZ and it is anticipated that as a condition of the permission the new residents will not be able to apply for a parking permit in the local area. As such there is no opportunity for additional traffic resulting from this development. Onsite secure cycle storage will be provided on site in line with London Plan standards to encourage this more sustainable modes of transport.*
- No requirement for affordable housing for a scheme of 10 units or less.*
- Will meet waste capacity requirements for 9 extra units, waste capacity will be additional.*
- Access and scaffolding will be primarily located on the western façade to allow unhindered access for the primary and secondary school.*
- Fire Review Cladding Report submitted with the planning application it is proposed to remove and replace the EWS with a non-combustible Class A2-s1 d0 or better, high performance thermal insulation system that matches the existing one as closely as possible in finish.*
- The engineering solution for the building is not a matter considered at planning stage, this notwithstanding, an initial structural assessment anticipates the existing loadings will allow in lightweight construction (Timber Frame), the additional one and two storey structure as proposed. The Basement and Ground Floor structure is made up of reinforced concrete columns and insitu reinforced concrete slab with Piled Foundations. A Steel Structure with precast concrete slabs is form of construction above.*
- Construction works are not anticipated to start before individuals return to work following COVID-19, however, remedial works to the existing façade are urgent. The design allows for the existing roof to remain in place, maintaining a form of segregation. Cantilevered scaffolding, hard wall barriers, ventilation, site management, safety data, etc., will be implemented in design and considered during construction to minimise pollution and dust. A Construction Management Plan will be put in place which will set out how the construction will take place and the ways it will limit the impact on the existing residents. In addition, there will be a restriction on the working hours to limit the disturbance caused by construction to existing residents.*
- Start date: TBA – 202, Duration: Roof extension - 1 year, Façade replacement – 6 months*

## **5. CONSULTATION RESPONSES**

### **Internal**

#### Biodiversity

- 5.1 No objections based on revised information provided for the biodiverse roof– Condition recommended for bat and bird boxes.

#### Design and Conservation

*Height, mass and sitting. Details for Bow House renovation.*

- 5.2 No objection based on further information provided. Further information included details for the proposed Bow House renovations included: Assessment of the condition of the sculptural decoration and a method statement with regard to any cleaning or restoration works before

any works takes place; Window details, Brick re-pointing, clarification of window resealing, cleaning of the stonework, door details and upper floor cladding details.

### Highways

- 5.3 Car Parking - *There is no detailed information outlining the existing use of the car park. Who parks there? Are they allocated to any specific resident? Is there a permit scheme? Is there a parking management plan? Are there any access restrictions? How will it be ensured that indiscriminate parking does not happen (hindering access to cycle stores)? How is the car parking enforced? This information is required prior to determination. We would expect the new residential units to be car free – this means that they would not be eligible to purchase any CPZ permits for on street parking but also would not be allowed to apply for permits to park within the development. A full detailed Parking Management Plan would be required as a condition which would form part of any permitted scheme. Officers would expect the parking management plan to clearly identify how parking bays are allocated and how they are accessed and how it will be ensured that parking will not be available to new residents. The number of additional units just falls below the threshold where there is a requirement for associated accessible parking but it would be useful for the applicant to identify where a blue badge holder might park, particularly given that this is an increase in overall units and not a stand alone application. I understand that the car park is an existing situation but detailed information pertaining to the management is required. - A Parking Management Plan Condition will be recommended.*
- 5.4 Cycle Parking - *LBTH T&H require all new residential cycle storage to be convenient, secure, weatherproof and inclusive, with step free access. The LCDS clearly details what is required in terms of accessibility and design standards. As stated in previous comments officers do not support vertical cycle stands for residential development as these are not convenient, secure or inclusive. Whilst it is understood that the applicant is proposing a betterment of the overall existing cycle storage it is not clear that the existing cycle store is what was approved/consented or if a condition was ever discharged. The proposal aims to provide some level of cycle storage facilities for residents of all of the units within the development (not just the proposed new units). However, the proposed cycle store falls short insofar as the standing stands are not accessible.*
- 5.5 Based on the above, all cycle facilities must be designed in line with the London Cycle Design Guide and meet the minimum requirements set out in policy. *Conditions recommended.*

### Waste

- 5.6 Waste store was redesigned and can now accommodate an acceptable level of waste storage. *Can be conditioned.*

### Air Quality/Pollution

- 5.7 There are no anticipated impacts on air quality or pollution, so no adverse comments are available.

### Noise

- 5.8 Further details required with regards to window specs and mechanical ventilation – *a response was provided by the applicant providing the window specs and stating that there will be no mechanical ventilation.*

### Building Control

- 5.9 Officers have reviewed both fire reports and have no adverse comments to raise from the inspection reports and the proposals to regularise the situation.

#### Crossrail

- 5.10 Not within the Crossrail designation – no objections raised.

#### Surface Water Runoff

- 5.11 Objection given no information on surface water drainage was provided, however the following condition was recommended: *A detailed surface water drainage scheme will need to be submitted to LPA prior to works commencing as such please apply the following condition. Prior to the commencement of any superstructure works, a surface water drainage Scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, for the site shall be submitted to and approved by the local Planning Authority The scheme shall also include (but not limited to)*
- 5.12 The peak discharge rates and together with any associated control structures and their position
- 5.13 Safe management of critical storm water storage up to the 1:100-year event plus 40% and
- 5.14 Details of agreed adoption, monitoring and maintenance of the drainage and suds features. The development shall be carried out strictly in accordance with details so approved. This condition will be applied.

### **6. RELEVANT PLANNING POLICIES AND DOCUMENTS**

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.
- 6.2 In this case the Development Plan comprises:
- The London Plan 2021 (LP)
  - Tower Hamlets Local Plan 2031 Managing Growth and Sharing the Benefits (2020)
- 6.3 The key development plan policies relevant to the proposal are:

Housing H1 (LP), H2 (LP), D6 (LP), D.DH7, S.H1, D.H1, D.H2, D.H3  
(small sites, affordable housing, unit mix, density, housing needs, housing quality)

Design and Conservation S.DH1, S.DH2, S.G1, D.DH2, S.DH3  
(layout, massing, materials, public realm, impact on conservation area and listed buildings)

Amenity D6 (LP), D.DH8, D.ES9  
(privacy, outlook, daylight and sunlight, construction impacts)

Transport D.MW3, D.TR2, D.TR3, D.TR4, S.TR1  
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

Environment D.ESG4, D.ES3  
(biodiversity, energy efficiency, air quality, contaminated land)

- 6.4 Other policy and guidance documents relevant to the proposal are:
- National Planning Policy Framework (2019)
  - National Planning Practice Guidance (updated 2019)
  - Draft Planning Obligation SPD (2<sup>nd</sup> draft) 2020

## **7. PLANNING ASSESSMENT**

- 7.1 The key issues raised by the proposed development are:
- i. Land Use
  - ii. Housing
  - iii. Design & Heritage
  - iv. Neighbour Amenity
  - v. Transport
  - vi. Environment
  - vii. Human Rights and Equalities

### **Land Use**

#### Additional residential use

- 7.2 London Plan policies seeks to ensure the pressing need for more homes in London is recognised by increasing the supply of housing. Policy H1 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. The development will provide 9 residential units in a sustainable location and designed to provide good mix and quality of residential accommodation.
- 7.3 The proposal would support and contribute to the council's strategic aims in respect of the provision of housing to meet local need. The site is located within a 'low growth area (1001-2000 units)' as identified on Figure 9: *Housing distribution across 24 places* of the Local Plan 2031, helping to meeting the housing target set in the Plan.
- 7.4 Whilst there is no statutory obligation for on-site affordable housing contribution for the proposed scheme the local plan policy S.H1.2.ii require a financial contribution towards affordable housing to be delivered elsewhere in the borough. The financial contribution would be sought through a s.106 Agreement.
- 7.5 In light of this and the above polices which seek to maximise the provision of housing, it is considered that the proposed land use is acceptable.

### **Housing**

#### Mix of unit sizes

- 7.6 Pursuant to Policy H10 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).

7.7 The application proposes nine (9) residential units:

- 1 x 2 bedroom 4 person
- 2 x 1 bedroom 2 person
- 3 x 2 bedroom 3 person
- 3 x 3 bedroom 5 person

Given the small size of the scheme and the fact that a mixture of units will be provided, including a family sized dwelling for which there is a clear need, the proposed mix is supported. The range of units will fill a need and provide improved facilities and amenities in accordance with policy S.H1.

#### Quality of Residential Accommodation

7.8 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.

7.9 All proposed dwellings accord with required internal space standards and external amenity space standards. All the units meet the size of the minimum internal space standards required in Table 3.1 of the London Plan (Minimum internal space standards) for bedroom and living rooms. The proposal will generally comply with standards for balconies and private outdoor space under policy D.H3 of the Tower Hamlets Local Plan 2031 and the Technical Housing Standards (March 2015). All double bedrooms will exceed 11.5sqm and all units will have either a single or additional balcony providing 5sqm or above of private outdoor amenity space. Although Unit 9 will have a shortfall in balcony space for 3 persons, additional roof top amenity space is provided and therefore the 5sqm balcony is acceptable.

7.10 All proposed dwellings accord with required internal space standards and external amenity space standards. Units 5 and 9 (south facing) are the only single aspect dwellings, all other units have dual or triple aspect. All units will receive good sunlight and daylight given the number and sizes of the windows provided.

7.11 The proposed roof top amenity space (as shown on figure 3 below) will provide additional 60sqm outdoor space for the enjoyment of all residents (both existing and future) in addition to the private balconies and space currently located on the podium above the basement. The space will include seating, a pergola, pollinator planting and will be setback approximately 7m from Paton Close. On balance, the external and internal amenity for residents will be acceptable.

#### Affordable Housing

7.12 As the scheme would provide nine new homes, in line with the Local Plan there is no policy requirement for the provision of affordable housing on site and as such the proposed dwellings would be market tenure.

- 7.13 Part 2(ii) of policy S.H1 of the Local Plan require new development with 2-9 new units to help address the affordable housing need through a financial contribution. Given the recent publication of a draft consultation version of the Planning Obligation SPD and its associated small site calculator that sits behind this contribution requirements and its scheduled adoption for late March 2021, officers considered that it would be appropriate to secure the contribution for the proposed development in accordance with Policy S.H1.
- 7.14 The proposal would amount to the requirement of £620,683.59 towards affordable housing contribution. This financial obligation would be sought through a s.106 agreement.

### **Design & Heritage**

- 7.15 Development Plan policies requires that schemes are 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. Within the context of the Fairfield Road Conservation Area the proposed design, scale, bulk and façade improvements will not detract from the Conservation Area and nearby listed heritage assets. Given the chosen materials and upper level setbacks the proposal will have less than substantial harm and therefore accords with local plan policies S.DH1, S.DH2, S.G1, D.DH2, S.DH3.

#### *Bow House*

- 7.16 When determining listed building consent applications, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the abovementioned Act.
- 7.17 The National Planning Policy Framework emphasises the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.
- 7.18 Local Plan policy S.DH3 states that proposals to alter a heritage asset will only be permitted where they safeguard the significance of the heritage asset, including its character, fabric and identity. Applications affecting the significance of heritage assets will be required to demonstrate how the proposal would contribute to the assets conservation. Any harm must be justified having regard to the public benefits of the proposal.
- 7.19 The proposal for the improved façade include methods to upgrade the façade (including re-pointing, recladding and cleaning the existing stone work) of Bow House. This has been reviewed and assessed by Conservation Officers and was found to be acceptable. The proposal would not cause harm on listed buildings in accordance with policy S.DH3 and the works would have less than substantial harm to the listed building

#### *Theatre Building*

- 7.20 Local Plan policy D.DH2 states requires development to contribute positively to the public realm and not cause harm on any heritage assets under policy S.DH3 as referenced above. The proposal will not provide any anticipated change from street level. The proposed design alignment and rhythm was amended to match the top strip of windows on the existing Theatre Building. Set back panels will be used to reference the fenestration from the body of the existing building. The proposed design was assessed and accepted by Conservation Officers.

- 7.21 When viewed from the wider environment (see figure 1 below) the top-floor setback and cladding will ensure the extension will not present as overbearing and will fit with the scale and bulk of the existing roof top extension on the Bow Building.
- 7.22 On balance, the proposal would result in planning benefits such as additional housing and improve façade treatments and therefore would outweigh the limited harm to the heritage assets nearby. The proposal accords with relevant design and heritage policies in the Development Plan and NPPF in this respect.



**Figure 1: Proposed view of the Theatre Building from Fairfield Road showing the upper level setbacks.**



**Figure 2: Proposed view of the Theatre Building from the Bow Road/Fairfield Road Junction.**



**Figure 3: Proposed view of the Theatre Building showing new Sedum roof features, roof top amenity space and upper level setbacks.**

### Privacy and Outlook

- 7.23 The rear outdoor amenity spaces will primarily be located inwards to match the existing balcony layouts. There will be some overlooking from top floor units across Fairfield Road towards the Conservation area terraces to the north east, this is mitigated by the placement of the setback balconies away from the edge of the building. The 19m separation distance to the north eastern terraced dwellings will be maintained.
- 7.24 There is existing overlooking from the Theatre Building across Paton Close to the 13m northwest to the dwellings located at 9a Fairfield Road. Given the limited existing separation distance, the new units will be setback from the roof edge. The setback will reduce any harm of increased overlooking. On balance, inward-facing balconies, maintained separation distance and the setback of the upper floors will help reduce any harm from overlooking.

### **Neighbour Amenity**

- 7.25 Development Plan policies seek to protect neighbour amenity, safeguarding privacy and the peaceful enjoyment of ones dwelling and ensuring acceptable daylight and sunlight conditions.
- 7.26 Policies seek to protect neighbouring amenity to safeguard privacy, not creating unacceptable levels of noise and ensure an acceptable level of daylight and sunlight in accordance with policy D.DH8. Policies aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as protect the amenity of the public realm.
- 7.27 New overlooking towards neighbouring properties will be mitigated as main windows to principle living areas will be setback approximately 1m from the edge of the building with a

further minimum 7m setback provided for the 7<sup>th</sup> floor. As such the proposal would not give rise to any unduly detrimental impacts on privacy to neighbours. The proposal is acceptable.

### Sunlight and Daylight

- 7.28 The applicant provided a daylight and sunlight report (*Delver Patman Redler dated September 2020*) carried out using the assessment methodology recommended in the Building Research Establishment (BRE) Report 209, *Site Layout Planning for Daylight and Sunlight: A guide to good practice (second edition, 2011)* (“the BRE guide”) and the Professional Guidance Note, ‘*Daylighting and sunlighting*’ (1st edition, 2012), published by the Royal Institution of Chartered Surveyors to assess any potential impacts on surrounding residential properties. The report found that all 64 (100%) habitable rooms assessed in neighbouring properties will fully satisfy the BRE guidelines in both Vertical Skyline Component and No Skyline terms. The proposed scheme will have negligible effect on neighbouring residential amenity in daylight terms. In terms of sunlight, it was found that all 51 (100%) of the windows assessed in all 17 neighbouring properties would fully satisfy the BRE guidelines for both annual and winter APSH. Overall, therefore the proposed scheme will have negligible effect on neighbouring residential amenity in sunlight terms. Based on this report, any impacts on daylight and sunlight will be acceptable.

### Construction Impacts

- 7.29 Demolition and construction activities are likely to cause some noise and disturbance to nearby residents, including matters of additional traffic generation and dust. In accordance with relevant Development Plan policies and for the peaceful enjoyment of neighbouring dwellings, a number of conditions are recommended to minimise these impacts. These would control working hours and require the approval and implementation of Construction Management Plan.

### **Transport and Highways**

- 7.30 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.
- 7.31 In line with council policy to promote car free developments, the applicant is required to enter into a legal agreement, which would prevent future occupiers of the proposed dwellings from obtaining on-street parking permits in accordance with Policy D.TR3.
- 7.32 A Parking Management Plan based on the draft parking management plan supplied will be secured via condition to ensure that the current basement car parks are being managed in a suitable and secure way to ensure they are catering to resident’s needs.

### *Cycle Parking*

- 7.33 16 new standing cycle parking spaces will be provided within the basement in addition to existing 10 cycle parking spaces (Sheffield stands). Highways officers have highlighted that standing spaces are not preferred as they limit accessibility, given the constraints of the site the location and type of the new spaces will be acceptable. The spaces will be secure given they are located within a secure basement floor. The spaces will also be step-free and access out the building is provided via ramp to Paton Close.
- 7.34 4 short term visitor cycle parking spaces will be located outside the building on the pavement. the location will need to be agreed as part of the with Highway Design & Delivery, but at a cost to the developer, so is subject to a S278 agreement. The 4 short term visitor parking will need to be positioned in a way that they do not obstruct pedestrian flow. S278 agreement will be secure through a planning obligation.

## **Environment**

### Landscaping & Biodiversity

- 7.35 A preliminary bat roost assessment was provided by the applicant (by MKA ecology) carried out on Bow House and the Theatre Building. The assessments showed that both buildings had negligible potential for bat roosts. Biodiversity officer's states that the proposed green roof system is acceptable as a biodiverse roof. Full details of the biodiverse roof and other biodiversity enhancements, such as bird and bat boxes will be secured through a condition containing the following Biodiversity enhancements:
- The biodiverse roof needs to follow the best practice guidance published by Buglife, as indicated on the Roof Plan – details provided should include the total area of biodiverse roofs, substrate depth and type, planting including any vegetated mat or blanket (which should not be more than 30% sedum) and any additional habitats to be provided such as piles of stones or logs;
  - Bat boxes and nest boxes for appropriate bird species, such as swift, house sparrow and black redstart – details should include number, locations and type of boxes. The agreed measures shall be implemented in full prior to the occupation of the development.
- 7.36 The Council's biodiversity officer reviewed the proposal and has noted the proposal is acceptable. The proposed biodiversity features and enhancements would contribute to the Local Biodiversity Action Plan. Further details and information would be requested via a condition.

### Air Quality

- 7.37 The Council's air quality officer confirmed that the proposal would not likely to be an exceedance of relevant National Air Quality Objective levels. As suggested in the air quality assessment and reinforced by the air quality officer, further information on the control of dust and emissions during construction would be provided prior to works taking place.

### Noise

- 7.38 The windows provided will be triple-glazed (Velfac 200) to reduce noise by approximately 33-43dB. Triple glazed windows will provide thicker glass and panes to improve amenity for future residents. Further details of the acoustic testing will be secured by condition.

### Land Contamination

- 7.39 Given that there would not be works below ground for the proposed development, contamination issues are not likely to arise. However, the Environmental Health officers have required for any further details to be submitted in the case of contamination found on site during works. This would be secured via a condition.

### Waste

- 7.40 The applicant waste will be managed through existing curb side collection from existing waste storage area. Additional bins as highlighted above would be provided as part of the proposal. All waste facilities will be stored within 10m of the public highway. This is considered acceptable in principle and retained via condition.

### Human Rights and Equalities

- 7.41 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.42 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 7.43 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.
- 7.44 Development will provide nine dwellings on top of an existing residential building and refurbish Category II Bow House.
- 7.45 The proposed development would not result in adverse impacts upon equality or social cohesion.

## 8. RECOMMENDATION

8.1 That, **conditional Listed Building Consent (PA/20/02102) is GRANTED subject to conditions.**

### 8.2 Listed Building Conditions

- a. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this decision notice.

Reason: To comply with the requirements of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- b. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule to this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- c. Prior to the commencement of the development, full details including the cleaning of the façade, statues and specifications, materiality and colour of the replacement windows, doors and any other openings shall be submitted to and approved in writing by the local planning authority. The development shall be implemented only in accordance with the details so approved and shall be maintained as such for the lifetime of the development, unless otherwise approved in writing by the local planning authority.

Reason: To protect the setting of the listed building in compliance with policy S.DH3 of the tower hamlets local plan (2020)

8.3 That, **conditional planning permission (PA/20/02101) is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

8.4 Financial obligations:

- a. £620,683.59 towards affordable housing contribution

8.5 Non- Financial Obligations

- a. Car-free (permit free)
- b. Scheme of highway works (s278)

8.6 That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.

8.7 That the Corporate Director of Place is delegated the power to impose conditions and informative to address the following matters:

## 8.8 **Planning Conditions**

### Compliance

1. 3 year time-limit 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; and
  - e. Noise pollution limits.
4. Noise insulation standards for new residential units.

### Pre-commencement

5. Construction Environmental Management Plan:
  - a. Site manager's contact details and complain procedure;
  - b. Dust and dirt control measures
  - c. Measures to maintain the site in tidy condition, disposal of waste
  - d. Recycling/disposition of waste from demolition and excavation
  - e. Safe ingress and egress for construction vehicles;
  - f. Parking of vehicles for site operatives and visitors;
  - g. Location and size of site offices, welfare and toilet facilities;
  - h. Erection and maintenance of security hoardings;
  - i. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed; and

j. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress

6. Details of external facing materials and architectural detailing.

7. Archaeology Written Scheme of Investigation (in consultation with Historic England).

8. Details of biodiversity enhancements including details of the biodiverse roof.

9. Details of additional cycle parking and retained thereafter

10. details of additional waste storage and provision

#### 8.9 Informatives

1. Permission subject to legal agreement.

2. Development is CIL liable.

## **APPENDIX 1**

### **Drawings**

324\_LP\_1.001 Location Plan A3 1:1250 dated 23092020 glass architects  
324\_EX\_0.01 Existing Lower Ground Floor Plan A3 1:200 dated 11122020 Rev A glass architects  
324\_EX\_0.02 Existing Ground Floor Plan A3 1:200 dated 23092020 glass architects  
324\_EX\_0.03 Existing Fifth Floor Plan A3 1:200 dated 23092020 glass architects  
324\_EX\_2.00 Existing Section A-A A3 1:100 dated 23092020 glass architects  
324\_EX\_3.00 Existing North Elevation A3 1:200 dated 23092020 glass architects  
324\_EX\_3.01 Existing East Elevation A3 1:200 dated 23092020 glass architects  
324\_EX\_3.02 Existing Rear Elevation A3 1:200 dated 23092020 glass architects  
324\_EX\_3.03 Existing South Elevation A3 1:200 dated 23092020 glass architects  
324\_PA\_0.01 Proposed Lower Ground Floor Plan A3 1:200 dated 11122020 Rev B glass architects  
324\_PA\_0.02 Proposed Ground Floor Plan A3 1:200 dated 11122020 Rev B glass architects  
324\_PA\_1.00 Proposed 6th Floor Plan A3 1:200 dated 23092020 Rev B glass architects  
324\_PA\_1.01 Proposed 7th Floor Plan A3 1:200 dated 23092020 Rev B glass architects  
324\_PA\_1.02 Proposed Roof Plan A3 1:200 dated 23092020 Rev B glass architects  
324\_PA\_2.00 Proposed Section A-A A3 1:100 dated 23092020 Rev A glass architects  
324\_PA\_2.01 Proposed Section B-B A3 1:100 dated 23092020 dated A glass architects  
324\_PA\_2.10 Proposed Contextual Section A-A A3 1:200 dated 23092020 glass architects  
324\_PA\_2.11 Proposed Contextual Section B-B A3 1:200 dated 23092020 glass architects  
324\_PA\_3.00 Proposed North Elevation A3 1:100 dated 23092020 Rev C glass architects  
324\_PA\_3.01 Proposed East Elevation A3 1:100 dated 23092020 Rev C glass architects  
324\_PA\_3.02 Proposed South Elevation A3 1:100 dated 23092020 Rev C glass architects  
324\_PA\_3.03 Proposed Southwest Elevation A3 1:100 dated 23092020 Rev C glass architects  
324\_PA\_3.04 Proposed West Elevation A3 1:100 dated 23092020 Rev C glass architects  
324\_PA\_3.05 Proposed East Elevation - Bow House dated 11122020 Rev A glass architects  
324\_PA\_3.06 Proposed South Elevation 1 - Bow House dated 11122020 Rev A glass architects  
324\_PA\_3.07 Proposed South Elevation 2 - Bow House dated 11122020 Rev A glass architects  
324\_PA\_3.10 Proposed Contextual North Elevation A3 1:200 dated 23092020 Rev C glass architects  
324\_PA\_3.11 Proposed Contextual East Elevation A3 1:200 dated 08122020 Rev D glass architects  
324\_PA\_3.12 Proposed Contextual Rear Elevation A3 1:200 dated 23092020 Rev C glass architects  
324\_PA\_3.14 Proposed Contextual South Elevation A3 1:200 dated 08122020 glass architects

### **Submission documents**

Sunlight and daylight assessment Delva Patnam Redler  
Planning Statement BPTW September 2020  
Heritage Statement – PRA report April 2020  
Works to listed building details - Glass dated 18.09.2020  
Works to listed building schedule - Glass dated 23.09.2020  
Consultation Responses dated 07/12/2020 BPTW  
Statutory Consultation Responses dated 14/12/2020 BPTW  
Design and Access Statement (Parts 1, 2 and 3) glass September 2020  
Visualisations - We Are Realm and Keyframe  
Preliminary Bat Roost Report  
Fire Safety Report

Draft Car Parking Management Plan – Buxton Group.

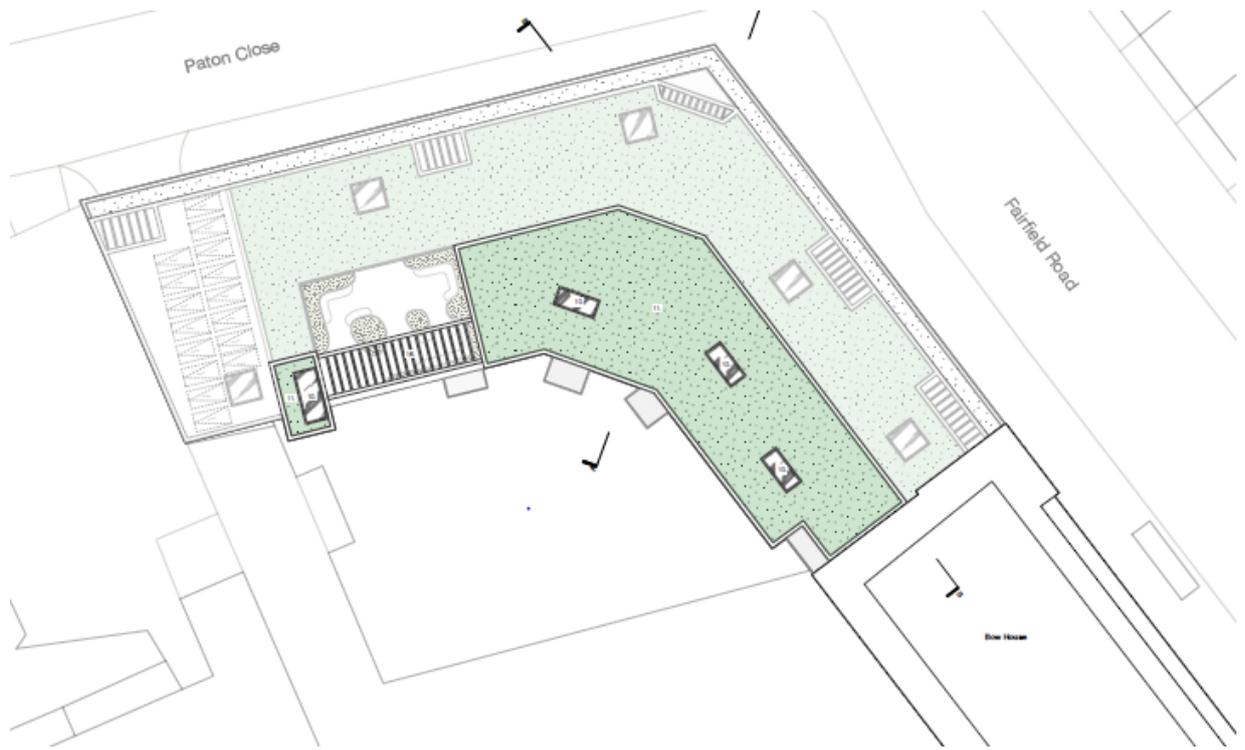
**APPENDIX 2**

**Selection of plans and images**



Ground Floor Plan

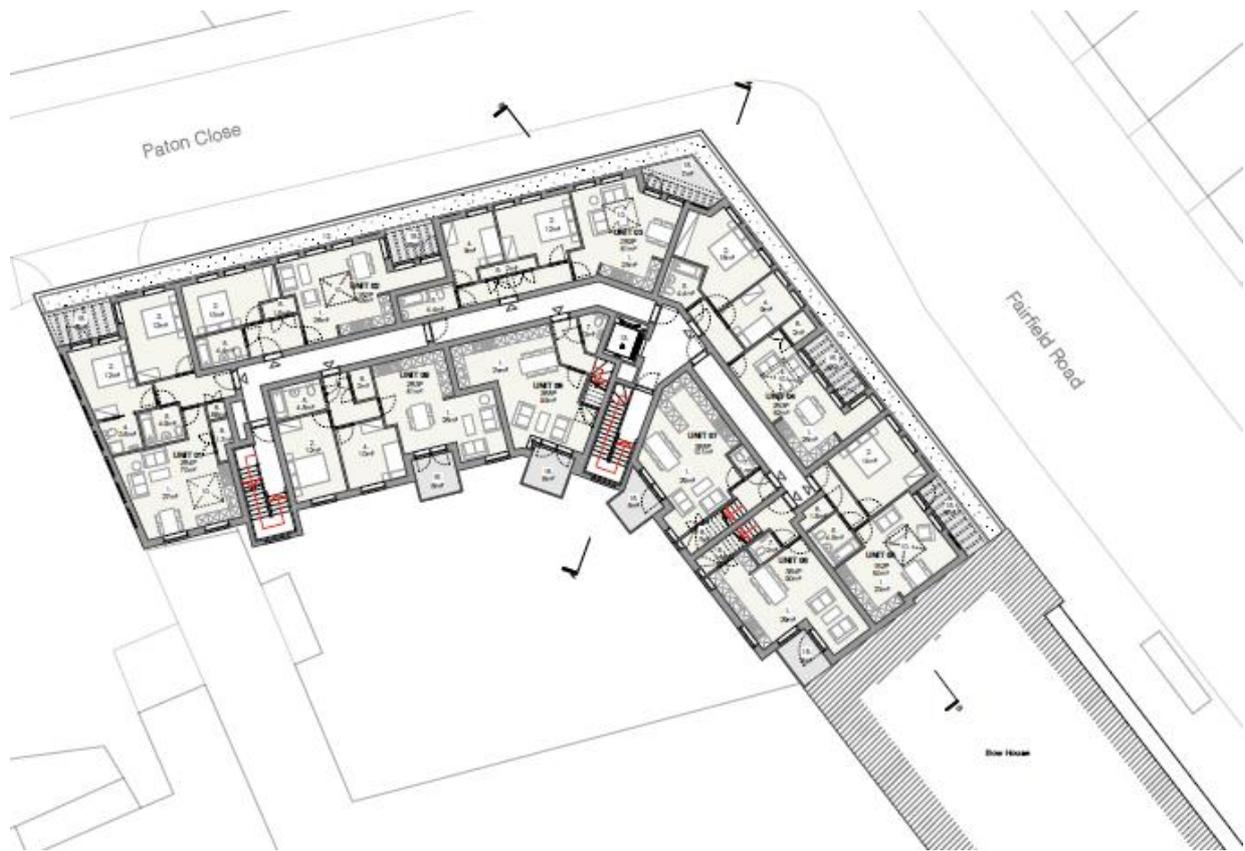




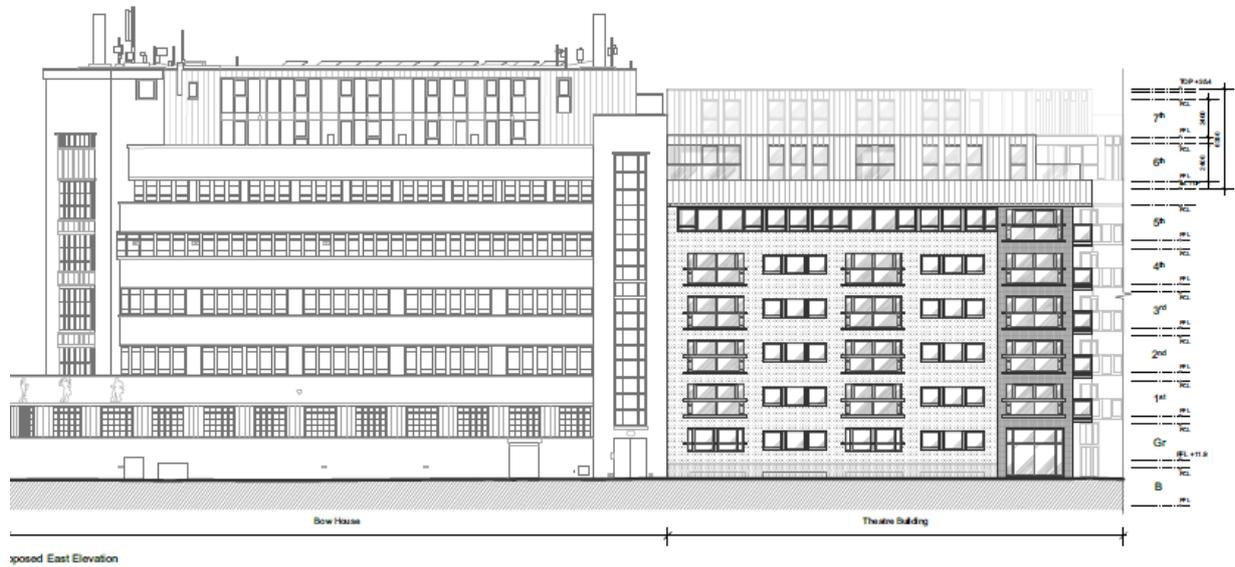
Roof Plan



7<sup>th</sup> Floor Plan



6<sup>th</sup> Floor Plan

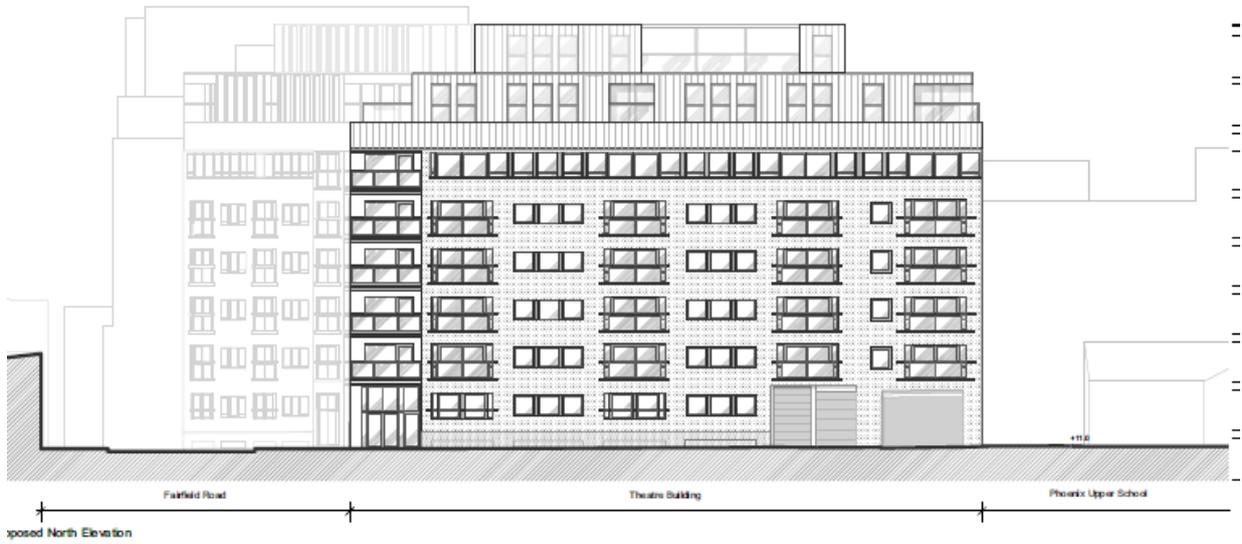


Proposed Eastern Elevation



Proposed Rear Elevation

Proposed rear elevation



Proposed North Elevation

Proposed northern elevation