

## UPDATE REPORT, STRATEGIC DEVELOPMENT COMMITTEE, 20<sup>th</sup> April 2021

Agenda item no	Reference no	Location	Proposal / Title
5.1	PA/20/00557	Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street	Demolition of the existing buildings, excluding the façade of 30-32 Redchurch Street, and redevelopment to provide a mixed-use development within a single building rising to three, seven and nine storeys maximum AOD height circa 56m comprising office (up to 14393 sqm of B1(a)) floorspace, up to 1444 sq.m flexible commercial floorspace (B1(a)/B1(c)), and up to 1181 sqm flexible retail floorspace (Use Class A1 and A3) along with servicing facilities, cycle parking, vehicle parking and associated works.

### Additional Representations

- 1.1 Two further letters of objection and letter of support have been received.
- 1.2 One of these is a further letter on behalf of the Owl & Pussycat public house.
- 1.3 The letter raises many of the same points raised previously. However, it adds that they have been given insufficient time to review further overshadowing information and references an appeal decision.
- 1.4 Officers have also had sight of comments from patrons and proposed works to the public realm of Redchurch Street that were sent to Committee members on April 19<sup>th</sup> 2021 on behalf of the Owl & Pussycat.

### Clarifications and Corrections

- 1.5 The Council's Planning Obligation SPD was adopted on March 24<sup>th</sup> 2021 and is not therefore a draft version.
- 1.6 Since publication of the agenda, comments have been received by LBTH Infrastructure stating that the £220,000 financial contribution recommended by TFL for improvements to cycle hire infrastructure is not required as this would be covered by CIL contributions.
- 1.7 Officers are now recommending a clause within the S106 for public access through the ground floor entrances on Bethnal Green Road and Chance Street
- 1.8 Officers are now recommending additional conditions for the 1<sup>st</sup> and 2<sup>nd</sup> floor windows in the east elevation to be obscurely glazed and the 1<sup>st</sup> and 2<sup>nd</sup> floor loggias in the east elevation to have their hours of use restricted. This is to prevent unacceptable overlooking issues towards neighbouring residential properties to the east.
- 1.9 Owing to errors in reporting daylight and sunlight, paragraphs 7.112 – 7.221 of the Committee report are to be amended as follows:

*“Daylight and sunlight report*

7.112 *A report assessing impacts on neighbouring properties was contained within the submitted ES. The report also assessed overshadowing, solar glare and light pollution (these will be addressed later in this Committee Report).*

7.113 *The properties that were assessed are as follows:*

- *2 - 4 Chance Street*
- *17 - 23 Whitby Street*
- *3 Club Row*
- *5 Club Row*
- *7 - 9 Club Row*
- *15 - 17 Redchurch Street*
- *19 - 29 Redchurch Street*
- *31 - 39 Redchurch Street*
- *36 Redchurch Street*
- *41 - 43 Redchurch Street*
- *42 Redchurch Street*
- *44 Redchurch Street*
- *45 Redchurch Street*
- *47 - 49 Redchurch Street*
- *48 - 50 Redchurch Street*
- *51 Redchurch Street*
- *2 - 4 Boundary Street (Hotel)*
- *13 Bethnal Green Road (Soho House hotel)*
- *15 Bethnal Green Road*

7.114 *The Council appointed an independent daylight/sunlight consult to review the applicant’s submitted report and independent consultant made the following comments:*

- *The scope of the assessment is appropriate.*
- *Cumulative impacts with consented Bishopsgate Goods Yard have not been assessed and that given its substantial height, bulk and massing it would have a cumulative effect on the sensitive receptors assessed.*
- *Not clear which properties have been assessed using room layouts and which are based on plans obtained through research. It would therefore be useful if the applicant could confirm which have been modelled using plan as opposed to estimates.*
- *Correct BRE methodology has been used to assess VSC, NSL and APSH.*
- *BRE’s two-hour sun-on-ground assessment has not been undertaken. However, it is agreed that the transient foreshadowing study comprising of hourly snap shots on March 21<sup>st</sup> (Spring equinox), June 21<sup>st</sup> (Summer solstice) and December 21<sup>st</sup> (Winter solstice) is acceptable.*

7.115 *Officers agreed with this conclusion. Officers subsequently sought further clarification on the impact on some properties from the agent. This information was provided by the agent by the submission of two addendums to the report. The results of the original report and the two addendums are assessed below. Going forward the report and the two addendums will be treated as one assessment and referred to as the ‘DSO.’*

7.116 *(Case Officer’s note: Officers note that there is planning history indicating there may be flats on the upper floors of 46 Redchurch Street. This property has not been assessed in the DSO. However, Officers are of the view that the daylight/sunlight and overshadowing assessments to neighbouring properties are sufficient to assess that there would not be unacceptable impacts towards it.)*

### Daylight results

7.117 *The DSO identified the following properties as BRE compliant for daylight:*

- 7 - 9 Club Row
- 5 Club Row
- 2 - 4 Boundary Street (Hotel)
- 41 - 43 Redchurch Street
- 45 Redchurch Street
- 47 - 49 Redchurch Street
- 51 Redchurch Street

7.118 *The DSO identifies the following properties as experiencing reductions in daylight beyond BRE guidance for either/both VSC and NSL as a result of the proposed development:*

- 2-4 Chance Street
- 15 Bethnal Green Road
- 42 Redchurch Street
- 17-23 Whitby Street
- 15-17 Redchurch Street
- 19-29 Redchurch Street
- 31-39 Redchurch Street
- 36 Redchurch Street
- Shoreditch House Hotel

7.119 *These properties are discussed in greater detail below.*

*2 - 4 Chance Street*

7.120 *Planning and Council Tax records indicate there are two residential units at this property at first and second floors.*

7.121 *This property is directly to the east of the site and the DSO identifies six windows and three habitable rooms potentially impacted by the proposed development.*

7.122 *The DSO suggests there would be a major VSC loss of 42.6% and 97.7% to two windows serving a second floor living/dining room. However, it indicates that this room is also served by two other windows that would have a negligible and minor VSC loss of and 3.5% - 27.3%. Furthermore, the room would only have a minor NSL loss of 25.7%. Officers consider the perception of light obstruction to a person in the inner part of the room will not be materially different and on balance considered acceptable.*

7.123 *The DSO indicates that all other habitable rooms within the property would experience negligible VSC and NSL losses.*

7.124 *Taken overall the impacts to this property are considered acceptable.*

*15 Bethnal Green Road*

7.125 *Records indicates this property contains a live/work unit which is mainly at second floor level but with some space in the floors below.*

7.126 *The report identifies twenty windows and ten habitable rooms that would be impacted by the proposed development.*

- 7.127 *The property is directly to the east of the site and the DSO suggests there would be a major VSC loss of 73.3% and 81.6% to two windows serving a first floor room with an unknown use. However, the report indicates that this room is also served by another window that would have a negligible VSC loss of 19.8%. Furthermore, the room would only have a minor NSL loss of 23.1%. Officers consider that because of these results the perception of light obstruction to a person in the inner part of the room will not be materially different and on balance considered acceptable.*
- 7.128 *The report indicates that all other windows within the property would receive negligible to moderate VSC losses and negligible to minor and NSL losses to habitable rooms*
- 7.129 *Taken overall Officers conclude the daylight impacts on this property are considered acceptable.*

#### *42 Redchurch Street*

- 7.130 *This property is identified as having a first floor studio apartment with six windows potentially impacted by the proposed development.*
- 7.131 *One of these windows would experience a moderate VSC loss of 34.8% and one window would experience a minor VSC loss of 25.5%. The remaining four windows will meet BRE criteria for VSC. The NSL loss to the apartment as a whole would be negligible at just 8.5%*
- 7.132 *Officers considers that these impacts are not of undue concern in the site context and are acceptable*

#### *17-23 Whitby Street*

- 7.133 *This property is understood to have residential accommodation on the second and third floors.*
- 7.134 *All 14 windows assessed meet the BRE criteria for VSC. When assessing the 14 rooms for NSL, two would experience losses beyond BRE guidance. These losses are 26% and 24.5%, against the 20% recommendation, which are therefore considered minor.*
- 7.135 *Officers consider that these impacts are acceptable*

#### *15 - 17 Redchurch Street*

- 7.136 *There are seven flats at this property which are at first to fifth floor levels and served by north and south facing windows.*
- 7.137 *This property is directly to the north of the site and the DSO identifies twenty windows and ten habitable rooms that would be impacted by the proposed development.*
- 7.138 *It notes that there would be a major adverse NSL loss of 59.5% to a first floor living/kitchen/dining room and a 40.7% NSL reduction to a second floor living/kitchen/dining room. However, the report indicates*

*each room is served by windows which would have negligible VSC losses of between 4.2% and 13.9%. Officers consider the perception of light obstruction to a person in the inner part of these rooms will not be materially different and on balance considered acceptable.*

*7.139 The report indicates that all windows within the property would meet BRE guidance for VSC, and that all other NSL losses are minor or negligible to habitable rooms.*

*7.140 For these reasons Officers consider that the daylight impacts on all flats within this building would be acceptable.*

*19 - 29 Redchurch Street*

*7.141 There are five flats at this property which are situated on the second, third and fourth floor levels.*

*7.142 This property is directly to the north of the site.*

*7.143 The DSO suggests there would be major NSL losses of 54.1% to a second floor bedroom, a 53.0% to a third floor bedroom and 52.0% to a third floor living/dining room. However, it indicates that the bedrooms are each served by a window that would experience minor VSC losses of 25.9% and 24.4% respectively. Furthermore, it indicates the living/dining room is served by two windows which would experience moderate VSC losses of 31.8% and 34.8% respectively. Officers consider that results indicate that the perception of light obstruction to a person in the inner part of the rooms will not be materially different and are on balance considered acceptable.*

*7.144 The report indicates that all surveyed windows would experience a moderate or less VSC loss and all other habitable rooms (apart from three mentioned above) will experience minor or less NSL losses.*

*7.145 For these reasons and given the context of the site Offices consider that on the daylight impacts on all flats within this building would be acceptable.*

*31 - 39 Redchurch Street*

*7.146 There are nine flats at this property which are at first to third floor levels and windows are in north and south elevations.*

*7.147 This property is directly to the north of the site and the DSO suggests there would be a major NSL loss of 46.8% to a first floor bedroom. However, the report indicates that its window would experience a minor VSC loss of 20.3%. Officers consider that because of these results the perception of light obstruction to a person in the inner part of the rooms will not be materially different and on balance considered acceptable.*

*7.148 The report indicates that all surveyed windows would experience a minor or less VSC loss and all other habitable rooms (apart from the one mentioned above) will experience minor or less NSL losses.*

*7.149 Taken overall Officers conclude the daylight impacts on all flats are*

*considered acceptable.*

### *36 Redchurch Street*

- 7.150 *This property is understood to have two bedrooms, on the ground and first floor, serving residential accommodation which face the development.*
- 7.151 *Both windows will experience major VSC (in excess of 60%) and NSL (in excess of 40%) losses.*
- 7.152 *Whilst these constitute major adverse failures to these windows/rooms, given that they are bedrooms and not typically main living areas, and the overall site context and wider impacts of the proposal, they are not unacceptable in this instance.*

### *13 Bethnal Green Road, Soho House Hotel*

- 7.153 *This hotel has rooms at first to fifth floor levels.*
- 7.154 *The property is to the west of the site and the DSO identifies twenty-three windows and twelve habitable rooms that would be impacted by the proposed development.*
- 7.155 *Some of the hotel's bedroom windows facing Ebor Street will experience major VSC losses and five of the twelve surveyed rooms would experience major NSL losses. Two first floor bedrooms, two second floor bedrooms and one third floor bedroom would experience major VSC losses to their windows and to their NSL levels.*
- 7.156 *When looking at the layout of the hotel it is noted that its corner bedrooms are dual aspect and are likely to maintain a view over Bethnal Green Road and rooms at fourth and fifth floor level are set back, some are dual aspect and contain private balconies which should ensure the impact is less severe.*
- 7.157 *Officers consider that given the hotel use has a transient population, the loss of VSC and NSL is considered acceptable in the site context.*

### *Sunlight results*

- 7.158 *The sunlight targets are outlined in the summary box at paragraph 3.2.11 of 'Site Layout Planning for Daylight and Sunlight' (2011). This text is directly quoted below: "If a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*
- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and*
  - Receives less than 0.8 times its former sunlight hours during either period and*
  - has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.*

7.159 No effect was reported at nine properties, and negligible at one. All other properties surveyed would experience minor adverse or greater sunlight impacts which are set out in greater detail below.

*17 - 23 Whitby Street*

7.160 There are six flats at this property which are at second and third floor levels.

7.161 The property is to the east of the site and the DSO identifies fourteen windows that would potentially be impacted by the proposed development.

7.162 The report suggests there would be a minor adverse APSH loss to a second floor bedroom window but a 100% major adverse WPSH loss. However, given the existing winter sunlight hours is low at just 1%, any loss as a percentage appears logically greater. Officers consider this winter loss is not therefore unacceptable.

7.163 The report suggests there would be a negligible APSH loss to a third floor bedroom but a 50% major WPSH loss. Given the minor APSH loss and the specific site context Officers consider that the winter loss is not unacceptable.

7.164 All other windows surveyed would experience negligible APSH and WPSH losses which are considered acceptable.

7.165 One window would not have the proposed development within 90° of due south.

7.166 Officers consider that sunlight impacts will be barely perceptible notwithstanding in absolute numerical terms the loss is high because the existing winter sunlight hours received is so small.

*2 - 4 Chance Street*

7.167 This property is to the east of the site and the DSO suggests of the three windows assessed for sunlight, which all serve one living/dining room, one would meet BRE criteria. The remaining two windows will experience major APSH and WPSH losses. As the existing sunlight levels are already lower than BRE Guidance in the existing scenario and living/dining room in question is served by a further third unaffected window, officers consider sunlight impact to this room would be acceptable.

7.168 The other windows would not have the proposed development within 90° of due south and therefore APSH and WPSH impact are not relevant.

*15 - 17 Redchurch Street*

7.169 This property is to the north west of the site and the DSO notes that 17 of the 18 windows meet BRE criteria for APSH. The window that falls below criteria is understood to serve a living/kitchen/diner and experience a negligible APSH loss of 9.8% and a 100% loss WPSH.

7.170 While the WPSH loss is major, the level of APSH retained at 46% is above the 25%.

7.171 All other windows would experience negligible APSH and WPSH losses.

7.172 Officers therefore consider that given the site context these impacts on sunlight levels would be acceptable.

19 - 29 Redchurch Street

7.173 *This property is to the north of the site and the DSO notes that of the 17 windows assessed, 16 would meet APSH criteria. The windows that does not meet the APSH criteria is understood to serve an LKD and experience a negligible APSH loss but a major WPSH loss of 71.4%. The retained APSH level to this window will be 57%, well in excess of the BRE recommended 25%.*

7.174 *On balance, Officers do not consider this unacceptable given the site context and low APSH losses.*

31 - 39 Redchurch Street

7.175 *The report suggests of the 14 windows assessed for sunlight, 12 will meet BRE guidance. The two windows that fall below guidance serve two separate bedrooms on the first floor and will experience negligible APSH losses and major WPSH losses.*

7.176 *On balance, Officers do not consider this unacceptable given the site context and low APSH losses.*

36 Redchurch Street

7.177 *This property contains a ground and first floor flat.*

7.178 *The property is adjacent to the site to the north and the DSO suggests a ground floor bedroom and a first bedroom would experience major APSH losses of 71% and 58.2% respectively and would both experience major 100% WPSH losses.*

7.179 *Officers acknowledge these impacts and consider that they would be noticeable to occupiers of the bedrooms. However, given the site context and the wider impacts of the proposal, the impacts are not considered unacceptable on balance.*

42 Redchurch Street

7.180 *The DSO suggests four of the first floor studio apartment's six windows would be impacted by the proposed development.*

7.181 *It identifies there would be a major APSH loss to two windows and a moderate APSH loss to the other two windows which serve the first floor studio flat. It also suggests that all four windows would experience a major adverse WPSH loss.*

7.182 *Officers note the major a WPSH losses to all four windows and major APSH losses to two of them. However, two windows would only experience a moderate APSH loss. On balance, Officers do not consider this unacceptable given the site context and the moderate APSH losses to two of the windows.*

45 Redchurch Street

7.183 *The DSO identifies habitable rooms at first and second floor level of this property and identifies that six windows could be impacted by the proposed development.*

7.184 *The DSO suggests of the six windows within this property, four will meet BRE criteria for sunlight. The remaining two windows will experience minor*

losses for APSH and major losses for WPSH.

7.185 Although the uses of these room are stated as 'unknown' in the DSO, Officers consider that were they all to be habitable, the negligible APSH losses to all windows and the particular site context would outweigh the major WPSH losses to two of the six windows and therefore, on balance the impacts are not unacceptable.

15 Bethnal Green Road

7.186 As noted above, this is a live work unit with the majority of residential accommodation understood to be on the second floor. With respect to this property, the DSO notes that six of the the ten windows assessed, six would meet BRE criteria for sunlight.

7.187 Of the remaining four windows, two would serve a room of unknown use on the first floor and experience major APSH losses, one would experience major WPSH losses and the other would experience minor WPSH losses. The two other windows are situated on the second floor and serve a living/kitchen/diner and what is understood to be a greenhouse. The living/kitchen/diner window will experience major APSH and WPSH losses and the greenhouse window will experience minor APSH losses and no WPSH losses. The retained APSH levels to all four windows are between 18%-24% which is slightly below the BRE guidance of 25%.

7.188 Officers acknowledge that major APSH and WPSH occur to a number of windows within this property. However, given that these rooms are also served by other windows and given the site context the impacts are considered acceptable to Officers."

1.10 Drawings and documents not originally appended to report are set out below:

**Drawings and documents recommended for approval**

Schedule of drawings

*Proposed*

Basement 01 - 01 101  
Basement 01 - 01 102  
Ground Floor Plan - 01 - 01 103  
First Floor Plan - 01 104  
Second Floor Plan - 01 105  
Third Floor Plan - 01 106  
Fourth Floor Plan - 01 107  
Fifth Floor Plan - 01 108  
Sixth Floor Plan - 01 109  
Seventh Floor Plan - 01 110  
Eighth Floor Plan - 01 111  
Ninth Floor Plan - 01 112  
Roof Plan - 01 113  
North Elevation - 01 201  
South Elevation - 01 202  
East elevation - 01 203  
West elevation - 01 204  
Street elevation - north and west - 01 205  
Street elevation - south and east - 01 206  
Bay study - 01 401  
Bay study - 01 402  
Bay study - 01 403  
Bay study - 01 404  
Bay study - 01 405  
Bay study - 01 406  
Bay study - 01 407  
Bay study - 01 408  
Illustrative CGI of basement affordable workspace  
Illustrative CGI of affordable workspace from ground floor level

*Existing*

Location Plan - 01 001  
Existing Site Plan - 01 000  
Ground Floor Plan 01 - 01 153  
First Floor Plan - 01 154  
Second Floor Plan - 01 155  
Third Floor Plan - 01 156

Schedule of documents

Cover letter Ref: OS/KFW/DP4998 Dated 23/02/2021  
Design and Access Statement Dated February 2020  
Design and Access Statement Addendum - Revision A Dated April 2021  
Townscape, Heritage & Visual Impact Assessment Dated February 2021

FACADE MATERIAL SAMPLES Dated April 2021  
Planning RFIs response Dated 01/04/2021  
Heritage Assessment Dated March 2020  
Appendix 13.1 Drawings  
Appendix 13.2 Daylight and Sunlight Results  
Appendix 13.3 Overshadowing Results  
Appendix 13.4 Light Pollution Results  
Appendix 13.5 Solar Glare Results  
Appendix 13.6 Relevant Planning Policy  
DAYLIGHT/SUNLIGHT ADDENDUM Ref: 3652 dated 22/01/2021  
DAYLIGHT/SUNLIGHT/OVERSHADOWING ADDENDUM Ref: 3652 Dated 07/04/2021  
SECURITY OF SITE AND BUILDING REPORT  
Preliminary Ecological Appraisal Dated January 2019  
Bat Survey Report Dated May 2019  
Environmental Impact Assessment Scoping Report Dated January 2019  
ES Addendum and Response to Final Review Report Dated February 2021  
ES Addendum and Response to Final Review Report Dated February 2021  
Non-Technical Summary Dated February 2021  
Transport Statement Dated 27/02/2020  
Transport Assessment Dated 27/02/2020  
Travel Plan Dated 05/02/2020  
Technical Note 04a: Transport Addendum Dated 05/02/2021  
Appendix 9.1: Air Quality Assessment Detailed Methodology  
Appendix 9.2: Air Quality Neutral Assessment  
Appendix 10.1 Planning Policy and Guidance  
Appendix 10.2 LBTH Consultation Correspondence  
Appendix 10.3 Baseline Noise Survey Details  
Appendix 10.4 Site Demolition and Construction Noise Assessment  
Appendix 10.5 Glossary of Acoustic Terms  
Preliminary Environmental Risk Assessment Dated November 2019  
11. Soil, Ground Contamination and Water Resources  
13. Ground Conditions and Contamination  
Site Investigation Factual and Interpretative Report Dated November 2007  
Draft phase 1 environmental assessment Dated May 2007  
Wind Conditions – Policy Context  
Greenhouse Gas Appendices Dated 03/02/2020  
17.2 Extract from London Atmospheric Emissions Inventory  
Appendix A: Cumulative Schemes Ref: WIE14833-101 – Huntingdon Industrial Estate  
Statement of Community Involvement by Kanda  
Outline Fire Strategy Dated 28/02/2020  
Archaeological Desk-Based Assessment Dated May 2019

## **2.0 Recommendation**

Officers recommendation remains that planning permission should be GRANTED with conditions and planning obligations.