



Meeting of the

# DEVELOPMENT COMMITTEE

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Wednesday, 27 July 2011 at 7.00 p.m.

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UPDATE REPORT

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## LONDON BOROUGH OF TOWER HAMLETS

### DEVELOPMENT COMMITTEE

27<sup>th</sup> July 2011 at 7:00 pm

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#### UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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#### INDEX

Agenda item no	Reference no	Location	Proposal
7.1	PA/11/00546	Ground floor, 248 Westferry Road, London, E14 3AG	Application for the removal of condition 1 (hours of operation - 08:00am to 22:45pm) of planning permission T/96/00369, with proposed new hours from sunrise 04:00am to 10.45pm (Monday to Sunday).
7.2	PA/11/00715 PA/11/733	Christchurch Primary School, 47a Brick Lane, E1 6PU	The proposals are to demolish the existing youth centre and build a new nursery & community building in its place. A new primary school boundary wall is established with some landscape works to the community gardens and school playgrounds.
7.3	PA/11/00885	Site at 58-64 Three Colts Lane and 191- 205 Cambridge Heath Road, London	Demolition of existing buildings and erection of two blocks comprising part 6, part 7 storey buildings plus basement for plant; to provide 1,7685q.m of commercial floorspace (Use Classes A1-A4 & B1) and 141 dwellings; provision of 9 parking spaces to side of service road and creation of access onto Buckhurst Street and Coventry Road.
7.4	PA/11/829	Greenheath Business Centre, 31 Three Colts Lane,	Redevelopment to provide a building of seven storeys comprising 67 dwellings (26 x 1 bed, 22 x 2 bed and 19 x 3 bed) with associated landscaping, cycle storage and car parking.
7.5	PA/11/1000	Wood Wharf, Prestons Road	Temporary change of use to Class D1 (non-residential institution) and D2 (assembly and leisure), up to 2.400 sq.m. of Class A3 (restaurants and cafès) and A4 (drinking establishments) floorspace and sui generis (theatre, outdoor exhibition uses [falling outside Class D1] and ancillary uses to comprise no more than 14,999 sq.m. of enclosed floorspace; erection of a temporary bridge; erection of temporary structures; works of hard and soft landscaping, parking and other works incidental to the application for a period of two years.



<b>Agenda Item number:</b>	7.1
<b>Reference number:</b>	PA/11/00546
<b>Location:</b>	248 Westferry Road, London, E14 3AG
<b>Proposal:</b>	Application for the removal of condition 1 (hours of operation - 08:00am to 22:45pm) of planning permission T/96/00369, with proposed new hours from sunrise 04:00am to 10.45pm (Monday to Sunday).

## 1. ADDITIONAL REPRESENTATIONS

### Site and Surroundings

- 1.1 Further to section 4.7 of the published committee report, clarification has been provided outlining the use and composition of the application site Madina Jamme Masjid (248 Westferry Road, London, E14 3AG).
- 1.2 The site comprises of a three storey building with front entrance from Westferry Road. There is an internal staircase from ground floor, which provides access to all upper floors.
- 1.3 The ground floor comprises of an open plan prayer hall. The first floor is also an open plan hall, which is used for occasional study classes and accommodation for the building caretaker. The second floor comprises of individual rooms which are currently vacant.

<b>Agenda Item number:</b>	7.2
<b>Reference number:</b>	PA/11/00715 and PA/1/733
<b>Location:</b>	Christchurch Primary School, 47a Brick Lane, London, e1 6PU
<b>Proposal:</b>	The proposals are to demolish the existing youth centre and build a new nursery & community building in its place. A new primary school boundary wall is established with some landscape works to the community gardens and school playgrounds.

## 1. ADDITIONAL REPRESENTATIONS

### Additional representations

- 1.1 Three additional letters have been received (including an objection from the Friends of Christchurch). The majority of the content of these letters was already covered by earlier representations and is addressed in the committee report.

The additional items raised are as follows:

- There has been a lack of consultation in respect of the license agreement between the Rector of the Church, the primary school and LBTH.  
*(Officer response: There was no requirement for consultation with the local community, as this was an agreement between the three parties and is separate from the planning process.)*
- English Heritage have not taken into account the requirements of PPS5 which has come into effect since the existing youth centre building was constructed.  
*(Officer response: Whilst the letter from English Heritage does not make specific reference to PPS5, council officers have considered the comments made in light of PPS5 which is outlined in sections 8.17 – 8.24 of the committee report.)*

## 2.1 OWNERSHIP DETAILS

Within section 1 of the report the ownership details are listed as the applicant. This is not correct as the freeholder of the site is the Rector of Christchurch.

## 3 ADOPTION OF LONDON PLAN 2011

3.1 On the 22nd July 2011 the Mayor adopted a new Spatial Development Strategy for Greater London, which is referred to as the 'London Plan 2011'. This replaces the previous Spatial Development Strategy for Greater London (Consolidated with Alterations since 2004), which was referred to as the London Plan 2008.

3.2 The published committee report makes reference to policies in the London Plan 2008. These should be disregarded, and weight instead should be given to relevant policies in the new London Plan 2011. For this application, the general thrust of relevant policies in the London Plan 2011 remains similar to those contained in the London Plan 2008. However, as a new Statutory Development Plan has been adopted, Members should note the following:-

3.3 Paragraph 5.7 of the main committee report lists relevant policies from London Plan 2008. This list of policies should be disregarded. The following policies from the London Plan 2011 are relevant to this application

<b>3.4 Policy</b>	<b>Title</b>
3.6	Children and young people's play and informal recreation facilities
3.18	Education facilities
7.1	Building London's Neighbourhoods and communities
7.2	An inclusive environment
7.9	Heritage-led regeneration
7.18	Protecting local open space and addressing local deficiency

3.5 Paragraphs 8.2 of the committee report make reference to the London Plan policy 3A.13 and 3A.24. This has been replaced by policy 3.18 which states that support should be given to the provision of early years, primary and secondary school facilities to meet the demands of a growing and changing population and to enable greater educational choice.

3.6 Paragraphs 8.11 – 8.13 of the committee report also make reference to the 2008 London Plan. Policy 7.18 of the 2011 plan seeks to protect local open space and address local deficiency by supporting the creation of new open space and resisting the loss of open spaces unless equivalent or better quality provision is made within the local catchments area. The new London Plan has removed the reference to opening up of privately owned spaces which are no longer required for their original purpose.

3.7 Officers consider that the proposed development is in accordance with the aims of these policies and the reasons for grant have been updated to reflect this change in policy.

## 2. RECOMMENDATION

The recommendation remains unchanged and planning permission and conservation area consent should be granted for the following reasons:

2.1 The proposal seeks to add a nursery classroom and community rooms to the school to provide additional education and community space. It is considered that the proposal is acceptable in land use terms and would be in accordance with policies 3.6 and 3.18 of the London Plan 2011 and SP07 of the adopted Core Strategy 2010

which seeks to improve and expand existing primary and secondary schools.

- 2.2 The removal of the existing youth centre and erection of the proposed building is considered to enhance the setting of the grade I listed church and the Brick Lane and Fournier Street conservation area. The design, appearance and position of the proposed development would be acceptable and would not harm the significance of the designated heritage assets in accordance with Planning Policy Statement 5, policies DEV1 of the Unitary development plan 1998 policies CON1 and CON2 of the Interim Planning Guidance 2007 and SP10 of the Core Strategy Development Plan Document 2025 Adopted 2010.
- 2.3 The proposal results in the loss of 75sqm of open space, this space is not publicly accessible and is currently in an unusable state. The landscaping and design of the building would make more efficient and effective use of site and would allow for increased public access and usability of the site. This would outweigh the loss of the open space and the scheme would be acceptable in light of the requirements of policies EDU7 or OS7 of the Unitary Development Plan 1998, SP04 of the Core Strategy, policy 7.18 of the London Plan 2011 and policy SCF2 of the Interim Planning Guidance 2007.
- 2.4 The proposed extension is considered to be a sufficient distance away from any neighbouring residential properties to mitigate any direct impacts in terms of a loss of privacy, light or outlook. The increase in pupil numbers are not considered to have any significant impact upon the surrounding residents due to the nature of this busy location in accordance with policies DEV2 of the Unitary Development Plan 1998 and DEV1 of the Interim Planning Guidance 2007.

<b>Agenda Item number:</b>	7.3
<b>Reference number:</b>	PA/11/00885
<b>Location:</b>	Site at 58-64 Three Colts Lane, and 191-205 Cambridge Heath Road, London
<b>Proposal:</b>	Demolition of existing building and erection of two buildings comprising a part 6, part 7 storey buildings plus basement for plant; to provide 1,762sq.m of commercial floor space (Use Classes A1-A4 & B1) and 141 dwellings: provision of 9 onsite parking spaces to side of service road and creation of access onto Buckhurst Street and Coventry Road.

## 1. ADDITIONAL INFORMATION

### Relevant Planning History

There is one other relevant planning history for the site which was not mentioned in the original report.

- 5.10 PA/08/01504 Demolition of all existing buildings on the site and erection of two new buildings: Block A (191-205 Cambridge Heath Road) being 16 storeys plus rooftop plant room; and Block B (58 to 64 Three Colts Lane) being between 7 and 9 storeys with rooftop plant room. The proposed buildings incorporate 435 student accommodation bedrooms (sui generis), together with 1534sqm of retail (Use Class A1), financial and professional services (Use Class A2) or art gallery (Use Class D1) floorspace.

This application was refused for the reasons of excessive height, massing and design; and over concentration of student

accommodation.

## 2. **ADOPTION OF LONDON PLAN 2011**

2.1 On the 22<sup>nd</sup> July 2011 the Mayor adopted a new Spatial Development Strategy for Greater London, which is referred to as the 'London Plan 2011'. This replaces the previous Spatial Development Strategy for Greater London (Consolidated with Alterations since 2004), which was referred to as the London Plan 2008.

2.2 The published committee report makes reference to policies in the London Plan 2008. These should be disregarded, and weight instead should be given to relevant policies in the new London Plan 2011. For this application, the general thrust of relevant policies in the London Plan 2011 remains similar to those contained in the London Plan 2008. However, as a new Statutory Development Plan has been adopted, Members should note the following:-

2.3 Paragraph 6.3 of the main committee report lists relevant policies from London Plan 2008. This list of policies should be disregarded. The following policies from the London Plan 2011 are relevant to this application.

2.4	<b>Policy</b>	<b>Title</b>
	3.3	Increasing Housing Supply
	3.5	Quality and design of housing developments
	3.6	Children and young people's play and informal recreation facilities
	3.8	Housing Choice
	3.10	Definition of affordable housing
	3.11	Affordable housing targets
	3.12	Negotiating affordable housing on individual private residential and mixed use schemes
	3.13	Affordable housing thresholds
	3.16	Protection and enhancement of social infrastructure
	5.1	Climate change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and construction
	5.5	Decentralised energy networks
	5.6	Decentralised energy in development proposals
	5.7	Renewable energy
	5.11	Green roofs and development site environs
	5.13	Sustainable drainage
	5.17	Waste capacity
	5.21	Contaminated land
	6.9	Cycling
	6.10	Walking
	6.13	Parking
	7.1	Building London's neighbourhoods and communities
	7.2	An inclusive environment
	7.4	Local character
	7.5	Public realm
	7.15	Reducing noise and enhancing soundscapes
	8.2	Planning obligations

2.5 The main policy changes which relate to this development are the changes to the energy policies and affordable housing. It is expected that the development should now provide sufficient energy saving measures and renewable technology to meet the requirements of policy 5.2 which seeks to ensure that all residential buildings approved between 2010 and 2013 achieve a 25% improvement on building regulations in terms of the carbon dioxide emissions. As explained in sections 9.83-9.89, the proposal will achieve a 23% reduction. A condition is also proposed to



ensure that the target will be met.

- 2.6 The Officers consider that the proposed development is in accordance with the aims of these policies and the reasons for grant have been updated to reflect this change in policy.

## **2. RECOMMENDATION**

- 2.1 The recommendation remains unchanged and should be granted for following reasons:

- 2.2 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets Interim Planning Guidance (IPG 2007); the adopted Core Strategy (2010), as well as the London Plan (2011) and the relevant Government Planning Policy Guidance and has found that:

1. The scheme will provide a residential led mix-use redevelopment with appropriate replacement of employment uses. The scheme would therefore provide opportunities for growth and change in accordance with the objectives set for Bethnal Green Area (LAP 2) as identified in the Core Strategy 2010.

2. The building height, scale, bulk and design (including access) is acceptable and enhance the character and appearance of the existing streetscene, in accordance with Policies: DEV 1 and DEV2 of the Council's Development Plan 1998; DEV1, DEV2 and DEV3 of Interim Planning Guidance 2007; and SP10 and SP12 of Core Strategy 2010 which seek to ensure buildings and places are of a high quality of design and suitably located.

3. The proposal provides an acceptable amount of affordable housing and mix of units, in light of the viability of the scheme. As such, the proposal is in line with policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan 2011, saved policy HSG7 of the Council's Unitary Development Plan 1998, policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document 2010 which seek to ensure that new developments offer a range of housing choices.

4. The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document 2010 which seek to provide an acceptable standard of accommodation.

5. The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policies HSG7 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document 2010, which seek to improve amenity and liveability for residents.

6. It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998) and DEV1 of the Interim Planning Guidance

(2007) and policy SP10 of the of the Core Strategy Development Plan Document 2010 which seek to protect residential amenity.

7. Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and policy SP08 and SP09 of the Core Strategy Development Plan Document 2010 which seek to ensure developments minimise parking and promote sustainable transport options.

8. Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; health care provision and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy; Government Circular 05/05; saved policy DEV4 of the Council's Unitary Development Plan 1998; policy IMP1 of the Council's Interim Planning Guidance (October 2007); and policy SP02 of the Core Strategy Development Plan Document 2010, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

<b>Agenda Item number:</b>	7.4
<b>Reference number:</b>	PA/11/00829
<b>Location:</b>	Greenheath Business Centre, 31 Three Colts Lane
<b>Proposal:</b>	Redevelopment to provide a building of seven storeys comprising 67 dwellings (26 x 1 bed, 22 x 2 bed and 19 x 3 bed) with associated landscaping, cycle storage and car parking.

## **1. ADOPTION OF LONDON PLAN 2011**

**1.1** On the 22nd July 2011 the mayor adopted a new spatial development strategy for greater, which is referred to as the 'London plan 2011'. This replaces the previous spatial development strategy for greater London (consolidated with alterations since 2004), which was referred to as the London plan 2008.

**1.2** The published committee report makes reference to policies in the London plan 2008. These should be disregarded, and weight instead should be given to relevant policies in the new London plan 2011. For this application, the general thrust of relevant policies in the London plan 2011 remains similar to those contained in the London plan 2008. However, as a new statutory development plan has been adopted, members should note the following:-

**1.3** Paragraph 5.7 of the main committee report lists relevant policies from London plan 2008. This list of policies should be disregarded. The following policies from the London plan 2011 are relevant to this application

<b>1.4</b>	<b>Policy</b>	<b>Title</b>
	3.3	Increasing Housing Supply
	3.5	Quality and design of housing developments

3.6	Children and young people's play and informal recreation facilities
3.8	Housing Choice
3.10	Definition of affordable housing
3.11	Affordable housing targets
3.12	Negotiating affordable housing on individual private residential and mixed use schemes
3.13	Affordable housing thresholds
3.16	Protection and enhancement of social infrastructure
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.5	Decentralised energy networks
5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.11	Green roofs and development site environs
5.13	Sustainable drainage
5.17	Waste capacity
5.21	Contaminated land
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.4	Local character
7.5	Public realm
7.15	Reducing noise and enhancing soundscapes
8.2	Planning obligations

**1.5** The main policy changes which relate to this development are the changes to the energy policies and affordable housing. The development is provided sufficient energy saving measures and renewable technology to meet the requirements of policy 5.2 which seeks to ensure that all residential buildings approved between 2010 and 2013 achieve a 25% improvement on building regulations in terms of the carbon dioxide emissions. They should also achieve code for sustainable homes level 4. This development would meet these requirements as set out in sections 8.75 – 8.79 of the committee report.

**1.6** The London Plan 2011 fails to define the affordable rent product as set out in PPS3 due to the Examination in Public being held before PPS3 was produced. It is likely that further guidance will be issued in relation to the three types of affordable housing. It is considered that this development provides affordable housing in accordance with the national planning guidance and local Core Strategy policy SP02.

**1.7** Officers consider that the proposed development is in accordance with the aims of these policies and the reasons for grant have been updated to reflect this change in policy.

## **2. RECOMMENDATION**

The recommendation remains unchanged and planning permission should be granted for the following reasons:

**2.1** The proposal is considered acceptable in land use terms as it would retain the employment use by re-providing it elsewhere on the site in accordance with policies EMP1 of the Unitary Development Plan 1998 and EE2 of the Interim Planning Guidance 2007 and would provide additional housing for the borough in accordance with PPS3: Housing, policy 3.3 of the London Plan 2011 and policy SP02 of the Core Strategy 2010.

- 2.2** The building height, scale, bulk and design is acceptable and enhances the character and appearance of the existing streetscene, in accordance with Policies: DEV 1 and DEV2 of the Council's Development Plan 1998; DEV1, DEV2 and DEV3 of Interim Planning Guidance 2007; and SP10 and SP12 of Core Strategy 2010 which seek to ensure buildings and places are of a high quality of design and suitably located.
- 2.3** The proposal provides an acceptable amount of affordable housing and mix of units, in light of viability of the scheme, guidance from PPS3, proposed rental levels and Council's research on affordability of local rents. The proposed affordable housing offer in this particular case, would generally satisfy local housing needs. As such, the proposal is in general accordance with policies 3.10, 3.11, 3.12 and 3.13 of the London Plan 2011 saved policy HSG7 of the Council's Unitary Development Plan 1998, policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document 2010 which seek to ensure that new developments offer a range of housing choices.
- 2.4** The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policies HSG7 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document 2010, which seek to improve amenity and liveability for residents.
- 2.5** It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of the Interim Planning Guidance (2007) and policy SP10 of the of the Core Strategy Development Plan Document 2010 which seek to protect residential amenity.
- 2.6** Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and policy SP08 and SP09 of the Core Strategy Development Plan Document 2010 which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.7** Contributions have been secured towards education improvements; public realm improvements; community facilities; health care and provision has been made for affordable housing in line with Regulation 122 of Community Infrastructure Levy; Government Circular 05/05; saved policy DEV4 of the Council's Unitary Development Plan 1998; policy IMP1 of the Council's Interim Planning Guidance (October 2007); and policy SP02 of the Core Strategy Development Plan Document 2010, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- 2.8** The development, thorough a series of methods including a communal gas fired boiler and photovoltaic panels would result in a 36% reduction in carbon emissions and also seeks to secure the code for sustainable homes level 4 which is in accordance with policy SP11 of the Core Strategy and policy 5.2 of the London Plan 2011 which seeks to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.

<b>Agenda Item number:</b>	7.5
<b>Reference number:</b>	PA/11/1000

<b>Location:</b>	Wood Wharf, Prestons Road, London
<b>Proposal:</b>	Temporary change of use to Class D1 (non-residential institution) and D2 (assembly and leisure), up to 2.400 sq.m. of Class A3 (restaurants and cafès) and A4 (drinking establishments) floorspace and sui generis (theatre, outdoor exhibition uses [falling outside Class D1] and ancillary uses to comprise no more than 14,999 sq.m. of enclosed floorspace; erection of a temporary bridge; erection of temporary structures; works of hard and soft landscaping, parking and other works incidental to the application for a period of two years.

## 1. ADOPTION OF LONDON PLAN 2011

- 1.1 On the 22<sup>nd</sup> July 2011 the Mayor adopted a new Spatial Development Strategy for Greater London, which is referred to as the 'London Plan 2011'. This replaces the previous Spatial Development Strategy for Greater London (Consolidated with Alterations since 2004), which was referred to as the London Plan 2008.
- 1.2 The published committee report makes reference to policies in the London Plan 2008. These should be disregarded, and weight instead should be given to relevant policies in the new London Plan 2011. For this application, the general thrust of relevant policies in the London Plan 2011 remains similar to those contained in the London Plan 2008. However, as a new Statutory Development Plan has been adopted, Members should note the following:-
- 1.3 Paragraph 5.7 of the main committee report lists relevant policies from London Plan 2008. This list of policies should be disregarded. The following policies from the London Plan 2011 are relevant to this application

<b>1.4 Policy</b>	<b>Title</b>
1.1	Delivering Strategic Vision for London
2.1	London in its Global, European and United Kingdom Context
2.4	The 2012 Games and Their Legacy
2.9	Inner London
2.13	Opportunity Areas and Intensification Areas
2.15	Town Centres
4.1	Developing London's Economy
4.2	Offices
4.3	Mixed Use Development and Offices
4.6	Support for Enhancement of Arts, Culture and Sport
4.12	Improving Opportunities for All
5.3	Sustainable Design and Construction
5.7	Renewable Energy
5.9	Overheating and Cooling
5.10	Urban Greening
5.11	Green Roofs and Development Site Environs
5.12	Flood Risk Management
5.13	Sustainable Drainage
6.1	Integrating Transport and Development
6.3	Assessing Effects of Development on Transport Capacity
6.9	Cycling
6.10	Walking
6.13	Parking
7.2	Building London's Neighbourhoods and Communities
7.2	All Inclusive Environment

7.3	Designing Out Crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.8	Heritage Assets
7.15	Reducing Noise and Enhancing Soundscapes
7.19	Biodiversity

- 1.5 At Paragraphs 8.2 – 8.12 the main report discusses land-use issues. This section of the report gives particular weight to policies 5C.1 and 5G.2 of the London Plan 2008, which identify the Isle of Dogs as an Opportunity Area for regeneration and recognises the importance of Canary Wharf as a focus for commercial activity.
- 1.6 These policies have been replaced by policies 2.13 and 2.15 of the London Plan 2011. These policies continue to recognise the Isle of Dogs as an opportunity and intensification area, and place importance on role of Canary Wharf as a major centre. Policy 4.3 seeks an increase in Office Floorspace in the north part of the Isle of Dogs.
- 1.7 Officers consider that the proposed development is in accordance with the aims of these policies. The proposed uses will complement and promote business activity within the Canary Wharf Centre. On a short terms basis the uses will not prejudice policy aims for a comprehensive mixed use redevelopment.
- 1.8 An updated summary of material planning considerations is given below.

## **2. Additional Material**

### Lighting

- 2.1 At paragraph 8.19 the main committee report discusses the proposed lighting. The report notes that lighting will be provided on Secondary and Primary Pedestrian Access Routes, the roadway, and the temporary pontoon bridge. The report states that additional information on the specification of the lighting and the hours of operation will be secured by condition.
- 2.2 Since the publication of the committee report the Applicant has confirmed that the proposed lighting will be controlled to ensure that it does not exceed maximum light levels specified in the *Institutions of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light'*.
- 2.3 The light levels on plots A – D, including pedestrian routes and junction areas, will be limited to Level E4 within the guidance. This level of lighting is described as being suitable for Town/City centres
- 2.4 The light levels on plots E and F will be limited to category E3 levels. This is more restrictive, and is described as being suitable for Medium District Brightness areas, such as urban locations.
- 2.5 These maximum light levels are considered to be acceptable, and will ensure that lighting does not result in adverse impacts on visual or residential amenity.
- 2.6 It is therefore recommended that the proposed condition 14 is amended to require that the any lighting installed on the site does not exceed the above levels. The condition will also prohibit and additional lighting, and any moving light displays without the prior approval of the planning authority.

### Taxis

- 2.7 At paragraph 8.46 the main report refers to the provision of a taxi rank. The Applicant has requested that it is clarified that the intention is to provide a space for the set-down

/ pick-up of passengers. A formal black taxi rank is not proposed.

2.8 Officers are satisfied with this arrangement.

#### Additional representations

2.9 The Port of London Authority have confirmed that they have no objection to the proposal.

### **3. Summary of Reasons for Approval and Recommendation**

3.1 The recommendation is not substantially changed from the that given in the main committee report. The proposed changes comprise:-

1. Alteration in wording of reason for approval 1 to reflect new London Plan 2011 policies.
2. Alteration to proposed wording of condition 14 to require compliance with maximum light levels, rather than submission of additional detail for approval.

3.2 For clarify, the amended summary of reasons for approval and recommendations are given full below:-

### **4. AMENDED SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

4.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998 (as saved September 2007), the Council's Interim Planning Guidance for the purposes of Development Control (2007), the adopted Core Strategy (2010), associated supplementary planning guidance, the London Plan 2011 and Government Planning Policy Guidance and has found that:

1. The use of vacant land on a short term basis to provide event, exhibition and corporate hospitality type uses is acceptable given the proximity of the site to Canary Wharf and good transport links. The use will support the role of Canary Wharf as a global centre for economic activity and will provide opportunities for employment and local community use. For a short-term period of 2 years, the temporary nature of the uses and associated development ensure that the proposal will not prejudice policy aims for the comprehensive mixed use redevelopment of the site. The proposal therefore accords with the requirements of Core Strategic Objective S015, which seeks to support Canary Wharf as a global economic centre and policy SP06 which seeks to maximise the delivery of investment and job creation in the Borough. The proposal also accords with the aims of London Plan policy 2.13 which recognises that the north part of Isle of Dogs is an area of opportunity for intensification of uses.
2. The proposed marquees, pontoon bridge and associated development achieve a very good standard of design in terms of site layout, scale and use of materials. The scheme would significantly improve the current appearance and condition of the site, and would contribute to the creation of an attractive and vibrant waterside environment. The proposal will maintain pedestrian routes and linkages in the area and accords with the requirements of Core Strategy 2010 policy SP10, which seeks to ensure that buildings and neighbourhoods promote good design principles.
3. The proposed hours of operation and restrictions on noise levels are sufficient to ensure that the proposed development would not have any significant adverse impacts on the amenity of the occupiers of nearby buildings. The proposed development is therefore acceptable in terms of Core Strategy 2010 objective SO10, which seeks to deliver healthy and vibrant neighbourhoods. Core Strategy Policy

SP03(2a), which seeks to address the impact of noise and air pollution in the Borough by minimising and mitigating the impact of noise and Core Strategy policy SP10(4) which seeks to ensure development protects amenity, Unitary Development Plan 1998 policies DEV2, DEV50, Planning Standard Two (Noise), and Interim Planning Guidance policies DEV1, DEV10, which relate to the preservation of residential amenity and protection from excessive noise.

4. The site benefits from good transport links, which in combination with the proposed management arrangements is sufficient to ensure that the development would not have an adverse impact on the local highway network or transport infrastructure. The development is therefore acceptable in terms of policies SP08 and SP09 of the Core Strategy 2010 and policies T16 and T18 of the UDP 1998, which seek to ensure that the operational requirements of a use are taken into account.

## **5. AMENDED RECOMMENDATION**

- 5.1 That the Committee resolve to **GRANT** planning permission subject to:

### **5.2 Conditions**

1. Two Year Temporary Permission. Use discontinued and structures removed at end of period.
2. Development in accordance with, and adherence to restrictions specified within, approved parameter plans and schedules.
3. No use of land to take place outside approved hours.
4. No construction or deliveries associated with construction, to take place outside of approved hours for amenity reasons. No construction deliveries at peak times of network congestion for highway safety reasons.
5. No Servicing to take place outside of approved hours for amenity reasons, or at peak times of network congestion for highway safety reasons.
6. Uses operated in accordance with restrictions given in approved Management Plan dated 13th July 2011.
7. All marquee structures on-site from range specified in Design and Access Statement dated April 2011 Appendix C or De Boer Events Solutions Double Decker Premium.
8. Use Operated in Accordance with measures specified in approved:-  
Staff Transport Management Strategy,  
Visitor Transport Management Strategy,  
Delivery Servicing and Site Construction Strategy, as detailed in Transport Assessment Issue 3 dated July 2011
9. Compliance with approved Drainage Strategy.
10. Plant Noise controlled in accordance with approved Acoustic Assessment.
11. Details of proposed landscaping on Plot F prior to first use
12. Temporary Bridge to be provided on any day when events take place, and to be retained for duration of events.



13. Pedestrian through-route shown on drawing SK1011A to be retained for duration of consent.
14. Proposed marquee, pedestrian routes, bridge lighting and junction area lighting not to exceed ILE limits. Category E4 with respect to Plots A – D, Category E3 with respect to Plots E and F. No further lighting without permission.
15. Removal of Class 4 PD rights for other temporary events on site during duration of consent.
16. Any other condition considered necessary by the Director of Development and Renewal.

### 5.3 **Informative**

1. Advise Applicant that grant of Planning Permission does not affect LBTH consideration of individual licensing applications / obligations to prevent statutory noise nuisance
2. No Highway Obstructions during construction etc
3. Thames Water Advice regarding grease traps
4. Environment Agency Advice

### 5.4 **S106 Obligations**

1. Commitment to promote use of Skillsmatch for on-site employment
2. Commitment to promote use of East London Business Place and local suppliers.
3. Commitment to subscribe to London Eastside promotional services
4. Commitment to encourage and facilitate community and school use.
5. Commitment to encourage and facilitate community and public activities on the site.
6. Any other obligation considered necessary by the Director of Development and Renewal.

<b>Agenda Item number:</b>	8.1
<b>Reference number:</b>	PA/10/1757
<b>Location:</b>	Site at 58-64 Three Colts Lane, and 191-205 Cambridge Heath Road, London
<b>Proposal:</b>	Demolition of existing buildings and erection of two buildings, comprising a part 6, part 7 storey buildings plus basement to provide 1690sq.m of commercial floor space (Use Classes A1-A4 & B1) and 142 dwellings; provision of 26 on-site parking spaces within the basement and creation of access onto Buckhurst Street.

## 1. ADDITIONAL INFORMATION

### Relevant Planning History

There is one other relevant planning history for the site which was not mentioned in the original report.

5.10 PA/08/01504 Demolition of all existing buildings on the site and erection of two new buildings: Block A (191-205 Cambridge Heath Road) being 16 storeys plus rooftop plant room; and Block B (58 to 64 Three Colts Lane) being between 7 and 9 storeys with rooftop plant room. The proposed buildings incorporate 435 student accommodation bedrooms (sui generis), together with 1534sqm of retail (Use Class A1), financial and professional services (Use Class A2) or art gallery (Use Class D1) floorspace.

This application was refused for the reasons of excessive height, massing and design; and over concentration of student accommodation.

## 2. ADOPTION OF LONDON PLAN 2011

2.1 On the 22<sup>nd</sup> July 2011 the Mayor adopted a new Spatial Development Strategy for Greater London, which is referred to as the 'London Plan 2011'. This replaces the previous Spatial Development Strategy for Greater London (Consolidated with Alterations since 2004), which was referred to as the London Plan 2008.

2.2 The published committee report makes reference to policies in the London Plan 2008. These should be disregarded, and weight instead should be given to relevant policies in the new London Plan 2011. For this application, the general thrust of relevant policies in the London Plan 2011 remains similar to those contained in the London Plan 2008. However, as a new Statutory Development Plan has been adopted, Members should note the following:-

2.3 Paragraph 6.3 of the main committee report lists relevant policies from London Plan 2008. This list of policies should be disregarded. The following policies from the London Plan 2011 are relevant to this application.

2.4	<b>Policy</b>	<b>Title</b>
	3.3	Increasing Housing Supply
	3.5	Quality and design of housing developments
	3.6	Children and young people's play and informal recreation facilities
	3.8	Housing Choice
	3.10	Definition of affordable housing
	3.11	Affordable housing targets

- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.21 Contaminated land
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.4 Local character
- 7.5 Public realm
- 7.15 Reducing noise and enhancing soundscapes
- 8.2 Planning obligations

2.5 The main policy changes which relate to this development are the changes to the energy policies and affordable housing. The adoption of the London Plan 2011 does not alter the recommendation for Development Committee to endorse. The recommendation remains unchanged however the policy references in the reason 1 for refusal will be amended as follows:

2.6 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets Interim Planning Guidance (IPG 2007); the adopted Core Strategy (2010), as well as the London Plan (2011) and the relevant Government Planning Policy Guidance and has found that:

1. The proposal by virtue of

- a) an inappropriate tenure split within the affordable housing provision and
- b) an insufficient level of affordable housing,

fails to provide sufficient affordable housing and housing choice which reflects the Council's priorities for affordable housing contrary to aims of PPS3, Policies 3.8, 3.9, 3.10, 3.11 and 3.12 of London Plan (2011), Policies: HSG3 and HSG4 of Interim Planning Guidance 2007; and SP02 of Core Strategy 2010 which seek to deliver and achieve the borough's housing priorities and needs to create sustainable communities by providing balanced places that have a range of dwellings sizes, types and tenures.

### 3 RECOMMENDATION

3.1 That the Committee resolve **to endorse the reasons to refuse the planning permission**, had the Committee had jurisdiction to so, for the reasons set by the original report and as amended above.

