

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 25 June 2009 at 7.30 p.m.

A G E N D A

VENUE

**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

Members:	Deputies (if any):
Chair: Councillor Shafiqul Haque Vice-Chair:	
Councillor Shahed Ali	Councillor Helal Abbas, (Designated Deputy representing Councillors Shafiqul Haque, Shahed Ali, Alibor Choudhury, Shiria Khatun, Marc Francis and Rania Khan)
Councillor Alibor Choudhury	Councillor Tim Archer, (Designated Deputy representing Councillor Rupert Eckhardt)
Councillor Stephanie Eaton	Councillor Peter Golds, (Designated Deputy representing Councillor Rupert Eckhardt)
Councillor Rupert Eckhardt	Councillor Shirley Houghton, (Designated Deputy representing Councillor Rupert Eckhardt)
Councillor Marc Francis	Councillor Sirajul Islam, (Designated Deputy representing Councillors Shafiqul Haque, Shahed Ali, Alibor Choudhury, Shiria Khatun, Marc Francis and Rania Khan)
Councillor Rania Khan	
Councillor Shiria Khatun	
Councillor Dulal Uddin	

Councillor Denise Jones, (Designated Deputy representing Councillors Shafiqul Haque, Shahed Ali, Alibor Choudhury, Shiria Khatun, Marc Francis and Rania Khan)

Councillor Abjol Miah, (Designated Deputy representing Councillor Dulal Uddin)

Councillor Harun Miah, (Designated Deputy representing Councillor Dulal Uddin)

Councillor Abdul Munim, (Designated Deputy representing Councillor Dulal Uddin)

Councillor Tim O'Flaherty, (Designated Deputy representing Councillor Stephanie Eaton)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

Paul Ward, Democratic Services,

Tel: 020 7364 4207, E-mail: paul.ward@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 25 June 2009

7.30 p.m.

1. ELECTION OF VICE-CHAIR

To receive nominations for election of the Vice-Chair of the Strategic Development Committee for the Municipal Year 2009/2010.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
4. UNRESTRICTED MINUTES		
To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 13 May 2009.	3 - 8	
5. PROPOSED NEW SCHEDULE OF DATES 2009/10 & TERMS OF REFERENCE	9 - 14	
6. RECOMMENDATIONS		

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

7. PROCEDURE FOR HEARING OBJECTIONS

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. **15 - 16**

8. DEFERRED ITEMS 17 - 18

8 .1 Eric and Treby Estates, Treby Street, Mile End, London 19 - 78 Mile End East

9. PLANNING APPLICATIONS FOR DECISION 79 - 80

9 .1 News International Limited Site, 1 Virginia Street, London 81 - 128 St Katharine's & Wapping

9 .2 Hertsmere House, 2 Hertsmere Road, London 129 - 164 Millwall

Agenda Item 3

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.

- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 13 MAY 2009

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Shahed Ali
Councillor Tim Archer
Councillor Stephanie Eaton

Councillor Marc Francis (Deputy)

Other Councillors Present:

Councillor Ahmed Hussain

Officers Present:

Megan Crowe – (Legal Services Team Leader, Planning)
Stephen Irvine – (Development Control Manager)
Mario Leo – Head of Legal Services - Environment
Rachel McConnell – (Interim Applications Manager)
Owen Whalley – (Service Head, Major Project Development)

Alan Ingram – (Democratic Services)

At 7.00 p.m. the Chair opened the meeting and indicated that commencement of business would be delayed for a short while pending the arrival of Members who were on their way to the Council Chamber.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor M. Shahed Ali (for whom Councillor Marc Francis deputised), Councillor Joshua Peck and Councillor Dulal Uddin.

2. DECLARATIONS OF INTEREST

Councillor	Item	Type of Interest	Reason
Tim Archer	Items 6.1, 7.1 and 7.2	Personal	He had been approached by residents in respect of those items of business.

Shafiqul Haque	Items 6.1 and 7.1 – 7.3 inclusive	Personal	He had been lobbied in respect of all the items of business.
Shahed Ali	Items 6.1 and 7.1 – 7.3 inclusive	Personal	He had been lobbied in respect of all the items of business.
Stephanie Eaton	Items 6.1 and 7.1 – 7.3 inclusive	Personal	She had been lobbied in respect of all the items of business.

3. UNRESTRICTED MINUTES

The minutes of the meetings held on 19th February and 15th April 2009 were agreed and approved as a correct record, subject to the correction of the name of Councillor Stephanie Eaton in the declarations of interest section in the minutes of 15 April.

(The minutes of 19th February were resubmitted in order to rectify typographical errors relating to decisions on agenda items 7.1 and 7.2.)

4. RECOMMENDATIONS

The Committee RESOLVED that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure.

6. DEFERRED ITEMS

6.1 St Katharine Docks, St Katharine's Way, E1

After consideration of the reasons for refusal as set out in the officer's supplemental report, on a vote of 4 for and 0 against, the Committee RESOLVED that planning permission be REFUSED for the following reasons:

Application for planning permission PA/06/2131

1. By reason of design, form, mass, scale and use of materials, the development would be insensitive to the context of the surrounding area, fail to preserve or enhance the character and appearance of the Tower Conservation Area, adversely affect the setting of listed buildings and unacceptably impact on the openness of the water area of the West Dock contrary to:
 - (a) Policies DEV1, DEV37, DEV46 and DEV49 of the Tower Hamlets Unitary Development Plan 1998, which requires development to take into account and be sensitive to the character of the surrounding area, in terms of design, bulk, scale and the use of materials and the development capabilities of the site; and resists development that would have an adverse impact on the water environment and dock areas.
 - (b) Policies 4B.1, 4B.3, 4B.8, 4B.10, 4B.11 and 4B.12 of the London Plan 2008 that require development to respect local context, history, built heritage and character, result in a high quality design for all waterside development and ensure the protection and enhancement of historic assets.
 - (c) National advice in Planning Policy Guidance Note 15 – Planning and the Historic Environment.
 - (d). Policies CP49, DEV1, DEV2, CON1, CON2 and CON3 of the Council's interim planning guidance 2007 which seek to ensure development is of a high quality design, preserves or enhances the character and appearance of conservation areas and preserves listed buildings and their settings.

Application for listed building consent PA/06/2132

The installation of cantilevered boardwalks to the listed dock walls would unacceptably detract from the historic relationship of dock edge structures and the enclosed water space contrary to policies DEV37 and DEV46 of the Tower Hamlets Unitary Development Plan 1998 and policy CON1 of the Council's interim planning guidance 2007.

Application for conservation area consent PA/06/2133

In the absence of acceptable and detailed plans for redevelopment, the demolition of Commodity Quay would be contrary to policy DEV28 of the Tower Hamlets Unitary Development Plan 1998, policy CON2 of the Council's interim planning guidance 2007 and conflict with paragraph 4.27 of the National advice provided by Planning Policy Guidance Note 15 – Planning and the Historic Environment.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Eric and Treby Estates, Treby Street, Mile End, London

Ms Ane-Mari Peter, a local resident, spoke in objection to the application.

Ms Lene Milaa and Mr Mark Taylor, local residents, spoke in objection to the application.

Mr Steve Inkpen spoke on behalf of the applicant.

Councillor Ahmed Hussain, a Ward Member, spoke in objection to the application.

On a vote of 2 for and 2 against [the supplemental recommendations], the Chair did not exercise his casting vote and the Committee subsequently RESOLVED that consideration of the report be DEFERRED pending a report to the next meeting so that Officers may provide further information on the following matters raised by Members:

- How the shortfall of finance between the estimated £12.5m total cost of estate regeneration improvements and the likely sum of £8.2m to be generated by the development will be managed, and confirmation that the scheme will continue to be viable.
- Consultation to obtain the comments of appropriate Officers from the Directorates of Children's Services and Communities, Localities and Culture regarding the potential loss of children's play space.
- Possible alternative proposals for the redevelopment of 1-14 Brookesley Street, including construction details, such as type of brickwork proposed.
- The possibility of reduction in height of proposed development at the corner of Eric Street/Hamlets Way.
- Further information on proposals for car-free residential units.
- The total area of open space that will be built upon.
- Why only 19 new affordable housing units are proposed to be provided.

The meeting then adjourned at 8.05 p.m. and reconvened at 8.15 p.m.

7.2 Holland Estate, Commercial Street, London

Following the adjournment, Councillors Shahed Ali and Stephanie Eaton did not return to the meeting prior to the Officer's introduction and, following debate and questions, the Chair informed them that they were not eligible to vote on the matter in accordance with Part 5.2, Section 13.5, of the Council's Constitution.

Councillor Archer proposed an amendment, seconded by Councillor Francis, to agree the scheme as tabled but to add an informative aimed at protecting

the interests of existing retailers during the transition period when works were being carried out to retail premises on the Holland Estate.

The amendment was accepted by Members for incorporation into the resolution and, on a vote of 3 for and 0 against, the Committee RESOLVED that planning permission for refurbishment of the retained existing dwellings on Holland Estate, the replacement of 43 dwellings, (13 x one bed flats, 9 x two bed flats, 18 x three bed flats and 3 x four bed flats) totalling 143 habitable rooms within Ladbroke House, Bradbury House, Evershed House and Denning point with the erection of 209 new residential units containing studio, 1, 2, 3, 4 and 5 bedrooms, provision of a new community centre (use class D1) of 644sqm, a new Eastend Homes local housing office and head office of 1,078sqm (use class B1), the introduction of an Estate wide landscaping scheme and the replacement of 11 retail units (including 2 kiosks) with 6 new retail units providing some 1,490sqm comprising use classes A1, A2 and A3, be GRANTED at the Holland Estate, Commercial Street, London, subject to the legal agreement, conditions and informatives set out in the supplemental agenda report, with the addition of a further informative that Officers work with the applicant to seek transitional support for retailers whose businesses will be affected by the development works.

7.3 Site bounded by Leman Street, Whitechapel High Street, Commercial Road and Buckle Street

Councillor Archer proposed an amendment, seconded by Councillor Eaton, that consideration of the report be deferred for further investigations into the holding objection lodged by The Historical Royal Palaces. On a vote of 2 for and 3 against, the amendment was declared lost.

Councillor Shahed Ali proposed an amendment, seconded by Councillor Francis, to agree the scheme as submitted but to amend the recommendations by deleting the reference to Whitechapel Art Gallery in recommendation 3.2(B)(5) of the update report.

The amendment was accepted by Members for incorporation into the resolution and, on a vote of 3 for and 2 against, the Committee RESOLVED that planning permission for demolition of the existing buildings and erection of a part 19-storey, part 21-storey building (102.5 Above Ordinance Datum (AOD)) comprising office floorspace (Use Class B1) and retail floorspace (Use Class A1-A4) at ground floor level, together with underground parking, associated plant, servicing and landscaping, be GRANTED at the site bounded by Leman Street, Whitechapel High Street, Commercial Road and Buckle Street, subject to the legal agreement, conditions and informatives set out in the Officer's update report and subject further to recommendation 3.2 (B)(5) of the update report being amended to read:

"Provide £150,000 for the preparation and implementation of a public art strategy including involvement of local artists."

CHAIR'S REMARKS

The Chair commented that, this being the final meeting of the Committee for the current Municipal Year, he wished to thank the Members and Officers for their hard work and support during his term of office.

Councillor Francis stated that the illustrative material provided by Planning staff had assisted greatly with decision-making and he congratulated the Chair on his leadership of the Committee over the past year.

The meeting ended at 9.10 p.m.

Chair, Councillor Shafiqul Haque
Strategic Development Committee

Agenda Item 5

Committee: Strategic Development	Date: 25 th June 2009	Classification: Unrestricted	Agenda Item No: 5
Report of: Service Head, Democratic Services		Title: Proposed New Schedule of Dates 2009/10 & Terms of Reference Report	
Originating Officer: Simmi Yesmin, Senior Committee Officer		Ward(s): N/A	

1. SUMMARY

- 1.1 This report sets out the proposed Schedule of Dates for meetings of the Strategic Development Committee for the Municipal Year 2009/2010 and the Terms of Reference. Revised

2. RECOMMENDATIONS

- 2.1 That the Schedule of Dates as detailed in Appendix 1 of the report be noted;
- 2.2 That Members agree a start time for evening meetings of the Strategic Development Committee.
- 2.3 That the Terms of Reference detailed in Appendix 2, be noted.

LOCAL GOVERNMENT ACT, 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of *background paper*

Tick if copy
attached

If not supplied,
name and telephone
number of holder

Council Meeting
Agenda & Minutes –20/05//09

Simmi Yesmin
Democratic Services

020 7364 4120

3. BACKGROUND

- 3.1 At its meeting held on 20th May 2009, Council considered a schedule of dates for all its principal meetings for the Municipal Year 2009/10, which was subsequently approved.
- 3.2 The dates of the Strategic Development Committee have been revised after consultation with the Chair of the Strategic Development Committee, whilst taking into consideration Member availability and other commitments in the corporate diary. The revised Strategic Development Committee meeting dates are detailed in Appendix 1 of the report. Details regarding Functions, Terms of Reference, Membership and Quorum and are also set out in Appendix 2 of the report.
- 3.3 Paragraph 5.1 of Part 4 of the Constitution states that "All Council meetings will start at 7.30pm unless the Council or the Chair decides otherwise." The report also suggests that meetings of the Strategic Development Committee start at 6.30pm as Members had previously expressed concern that a starting time of 7.30 pm did not always allow sufficient time for planning applications to be considered in one evening, particularly if there were a number of objections to take into account.
- 3.4 It is anticipated that a 6.30 pm start time for meetings would achieve the best compromise in giving all parties reasonable time to attend and allow potentially long meetings to end at a reasonable time.
- 3.5 The statutory period for the determination of planning applications is thirteen weeks in the case of a strategic application. To meet these time scales eight Strategic Development Committee meetings have been scheduled for the Municipal Year 2009/20010.

4. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

The rules governing the meetings of the Council are included in the Local Government Act 1972 and also in the Council's Constitution. Schedule 12 of the Local Government Act 1972 requires the Council to hold an annual general meeting and such other meetings as the Council considers necessary.

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

There are no immediate finance implications arising out of this report.

6. EQUAL OPPORTUNITY CONSIDERATIONS

In drawing up the schedule of dates, consideration was given to avoiding school holiday dates and known dates of religious holidays and other important dates where at all possible.

7. ANTI-POVERTY IMPLICATIONS

There are no obvious anti-poverty implications arising from the report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

There are no immediate SAGE implications arising from the report.

9. RISK ASSESSMENT

The Council needs to have a programme of meetings in place to ensure effective and efficient decision making arrangements.

SCHEDULE OF DATES 2009 – 2010 (Revised)

STRATEGIC DEVELOPMENT COMMITTEE

Thursday 25th June 2009
Tuesday 4th August 2009
Wednesday 23rd September 2009
Tuesday 10th November 2009
Tuesday 15th December 2009
Tuesday 2nd February 2010
Tuesday 16th March 2010
Tuesday 20th April 2010

APPENDIX 2

EXCERPT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

3.3.5 Strategic Development Committee Functions and Terms of Reference

<p>Membership: Nine Members of the Council, three of whom shall also be members of the Development Committee and two of whom shall be members of the Cabinet. Up to three substitutes may be appointed for each Member.</p>	
<p>Functions</p>	<p>Delegation of Functions</p>
<p>To consider any matter listed within the Terms of Reference of the Development Committee where any one of the following applies:</p> <ul style="list-style-type: none"> (i) applications for buildings exceeding 30m in height (25 m on sites adjacent to the River Thames); (ii) applications for schemes with more than 500 residential units, or for residential development on sites exceeding 10 hectares; (iii) applications for employment floor space on sites of more than 4 hectares; (iv) major infrastructure developments; (v) applications not in accordance with the development plan involving more than 150 residential units or more than 2,500 sqm of floor space; (vi) applications on metropolitan open space involving buildings of more than 100 sqm; (vii) applications for developments including 200 or more car parking spaces; (viii) legal proceedings in relation to the matter are in existence or in contemplation; (ix) three or more members of the Development Committee are disqualified in some way from participating in the decision; (x) on an exceptional basis, the Development Committee has decided that a particular application should stand referred to the Strategic Development Committee; and (xi) a proposal raises significant issues of local or borough-wide interest. <p><i>It shall be for the Corporate Director Development & Renewal to determine whether a matter meets any of the above criteria.</i></p>	<p>No delegations</p>
<p>Quorum 3 Members of the Committee</p>	

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Agenda Item 7

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

Provisions in the Council's Constitution (Part 4.8) relating to public speaking:

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be notified by letter that the application will be considered by Committee at least three clear days prior to the meeting. The letter will explain these provisions regarding public speaking.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant committee from time to time (see below).
- 6.3 All requests to address a committee must be made in writing or by email to the committee clerk by 4pm on the Friday prior to the day of the meeting. This communication must provide the name and contact details of the intended speaker. Requests to address a committee will not be accepted prior to the publication of the agenda.
- 6.4 After 4pm on the Friday prior to the day of the meeting the Committee clerk will advise the applicant of the number of objectors wishing to speak.
- 6.5 The order of public speaking shall be as stated in Rule 5.3, which is as follows:
 - An objector who has registered to speak
 - The applicant/agent or supporter
 - Non-committee member(s) may address the Committee for up to 3 minutes
- 6.6 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.7 Following the completion of a speaker's address to the committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.8 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the chair, committee members may ask questions of a speaker on points of clarification only.
- 6.9 In the interests of natural justice or in exceptional circumstances, at the discretion of the chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.10 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

Public speaking procedure adopted by this Committee:

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- For objectors, the allocation of slots will be on a first come, first served basis.
- For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the chair will ask the Committee if any member wishes to speak against the recommendation. If no member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.

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Agenda Item 8

Committee: Strategic Development	Date: 25 th June 2009	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Stephen Irvine		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
15 th April 2009 and 13 th May 2009	PA/08/02239 PA/08/02240 Planning Permission and Conservation Area Consent	The Eric and Treby Estates	Regeneration of existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sqm commercial space.	Further information and clarification on various aspects of the scheme in general and financial elements.

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

6.1 PA/08/02239 and PA/08/02240 The Eric and Treby Estates

3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

Agenda Item 8.1

Committee: Strategic Development	Date: 25 June 2009	Classification: Unrestricted	Agenda Item Number: 8.1
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Report of: Director of Development and Renewal Case Officer: Richard Murrell	Title: Deferred Item Ref No: PA/08/02239 (Planning Permission) PA/08/02240 (Conservation Area Consent) Ward: Mile End East
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1. APPLICATION DETAILS

Location: The Eric and Treby Estates, Treby Street, Mile End, London.

Existing Use: Housing estate

Proposal: Regeneration of existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brookesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sqm commercial space.

Drawing Nos/Documents: Drawing Numbers:

Site Plans - P0/01 REV F, P0/02, P0/03 REVB, P0/04 REVB, P0/05 REVF, P0/06 REVC, P0/07 REVA, P0/08 REVA, P0/09 REVC, P0/10 REVB, P0/11 REVB, P0/12 REVC, P0/14 REVB, P0/15 REVD, P0/16 REVD, P0/17 REVC, P0/18 REVC, P0/19 REVC, P0/20, P0/21, P0/22 REVB, P0/26 REVB, P0/27 REVB, P0/28 REVB, P0/29 REVB, P030 REVC, P0/31 REVC, P0/32 REVB, P0/33 REVC, P0/34 REVC

Site 1 - P1/01 REVC, P1/02 REVC, P1/03 REVD, P1/04 REVB, P1/05 REVC, P1/06 REVB, P1/07, P1/08, P1/09, P1/10 Site 2A and 2B - P2/01 REV E, P2/02 REVE, P2/03 REVD, P2/04 REVD, P2/05 REV D, P2/06 REV D, P2/07 REV D, P2/08 REV C, P2/09 REVC, P2/10 REV C, P2/11 REVC, P2/12 REV B, P2/13 REV B, P2/14 REVB, P2/15 REV A, P2/16 REV A, P2/17 REV A, P2/18 REVA, P2/19 REV A, P2/20

Site 4 - P4/01 REVC, P4/02 REVC, P4/03 Site 7 - P7/01 REVE, P7/02 REVD, P7/03 REVD, P7/04 REVB

Site 8 - P8/01 REVD, P8/02 REVD, P8/03 REVA Site 9 - P9/01 REV C, P9/02 REV C, P9/03 Site 10 - P10/01 REVD, P10/02 REVC, P10/03 REVC, P10/04 REVA, P10/05 REVB, P10/06 REVB, P10/07 Site 11 - P11/01

REVC, P11/02 REVD, P11/03 REVC, P11/04 REVC, P11/05 REVD, P11/06 REVD, P11/07 REVA, P11/08 REVA, P11/09 REVA, P11/10 REVA, P11/11 REVA Site 12 - P12/01 REVB, P12/02 REVC, P12/03 REVC, P12/04, P12/05, P12/06 Site 13 - P13/01 REVC, P13/02 REVB, P13/03, Site 14 - P14/01 REVC, P14/02 REVC, P14/03 REVA, P14/04 REVA Site 15 - P15/01 REVD, P15/02 REVD, P15/03 REVD, P15/04 REVD, P15/05 REVD, P15/06 REVC, P15/07 REVC, P15/08 REVC, P15/10 REVA, P15/11 REVA, P15/12 REVA, P15/13 REVA. Improvements and Repairs – R/01 REVC, R/02 REVB, REV/03 REVC, R/04 REVC, R/05 REVC, R/06 REVC, R/07 REV C, R/08 REVB, R/09 REVB, R/10 REVA, R/11 REVB, R/12 REVB, R/13 REVB, R/14 REVB, R/15 REVB, R/16 REVB, R/17 REVA, R/18 REVA, R/19 REVB, R/20 REVB, R/21 REVB, R/22 REVB, R/23 REVB, R/24 REVA, R/25 REVA, R/26 REVA, R/27 REVB and R/28 REVA.

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 - Air Quality Assessment (Prepared by Enviro Consulting October 2008)
 - Phase 1 Desk Top Study Report (Prepared by Herts and Essex Site Investigations dated September 2008)
- Applicant: East End Homes Ltd.

Ownership: Various
Historic Building:
Conservation Area: Tower Hamlets Cemetery Conservation Area. Ropery Street Conservation Area.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 PA/08/02239 – Full Planning Permission

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, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

The proposal will facilitate estate wide improvements and bring existing homes up to Decent Homes Plus standard to ensure that they are in a good state of repair. This is in accordance with the Mayor's Housing Supplementary Planning Guidance (November 2005) and Policy HSG5 in the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which support the principle of estate regeneration proposals.

The proposal would result in an estate with a density of 410 habitable rooms per hectare, which is comfortably within limits set out in the London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004). The proposed development is considered to be sensitive to the context of the surrounding area, by reason of its site coverage, massing, scale and height. The development is therefore in accordance with Policy 3A.3 London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004) which seeks to ensure the maximum intensity of use compatible with local context.

The proposal provides an acceptable amount of affordable housing (35%) and mix of units overall. As such the proposal accords with the criteria set out in policies 3A.5 and 3A.9 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.

On balance the loss of open-space to new built development is acceptable given the priority placed on the estate regeneration objectives, the improvements to existing landscaping and the delivery of affordable housing. The development is therefore accords with PPS3, policies 3A.6, 3D.13 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents.

The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.

The scale, design and detailed architectural design of buildings in, or near, Conservation Areas is considered sensitive to the character of these areas and as such accords with the

requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, policy CON2 in the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control and advice in PPG15, which seek to ensure high quality development that enhances the character of Conservation Areas.

Transport matters, including parking, access and servicing are acceptable and in line with policies DEV1 and T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to ensure developments can be supported within the existing transport infrastructure.

The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the compliance with relevant BRE Guidance and the urban context of the development. As such, it accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.

It is considered that, on balance the benefits of the scheme which will facilitate the upgrade of the estate, outweigh the shortfall in additional renewable energy provision. The proposal will make energy savings across the Eric and Treby Estate as a whole which is in accordance with the principles of Policy 4A.3 in the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to reduce carbon emissions.

Planning contributions have been secured towards education and health care, in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to secure contributions towards infrastructure and services required to facilitate proposed development.

2.2 PA/08/02240 - Conservation Area Consent

The demolition of the existing building on Brokesley Street is acceptable because it does not significantly contribute to the architectural and historic character of the area. As such its removal, and replacement with an acceptable building, would enhance the character of the Tower Hamlets Cemetery Conservation Area and accord with the requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, IPG policy CON2 advice in PPG15: Planning and the Historic Environment.

3. RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to:

A. Any direction by The Mayor

B. The prior completion of a legal agreement to secure the following planning obligations:

Financial Contributions

a) Provide a contribution of £224, 122 towards the provision of future health and social care facilities.

b) Provide a contribution of £320, 892 towards the provision of primary school places.

Non-financial Contributions

c) Affordable Housing (35%)

d) Clause requiring £8.2M (residual value after Stamp Duty Land Tax – SDLT) to be spent on the upgrade of the Eric and Treby Estate to bring existing units up to Decent Homes Plus Standard

e) Car Free Development for all new units

f) Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.

g) Travel Plan to encourage sustainable travel to and from the development by residents.

h) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

1. Time Limit
2. Contaminated land survey
3. Samples / pallet board of all external facing materials
4. Full details of landscaping specifying the use of native species
5. Community Centre (Class D1) provided prior to occupation of 50% of units
6. Construction Management Plan
7. Service Plan Management Plan
8. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
9. Control of development works (restricted hours of use for hammer driven piling or impact breaking)
10. All residential accommodation to be completed to lifetimes homes standards
11. At least 10% of homes wheelchair accessible or easily adaptable
12. Design and method statement for foundations to accommodate London Underground Tunnels
13. Noise mitigation measures for proposed dwellings
14. Energy Implementation Strategy for existing units and new build
15. Sustainable Homes Assessment - minimum Code 3
16. Water source control measures implemented in accordance with submitted Flood Risk Assessment
17. Scheme to dispose of foul and surface water
18. Remove PD rights for new houses in Brokesley Street
19. Restriction on hours of operation of ball court until 9.00pm
20. Detail of enlarged windows
21. Completion of ecological assessment of site
22. Water Infrastructure (including sewerage to Brokesley Street)
23. Obscure glazing to rear window of site 14

24. Energy Strategy to be implemented as approved
25. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

1. Contact Thames Water
2. Contact Building Control
3. S278 Highways Agreement
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

- 3.4 That the Committee resolve to GRANT Conservation Area Consent subject to:

Conditions

Time Limit

No demolition until planning permission granted for replacement buildings. Demolition and rebuild as part of one development.

- 3.5 That, if within 1 month from the date of any direction by the Mayor the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. BACKGROUND

- 4.1 This application was originally reported to Members of the Strategic Development Committee on 2nd April 2009. There was insufficient time to hear the application and it was deferred until 13th May 2009. At the May committee Members resolved that consideration of the application be deferred to allow time for additional information to be prepared in relation to the matters discussed in the meeting. Each of the matters raised by Member's is discussed under the 'CONSIDERATIONS' section of the report below.

- 4.2 The following background documents are appended to this report

Committee Report dated 15th April 2009 and addendum,
Addendum report dated 13th May 2009.

5. CONSIDERATIONS

- 5.1 Members requested additional information in relation to the following matters.
- 5.2 *How the shortfall of finance between the estimated £12.5m total cost of estate regeneration improvements and the likely sum of £8.2m to be generated by the development will be managed, and confirmation that the scheme will continue to be viable.*
- 5.3 This question was put to Eastend Homes have confirmed that cross subsidy is not the only revenue source for this proposal. The remaining revenue required will be funded from the Eastend Homes business plan.
- 5.4 *Consultation to obtain the comments of appropriate Officers from the Directorates of Children's Services and Communities, Localities and Culture regarding the potential loss of children's play space.*

And

The total area of open space that will be built upon.

- 5.5 Open-space calculations are given at sections 8.149 – 8.157 of the main committee report. Additional comments from the Council's Cultural Services section have been received in relation to the provision of child-play space. It was stated that the level of provision meets Council Interim Planning Guidance on play space and no further comments would be made. It was noted comments on the value or design of the play-space should be sought from the Council's landscape team.
- 5.6 Children's Services were re-consulted on the issue of child play space specific issue and stated that they had no comments to make.
- 5.7 The existing the estate has no dedicated areas of child-play space. The current areas of open grassland are ill defined and there is no demarcation to provide areas for the use of children of different ages, or for the exercise of dogs.
- 5.8 In terms of play provision the scheme would create:-
- An external ball court
 - A community hall (which could be used for indoor sports)
 - 5 areas of 'younger' child play-spaces.
- 5.9 The younger children play spaces would comprise safety surfacing and play equipment. They would be enclosed by railings and located in areas that are well overlooked from nearby dwellings.
- 5.10 The level of Children's playspace meets the LBTH policy minimum. The possibility of including addition areas of space could be further investigated. This would be carried out during the discharge of the landscape condition process. The views of the Council's landscape section would also be sought at this stage in regard to the detailed design of the children's play equipment.
- 5.11 The remaining open-areas would be contoured and re-landscaped. Mature trees would be retained and supplemented by additional shrub beds and wild-grass planting. Areas of path, pavement and benches would also be introduced to encourage residents of all ages to make use of the amenity space.
- 5.12 In overall terms the quality of the existing amenity spaces would be significantly improved which would be of benefit to existing and future residents.
- 5.13 Possible alternative proposals for the redevelopment of 1-14 Brokesley Street, including construction details, such as type of brickwork proposed.
- 5.14 Officer's have re-assessed if it would be desirable to retain/convert the existing bedsits rather than demolish them and build replacement townhouses. Currently there are 14 bedsits arranged over 2 storeys, with each floor providing 7 units. Each of the units is approximately 5.3m wide by 7.15m deep, giving a floor area of 38 square meters. The existing units are in a poor state of repair and do not comply with accessibility or lifetimes homes standards.
- 5.15 The refurbishment of the units would only prolong the life of a fundamentally sub-standard form of bed-sit accommodation that does not meet current identified housing needs.
- 5.16 The possibility of converting the units to provide larger accommodation within the existing building envelop has also been considered. This could be achieved by combining two bedsits into a two storey house. However, the units would still be substandard in terms of compliance with Lifetime Homes standards. Each of these flats would be approximately 76

square meters in size. This would allow the accommodation to be used as 2 bedroom 4 person units. The re-build option is considered to respond better to housing need as it creates large 8 bedroom family units.

- 5.17 In terms of design it is not considered that the current building makes any meaningful contribution to the quality of the streetscene. The proposed replacement terrace is of a traditional appearance and would sit well within the Conservation Area. The applicant has confirmed that the proposed materials include yellow London stock brick, white painted timber windows and cast-iron rain water goods. A condition would ensure that samples of these materials be submitted for approval to ensure that they are of a suitable quality for use in a Conservation Area.
- 5.18 The possibility of reduction in height of proposed development at the corner of Eric Street/Hamlets Way.
- 5.19 The scale of development at the corner of Eric Street and Hamlets Way has been significantly reduced during the course of the application. When submitted the scheme proposed a long 7 storey building extending along Hamlets Way, with 5 storey 'wings' returning along Eric Street. This scale of building was considered excessive and following negotiations the scale of the building was reduced to provide a 4 storey block at the junction of Eric Street and Hamlets Way. In terms of scale this complements the adjacent 4 storey block along Eric Street. Along the Hamlets Way frontage the building was reduced to a maximum of 6 storeys. This is lower than other buildings along Hamlets Ways such as the 10 storey Beckley House or the 7 storey Loweswater House.
- 5.20 A further reduction in height is not considered necessary to achieve an acceptable urban design outcome, but it would result in a decrease in the amount of housing units and cross-subsidy that can be generated.
- 5.21 Further information on proposals for car-free residential units.
- 5.22 Adopted Council policy and London Plan policy places considerable emphasis on encouraging more sustainable forms of transport. Council policy sets a maximum standard for car-parking provision in new residential development of one space per unit. In areas close to public transport, such as this site, Officers would encourage a minimal provision of car-parking. Where possible policy would prioritise the provision of open-space rather than more surface car-parking.
- 5.23 To promote more sustainable modes of transport and reduce congestion in the Borough it is also the Council's established policy not to issue on-street parking permits to occupiers of new development. Developers are required to enter into a legal agreement accepting this prior to planning permission being granted. This restriction does not apply to blue disabled badge holders, who can still apply for permits. This agreement would apply to parking on the adopted highway running through the estate.
- 5.24 Non-adopted roads and the estate car-parks are private and managed by Eastend Homes. Currently Eastend Homes have issued 76 car-parking permits and 49 garage permits to existing residents. The application proposes to provide 91 spaces and 62 garages. This is sufficient to re-provide spaces for existing residents with permits. Thirteen of the additional spaces are for designated wheelchair units, and two will be visitor spaces.
- 5.25 The Developer will also be providing a car-club facility which would allow residents without access to their own car / parking space access to a vehicle.
- 5.26 Why only a net addition of 19 new affordable housing units are proposed to be provided.

- 5.27 The number of units proposed appears low because the net housing figures take into account the loss of 29 affordable bedsits / flats. In total the scheme would deliver 48 new affordable housing units.
- 5.28 The amount of affordable housing provided is calculated on the basis of habitable rooms, rather than units, as this allows larger family sized units to be provided. It total 35% of the habitable rooms proposed are affordable, in accordance with policy.

6. CONCLUSIONS

- 6.1 At the request of Members the wording of condition 22 is amended to clarify that the survey should include details of sewerage for Brokesley Street. The recommendation is otherwise unchanged.
- 6.2 All other relevant policies and considerations have been taken into account. Planning permission and Conservation Area Consent should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

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Agenda Item 7.1

Committee: Strategic Development	Date: 13 th May 2009	Classification: Unrestricted	Agenda Item Number: 7.1
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Report of: Director of Development and Renewal Case Officer: Richard Murrell	Title: Town Planning Application Ref No: PA/08/02239 (Planning Permission) PA/08/02240 (Conservation Area Consent) Ward: Mile End East
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1. APPLICATION DETAILS

Location: The Eric and Treby Estates, Treby Street, Mile End, London.

Existing Use: Housing estate

Proposal: Regeneration of existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sqm commercial space.

Drawing Nos/Documents: Drawing Numbers:
Site Plans - P0/01 REV F, P0/02, P0/03 REVB, P0/04 REVB, P0/05 REVF, P0/06 REVC, P0/07 REVA, P0/08 REVA, P0/09 REVC, P0/10 REVB, P0/11 REVB, P0/12 REVC, P0/14 REVB, P0/15 REVD, P0/16 REVD, P0/17 REVC, P0/18 REVC, P0/19 REVC, P0/20, P0/21, P0/22 REVB, P0/26 REVB, P0/27 REVB, P0/28 REVB, P0/29 REVB, P030 REVC, P0/31 REVC, P0/32 REVB, P0/33 REVC, P0/34 REVC Site 1 - P1/01 REVC, P1/02 REVC, P1/03 REVD, P1/04 REVB, P1/05 REVC, P1/06 REVB, P1/07, P1/08, P1/09, P1/10 Site 2A and 2B - P2/01 REV E, P2/02 REVE, P2/03 REVD, P2/04 REVD, P2/05 REV D, P2/06 REV D, P2/07 REV D, P2/08 REV C, P2/09 REVC, P2/10 REV C, P2/11 REVC, P2/12 REV B, P2/13 REV B, P2/14 REVB, P2/15 REV A, P2/16 REV A, P2/17 REV A, P2/18 REVA, P2/19 REV A, P2/20 Site 4 - P4/01 REVC, P4/02 REVC, P4/03 Site 7 - P7/01 REVE, P7/02 REVD, P7/03 REVD, P7/04 REVB Site 8 - P8/01 REVD, P8/02 REVD, P8/03 REVA Site 9 - P9/01 REV C, P9/02 REV C, P9/03 Site 10 - P10/01 REVD, P10/02 REVC, P10/03 REVC, P10/04 REVA, P10/05 REVB, P10/06 REVB, P10/07 Site 11 - P11/01 REVC, P11/02 REVD, P11/03 REVC, P11/04 REVC, P11/05 REVD, P11/06 REVD, P11/07 REVA, P11/08 REVA, P11/09 REVA, P11/10 REVA, P11/11 REVA Site 12 - P12/01 REVB, P12/02 REVC, P12/03 REVC, P12/04, P12/05, P12/06 Site 13 - P13/01 REVC, P13/02 REVB, P13/03, Site 14 - P14/01 REVC, P14/02 REVC, P14/03 REVA, P14/04 REVA Site 15 - P15/01

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Ownership: Various
Historic Building:
Conservation Area: Tower Hamlets Cemetery Conservation Area. Ropery Street Conservation Area.

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Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal will facilitate estate wide improvements and bring existing homes up to Decent Homes Plus standard to ensure that they are in a good state of repair. This is in accordance with the Mayor's Housing Supplementary Planning Guidance (November 2005) and Policy HSG5 in the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which support the principle of estate regeneration proposals.
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- The proposal provides an acceptable amount of affordable housing (35%) and mix of units overall. As such the proposal accords with the criteria set out in policies 3A.5 and 3A.9 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- On balance the loss of open-space to new built development is acceptable given the priority placed on the estate regeneration objectives, the improvements to existing landscaping and the delivery of affordable housing. The development is therefore accords with PPS3, policies 3A.6, 3D.13 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents.
- The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- The scale, design and detailed architectural design of buildings in, or near, Conservation Areas is considered sensitive to the character of these areas and as such accords with the requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, policy CON2 in the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control and advice in PPG15, which seek to ensure high quality development that enhances the character of Conservation Areas.
- Transport matters, including parking, access and servicing are acceptable and in line with policies DEV1 and T16 of the Council's Unitary Development Plan 1998 and

policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to ensure developments can be supported within the existing transport infrastructure.

- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the compliance with relevant BRE Guidance and the urban context of the development. As such, it accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.
- It is considered that, on balance the benefits of the scheme which will facilitate the upgrade of the estate, outweigh the shortfall in additional renewable energy provision. The proposal will make energy savings across the Eric and Treby Estate as a whole which is in accordance with the principles of Policy 4A.3 in the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to reduce carbon emissions.
- Planning contributions have been secured towards education and health care, in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to secure contributions towards infrastructure and services required to facilitate proposed development.

2.2 PA/08/02240 Conservation Area Consent

- The demolition of the existing building on Brokesley Street is acceptable because it does not significantly contribute to the architectural and historic character of the area. As such its removal, and replacement with an acceptable building, would enhance the character of the Tower Hamlets Cemetery Conservation Area and accord with the requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, IPG policy CON2 advice in PPG15: Planning and the Historic Environment.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor**

B. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

- a) Provide a contribution of **£232, 125** towards the provision of future health and social care facilities.
- b) Provide a contribution of **£333, 234** towards the provision of primary school places.

Non-financial Contributions

c) Affordable Housing (35%)

d) Clause requiring £8.2M (residual value after Stamp Duty Land Tax – SDLT) to be spent on the upgrade of the Eric and Treby Estate to bring existing units up to Decent

Homes Plus Standard

e) Car Free Development for all new units

f) Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.

g) Travel Plan to encourage sustainable travel to and from the development by residents.

h) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

1. Time Limit
2. Contaminated land survey
3. Samples / pallet board of all external facing materials
4. Full details of landscaping specifying the use of native species
5. Community Centre (Class D1) provided prior to occupation of 50% of units
6. Construction Management Plan
7. Service Plan Management Plan
8. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
9. Control of development works (restricted hours of use for hammer driven piling or impact breaking)
10. All residential accommodation to be completed to lifetimes homes standards
11. At least 10% of homes wheelchair accessible or easily adaptable
12. Design and method statement for foundations to accommodate London Underground Tunnels
13. Noise mitigation measures for proposed dwellings
14. Energy Implementation Strategy for existing units and new build
15. Sustainable Homes Assessment - minimum Code 3
16. Water source control measures implemented in accordance with submitted Flood Risk Assessment
17. Scheme to dispose of foul and surface water
18. Remove PD rights for new houses in Brokesley Street
19. Restriction on hours of operation of ball court until 9.00pm
20. Detail of enlarged windows
21. Completion of ecological assessment of site
22. Water Infrastructure survey
23. Obscure glazing to rear window of site 14
24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

1. Contact Thames Water
2. Contact Building Control

3. S278 Highways Agreement
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.5 That the Committee resolve to **GRANT** Conservation Area Consent subject to:

Conditions

1. Time Limit
2. No demolition until planning permission granted for replacement buildings. Demolition and rebuild as part of one development.

3.4 That, if within 1 month from the date of any direction by the Mayor the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application seeks to facilitate the comprehensive regeneration of the Eric and Treby Estates. The proposal includes:-

- The demolition of 29 existing dwellings
- The erection of 13 buildings between 2 and 7 storeys in height
- The provision of 181 new residential units comprising 19 x studio flats, 61 x 1 bed flats, 52 x 2 bed flats, 40 x 3 bed flats and 9 x 5 bed house and 1 x 5 bed flat.
- 35% of the new units will be designated as affordable housing
- 100% of the new affordable units will be in the social rent tenure
- The provision of a new community centre including external ball court (310 square metres).
- The provision of a new management offices (365 square metres)
- Provision of commercial unit (85 square metres)
- Reduction in off-street car-parking from 126 spaces to 91 spaces
- Reduction in number of garages from 150 to 62

4.2 A full description of each new build site is given under the Design and Amenity Section of the report.

4.3 The application also proposes refurbishment and improvements works to the rest of the estate comprising:-

- Refurbishment of existing dwellings to Decent Homes Plus Standards
- New entrance canopies to Ennerdale House, Wentworth Mews, Derwent House, Beckley House and 31 – 39 Brookesley Street
- Installation of new stairways to Windermere House
- Installation of new windows, cavity wall insulation, replacement cladding
- Improvements to building entry points, rationalisation of entrances and provision of door entry systems
- New lighting and signage
- Improvements to refuse storage and disposal systems
- Introduction of play facilities
- Improvements to landscaping and walkways

4.4 Following comments received during the course of the application amended plans were submitted in February 2009. The amendments included:-

- Overall reduction from 209 new units to 189 units
- Reduction in height of building 2A from 7 storey to 6 storey
- Amendment building 7
- Removal of proposed building 5
- Introduction of commercial use at base of building 8
- Reduction in height of building 11 from 9 storey to 7 storey
- Reduction in height of building 15 from 7 to 6 storeys along Hamlets Way.
- Decreased amount of car-parking
- Increased amount of retained open-space

4.5 In response to further consultation responses final amendments were made and submitted to the Council in March 2009. These amendments comprised

- Removal of site 6 from scheme
- Reduction in number of units from 189 to 181 units
- Alterations of fenestration site 7.

Site and Surroundings

4.6 The Eric and Treby Estate occupies an area of 5.8 hectares. The site is approximately rectangular in shape with the majority of the estate contained between Burdett Road and Southern Grove, with an extension to the East to include properties on Brokesley Street. The site is bisected by Hamlets Way.

4.7 The site itself is predominately residential with the exception of a small parade of shops along Hamlets Way. Around the site there are a variety of uses including residential, offices along Southern Grove, the East London Tabernacle on Burdett Road and shops and cafes along Mile End Road.

4.8 The existing buildings on-site comprise a mixture of more modern estate blocks built in the latter part of the 20th century, and older Victorian terraces along Ropery Street, Eric Street, Mossford street and Brokesley Street. The estate is currently dominated by the 19 storey Ennerdale House, which stands significantly higher than surrounding buildings at the junction of Southern Grove and Hamlets Way. Beckley House at 11 storey is the second tallest building on the estate and is also located along Hamlets Way. The other buildings around the estate range from 2 to 7 storeys.

4.9 Two parts of the site fall within designated Conservation Areas. Brokesley Street is located towards the western edge of the Tower Hamlets Cemetery Conservation Area. The boundary of this area runs north to south behind the Victorian dwellings on the west side of Brokesley Street then returns along Hamlets Way to Southern Grove.

4.10 The Ropery Street Conservation is located towards the south-west of the site. The boundary of this Conservation Area extends south down the centre of Eric Street from Hamlets Way, with buildings on the Western side within the designated area. Further to the South all buildings on Ropery Street are within the area.

POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for

Determination” agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998 (as saved September 2007)

5.2	Proposals:	None
5.3	Policies:	ST1 Deliver and Implementation of Policy
		ST12 Cultural and Leisure Facilities
		ST15 Encourage a Wide Range of Activities
		ST23 Quality of Housing Provision
		ST25 Provision of Social and Physical Infrastructure
		ST26 Improve Public Transport
		ST28 Restrain Private Car
		ST30 Safety and Movement of Road Users
		ST34 Provision of Quality Shopping
		ST37 Improve of Local Environment
		ST41 Provision of Adequate Space for Local Business
		ST43 Use of High Quality Art
		ST49 Provision of Social and Community Facilities
		ST51 Public Utilities
		DEV1 Design Requirements
		DEV2 Environmental Requirements
		DEV3 Mixed Use Development
		DEV4 Planning Obligations
		DEV9 Minor Works
		DEV12 Landscaping
		DEV15 Retention/Replacement of Mature Trees
		DEV27 Minor Alterations in Conservation Areas
		DEV28 Proposals for Demolition in Conservation Areas
		DEV30 Additional Roof Storeys
		DEV50 Noise
		DEV51 Contaminated Land
		DEV55 Development and Waste Disposal
		EMP1 Employment Uses
		EMP6 Employing Local People
		EMP8 Small Businesses
		HSG4 Loss of Housing
		HSG7 Dwelling Mix
		HSG13 Internal Standards for Residential Development
		HSG15 Preserving Residential Character
		HSG16 Amenity Space
		T8 New Road
		T10 Traffic Management
		T16 Impact on Traffic
		T18 Pedestrians
		T21 Pedestrians
		OS7 Loss of Open Space
		OS9 Children's Play Space
		OS13 Youth Provision
		SCF11 Meeting Places

Interim Planning Guidance for the purposes of Development Control

5.4	Proposals:	
5.5	Core Strategies:	IMP1 Planning Obligations
		CP1 Creating Sustainable Communities
		CP3 Sustainable Environment
		CP4 Good Design

	CP5	Supporting Infrastructure	
	CP19	New Housing Provision	
	CP20	Sustainable Residential Density	
	CP21	Dwelling and Mix Type	
	CP22	Affordable Housing	
	CP23	Efficient Use and Retention of Existing Housing	
	CP24	Special Needs and Specialist Housing	
	CP25	Housing Amenity Space	
	CP27	High Quality Social and Community Facilities to Support Growth	
	CP29	Improving Education and Skills	
	CP30	Improving the Quality and Quantity of Open Spaces	
	CP31	Biodiversity	
	CP38	Energy Efficiency and Production of Renewable Energy	
	CP39	Waste Management Plan	
	CP40	Sustainable Transport Network	
	CP41	Integrating Transport with Development	
	CP42	Streets for People	
	CP43	Better Public Transport	
	CP46	Accessible and Inclusive Environments	
	CP47	Community Safety	
5.6	Policies:	DEV1	Amenity
		DEV2	Character and Design
		DEV3	Accessibility and Inclusive Design
		DEV4	Safety and Security
		DEV5	Sustainable Design
		DEV6	Energy Efficiency and Renewable Energy
		DEV7	Water Quality and Conservation
		DEV8	Sustainable Drainage
		DEV9	Sustainable Construction Materials
		DEV10	Disturbance from Noise Pollution
		DEV11	Air Quality and Air Pollution
		DEV12	Management of Demolition and Construction
		DEV13	Landscaping and Tree Preservation
		DEV15	Waste and Recyclable Storage
		DEV16	Walking and Cycling Routes and Facilities
		DEV17	Transport Assessments
		DEV18	Travel Plans
		DEV19	Parking for Motor Vehicles
		DEV20	Capability of Utility Infrastructure
		DEV22	Contaminated Land
		DEV24	Accessible Amenities and Services
		DEV25	Social Impact Assessment
		CON2	Conservation Areas
		HSG1	Determining Residential Density
		HSG2	Housing Mix
		HSG3	Affordable Housing Provisions
		HSG4	Varying the Ratio of Social Rented to Intermediate Housing
		HSG5	Estate Regeneration Schemes
		HSG7	Housing Amenity Space
		HSG9	Accessible and Adaptable Homes
		HSG10	Calculating the Provision of Affordable Housing
		SCF1	Social and Community Facilities
		OSN2	Open Space
		PS1	Noise

PS2	Residential Water Refuse and Recycling Provision
PS3	Parking
PS4	Density Matrix
PS5	Lifetime Homes

5.7 Supplementary Planning Guidance/Documents

Residential Space
 Designing Out Crime
 Landscape Requirements

5.8 Spatial Development Strategy for Greater London (London Plan)

2A.1	Sustainability Criteria
2A.2	Spatial Strategy for Development
2A.6	Areas for Intensification
2A.7	Areas for Regeneration
3A.1	Increasing London's Supply of Housing
3A.2	Borough Housing Targets
3A.3	Maximising the Potential of Sites
3A.5	Housing Choice
3A.6	Quality of New Housing Provision
3A.7	Large Residential Developments
3A.8	Definition of affordable Housing
3A.9	Affordable Housing Targets
3A.10	Negotiating Affordable Housing
3A.11	Affordable Housing Thresholds
3A.13	Special needs and Specialist Housing
3A.15	Loss of Housing and Affordable Housing
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of London's Infrastructure
3A.19	The Voluntary and Community Sector
3A.20	Health Objectives
3A.23	Health Impacts
3A.24	Education Facilities
3B.3	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.14	Enhanced Bus Priority
3C.16	Road Scheme Proposals
3C.20	Improving Conditions for Buses
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3C.3	Maintaining and Improving Retail Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.11	Open Space Provision
3D.12	Open Space Strategies
3D.13	Play and Informal Recreation Strategies
3D.14	Biodiversity and Nature Conservation
4A.1	Tackling Climate Change
4A.2	Mitigating Climate Change
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy; Heating, Cooling and Power

4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.12	Flooding
4A.13	Flood Risk Management
4A.16	Water Supplies and Resources
4A.18	Water Sewerage and Infrastructure
4A.19	Improving Air Quality
4A.20	Reducing Noise
4B.1	Design Principles for a Compact City
4B.3	Enhancing the Quality of the Public Realm
4B.4	London's Buildings: Retrofitting
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.9	Tall Buildings
4B.10	Large Scale Buildings

5.9 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG17	Planning for Open Space, Sport and Recreation
PPG24	Planning and Noise

5.10 Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

6.3 LBTH Cultural Services

Support estate regeneration programme. Request following financial contributions to mitigate for increased pressure on local resources:-

6.4 Increased use of open space - £148, 392

Loss of open space - £17, 404

Leisure facilities - £131, 641

Library facilities - £33, 696

6.5 *(Officer comment: Request for financial contributions are considered under Main Issues section of report. The submitted toolkit assessment demonstrates that the scheme would not be viable if additional contributions towards open space improvements were required. It is noted the scheme already delivers considerable improvements to the quality and usability of the existing open-spaces around the estate.)*

6.6 LBTH Crime Prevention Officer

- Has had detailed discussions with Applicants regarding scheme.
- Generally supportive though concerns raised over 1.5m height of fence around southern boundary of play space 8, which should be increased to 2.4m.

6.7 *(Officer comment: Security measures must be balanced against other factors. An increase in the height of the fence would have a negative impact on the outlook from the neighbouring flats.)*

6.8 LBTH Education

Assessed scheme as requiring a contribution towards the provision of 27 additional primary school places @ £12,342 = £333,234.

(Officer comment: This is secured through S106 agreement)

6.9 LBTH Energy Efficiency

- Basic energy assessment completed of existing and new dwellings.
- CO2 emissions reductions of 44.07% from the existing dwellings as a result of refurbishment,
- Total CO2 emissions reductions of 22.6% from the baseline in the new build dwellings
- Total CO2 emissions reductions of 24.78% in the estate from the refurbished and new build dwellings (i.e. no Net increase in CO2 emissions as a result of regeneration).
- Attempts to comply with current energy efficiency and renewable energy policies must be demonstrated.
- Feasibility of a CHP system must be investigated in more detail
- Feasibility of 20% on-site renewable energy technologies required
- Financial detail of improvements to existing stock to justify not complying with energy efficiency and renewable energy policies.
- No sustainability statement has been provided. Compliance with Code for sustainable homes Level 3 required.

6.10 *(Officer comment: Energy Efficiency is discussed in detail under main issues section of report.)*

English Heritage (Statutory Consultee)

6.11 Historic Buildings and Areas Section

- Brokesley Street is situated within the Tower Hamlets Cemetery Conservation Area. The western side of the street is made up of Victorian terraced houses which stand in stark contrast to the post-war terraces of houses and flats on the eastern side of the street such as the existing nos. 1 to 14 Brokesley Street, the subject of this current Conservation Area Consent application.
- The Conservation Statement submitted with the application states that 'It is considered that the proposals will improve the vista when looking down the street, by providing a well designed elevation which echoes the principles of the Victorian terracing opposite'
- We disagree with this statement. Whilst the height of the proposed replacement might be more in keeping with the substantial Victorian terraces, it appears to us that the proportions and form of the proposed terrace are

radically different. The proposed terrace appears mean and sparsely detailed when compared with the handsome, richly detailed terrace opposite and the twin mid Victorian terraces which mark the entrance to Brokesley Street from Bow Road.

- You may wish to obtain large scale elevations of the proposed terrace, at this stage, so that a more informed assessment can be made.

6.12 *(Officer comment: Comments relate to new build site 10. This is discussed under Main Issues)*

6.13 Archaeology Section

- Reviewed submitted archaeology desk based assessment. Stated that no further consideration of archaeological matters required.

6.14 **LBTH Environmental Health**
Contamination

- Submitted Environmental Report has been reviewed. Additional sampling is required and confirmation of remediation measures proposed.

6.15 *(Officer comment: This would be secured by condition)*

6.16 Daylight/Sunlight

- Satisfied with submitted Daylight / Sunlight study in terms of impact on neighbours. Recommend increase in size of bedroom window for specific units located behind balconies on sites 2a and 15 to ensure adequate internal daylighting.

6.17 *(Officer comment: This would be secured by condition)*

6.18 Noise and Vibration

- Parts of site fall within Noise Exposure categories B and C. Noted detail of window glazing and ventilation systems required to ensure reasonable internal noise levels not compromised on facades facing roads.

6.19 *(Officer comment: This is discussed under main issues. Details of specifications would be required by condition.)*

6.20 **Environment Agency (Statutory Consultee)**

- No objection subject to condition requiring compliance with surface water control measures outlined in submitted Flood Risk Assessment.

6.21 *(Officer comment: A suitable condition would be imposed on any permission)*

6.22 **Greater London Authority (Statutory Consultee)**

Stage One response received. The following issues were considered:-

6.23 Housing

- Cross subsidy from intensification of the site and private sales to facilitate refurbishment acceptable.

- Scheme does not propose 50% affordable housing. Financial assessment required to justify proposed level of affordable housing.
- 6.24 *(Officer comment: A toolkit appraisal has been submitted which demonstrates that it is not viable to deliver more than 35% affordable housing. The toolkit shows a deficit and as such any increase in affordable housing would have a direct impact on the funding available to facilitate the upgrade of the estate.)*
- 6.25 - Scheme proposes 100% social rent affordable units. Further justification required for not providing Intermediate units in line with London Plan policy.
- 6.26 *(Officers are satisfied that the provision of social rent units corresponds with Borough Housing Need priorities. This issue is further discussed in Main Issues section of report)*
- 6.27 - Dwelling mix is considered acceptable
 - Quality of residential accommodation is acceptable
 - Density is on lower side of London Plan policy which is acceptable given need to provide amenity space
 - Urban Design, No objections raised
 - Amenity Space, No objection raised
 - Playspace, Level of child-play space and provision of community centre acceptable.
- 6.28 Transport
- Discussions with London Underground required to assess impact on tunnels required
 - Future residents should not have access to car-parking spaces
 - Construction Plan, Service and Delivery Plan and Travel plan required by condition or S106 agreement.
- 6.29 *(Officer comment: Suitable conditions would be imposed on any planning permission)*
- 6.30 - Financial contribution to improve local streetscene on Mile End Road and Burdett Road required
 - Recommend car-free agreement, welcome car-club spaces, require Delivery and Service Plan and Construction Logistics Plan
- 6.31 *(Officer comment: Conditions relating to London Underground, DSP, CLP and car-free agreement would be imposed on any permission. The submitted toolkit assessment demonstrates that the scheme would not be viable if additional contributions towards street work improvements were required. It is noted that the scheme already delivers improvements to public realm with the estate-wide landscaping works.)*
- 6.32 Energy
- Scheme does not comply with London Plan energy policy.
 - Potential for communal heating system needs to be considered
 - Potential for Combined Heat and Power needs to be considered
 - Potential for District Heating system needs to be considered
 - Further information on cooling requirements required
 - Further information on renewable energy required
 - Sustainable Urban Drainage, living roofs and walls should be considered.
- 6.33 *(Officer comment: Matters relating to Energy are discussed in the Main Issues section of the report).*

6.34 Employment

- Details of measures to provide training and employment opportunities to local community during construction required.

(Officer Comment: A commitment to use local labour in construction would be secured through S106 agreement.)

6.35 Noise

- Conditions to mitigate noise impacts for dwellings in noise sensitive locations, particularly along Burdett Road, required.

6.36 *(Officer comment: Suitable conditions would be imposed on any planning permission)*

6.37 **LBTH Highways**

- Site in area with PTAL of 6b and 6a with good access to public transport.
- New units car-free acceptable, should be secured in S106
- Reduction in existing car-parking acceptable
- Refuse and site servicing acceptable subject to use of materials to delineate carriageway on shared surfaces.
- Required visibility splays are achieved.
- Level of cycle parking acceptable
- Impact of increased trips on highway network acceptable
- Impact on public transport acceptable
- Request Section 278 agreement
- Travel plan required by S106 agreement

6.38 *(Officer comment: Highways issues are discussed in the Highways section of this report.)*

6.39 **Natural England (Statutory Consultee)**

- Recommend assessment of site ecology undertaken
- No detail of biodiversity enhancements / measures should be secured
- Opportunities to improve access / quality of adjoining Sites of Importance for Nature Conservation should be sought.

6.40 *(Officer comment: Officer's are satisfied that the proposed landscaping works will introduce new habitat, which is likely to lead to improved biodiversity. The submitted toolkit appraisal has shown that the scheme would not be viable if additional contributions for off-site biodiversity enhancements were required. A further ecological survey would be required by condition.)*

6.41 **Olympic Delivery Authority (Statutory Consultee)**

No objection

6.42 **LBTH Primary Care Trust**

- Requested a financial contribution to compensate for the additional burden on local health-care services. A £783,042 revenue contribution and a £232, 125 capital contribution has been requested.

6.43 *(Officer Comment: LBTH Planning only seek the capital portion of the contribution as Officers are of the opinion that without a more rigorous policy framework and detailed justification on the shortfall in local healthcare provision, it is not possible to seek revenue contributions at this time. The Capital contribution would be secured in the S106 agreement.)*

6.64 Thames Water

- Developers responsibility to ensure acceptable surface water drainage
- Public sewers cross application site
- Water supply infrastructure inadequate. Requested a condition requiring a Water Supply Infrastructure Assessment

6.65 *(Officer comment: Suitable conditions and informatives would be imposed on any permission)*

6.66 Transport for London (Statutory Consutee)

- Satisfied with trip generation assessment
- No impact on bus services
- Consider cycle parking acceptable
- Seek financial contribution for streetworks along Mile End Road/Burdett Road junction
- Request Delivery and Servicing Plan produced
- Request Construction Logistics Plan produced including consideration of use of water based freight
- Request detailed Travel Plan

6.67 *(Officer comment: Conditions relating to London Underground, DSP, CLP and car-free agreement would be imposed on any permission. The submitted toolkit assessment demonstrates that the scheme would not be viable if additional contributions towards street work improvements were required. It is noted that the scheme already delivers improvements to public realm with the estate-wide landscaping works.)*

7. LOCAL REPRESENTATION

7.1 A total of 1467 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The applications were also publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.2 No of individual responses: 34 Objecting: 34 Supporting: 0
No of petitions received: 2

7.3 The following local groups/societies made representations:

The East London Baptist Church

- Object to sites 6 and 7
- Proposal will block light to South and North elevations
- The crèche, rear hall and sports hall will lose light
- The crèche and rear hall have no other sources of light except flank windows
- Loss of views of south elevation has detrimental impact on streetscene.
- Increased residents will cause parking pressures

(Officer comment: It should be noted that site 6 has now been removed from the scheme)

7.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in subsequent sections of this report:

7.5 Land use and housing

- Insufficient 4/5 bedroom houses
- Community centre not needed
- Too many social rent properties will detract from mix in area
- Loss of accommodation for elderly
- Funding for estate regeneration should not require new buildings

7.6 Design and Amenity

- Resulting estate density too high
- Loss of open-space / building should not take place on open-space
- Loss of children's play areas (particularly in relation to site 1)
- Buildings too high / too large (particularly site 10, 11 and 15)
- Loss of sunlight, daylight
- Buildings overbearing
- Loss of privacy
- Too many buildings, hemmed in feel
- Damages concept of original Architect's estate layout
- Increased noise and disturbance from children playing (particularly in relation to play area opposite Conniston House)
- New buildings likely to suffer from vandalism
- Disturbance from construction noise

7.7 Highways and parking

- General lack of parking provided / increased congestion
- Lack of parking for users of East London Tabernacle
- Cycle parking tokenistic
- Highway safety risk from increased congestion
- Risk for children making their way from proposed family dwellings on Brokesley Street to proposed play areas.
- Traffic obstruction from deliveries

7.8 Sustainability

- Buildings should be refurbished, not demolished.

7.9 Crime and safety

- New buildings likely to attract vandalism and additional crime

7.10 Infrastructure Impacts

- Lack of healthcare and education resources
- Cumulative impacts with other estate regeneration projects / St Clements Hospital needs to be considered.
- Existing sewerage inadequate / Low Water Pressure

7.11 *(Officer comment: A condition requested by Thames Water would require the prior completion of a Water Supply Infrastructure Assessment)*

7.12 Comments specifically in relation to Site 10

A large number of objections were received in relation to proposed building at site 10. The issues raised were

- Properties should be refurbished, not demolished
- One bed flats for elderly are required, family houses detracts from mixture of available housing types
- Lack of parking provided / increased congestion / pressure for spaces
- 1950s terrace part of streetscene and history of area
- Sightlines spoilt by increased height
- Planning permission has previously been refused for a roof extension along terrace
- Poor design, plain, does not follow Victorian character, materials not traditional
- Detracts from Conservation Area
- Additional height results in loss of light / overshadowing, street is narrow, unacceptable window to window distances
- Extra social tenants unbalances existing housing mix
- Family housing should be closer to play areas
- Too high density
- Should be made greenspace

7.13 Comments specifically in relation to site 11

7.14 A petition with 33 signatures from occupiers of Loweswater House was received in relation to proposals for site 11. The issues raised are:-

- Loss of privacy
- Loss of landscaped play areas
- Overcrowding
- More traffic
- Open-space overshadowed
- Poor appearance. oppressive impact

7.15 Residents Ennerdale House Petition

7.16 A petition was received containing 60 signatures from residents of Ennerdale House. The issue raised relate to:-

- Object to building on open-space
- Buildings too close together, loss of daylight and sunlight
- Too dense
- Additional public rented housing required, not luxury flats

7.17 The following issues were raised in representations, but they are not material to the determination of the application:

- 7.18 - Laws prevent building on open space (*Officer comment: Planning issues associated with building on open-space are discussed under main issues. Compliance with other areas of legislation is not a planning matter.*)
- 7.19 - Eastend Homes held resident meetings at inconvenient times (*Officer comment: The Applicants held a long running series of meetings and workshops with residents prior to the submission of the applications. These are detailed in the submitted Statement of Community Involvement. These meetings are in addition to statutory consultation requirements, which have been carried out by*

the Council.)

- 7.20 - Likely increase in service charges for leaseholders (*Officer comment: This is a private matter between tenant and landlord.*)
- 7.21 The following procedural issues were raised in representations, and are addressed below:
- 7.22 - The submitted drawings are inaccurate and do not correctly show extensions to the rear of 644 – 648 Mile End Road. (*Officer comment: Amended drawings have been submitted. The submitted drawings are sufficient to allow a full assessment of this aspect of the proposal to be made.*)
- 7.23 - The submitted sunlight and daylight study is inaccurate (*Officer comment: The study has been reviewed by the Council's specialist Environment Health Officers who consider it acceptable.*)
- 7.24 - Inadequate consultation, Letters were not received. (*Officer comment: Records show that letters were dispatched. Site and Press Notices were also posted.*)
- 7.25 - Difficulty accessing internet drawings (*Officer comment: For the convenience of some residents plans are made available on the Tower Hamlets website. Hard copies of the documents are also available to view at the Council's offices.*)

7.26 Following the submission of amended plans in February 2009 a 2nd round of consultation took place. The following responses were received

7.27 No of individual responses: 5 Objecting: 5 Supporting: 0

7.28 No of petitions received: 0

7.29 The following additional issues were raised:-

- Continued concern over sunlight / daylight impacts in relation to site 15
- Storey height of site 15 should be limited to 4 storey
- The proposal has not changed, original comments still stand
- Loss of privacy to properties on Eric Street
- Proposed car-bays unattractive
- Plans inaccurate (*Officer comment: Amended accurate plans have now been submitted.*)
- Daylight / Sunlight study inaccurate (*Officer comment: Additional study work was later submitted*)
- Insufficient consultation / some documents submitted after consultation letters sent. (*Officer comment: Additional sunlight / daylight studies have been submitted after the second round of consultation. Site 6 was also removed from the scheme following discussions with Officers. The removal of the building was not subject to further consultation as it would not have any impact on neighbouring residents.*)

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of Estate Regeneration
2. Land Use
3. Density
4. Housing
5. Design and Neighbour amenity (including impact on Conservation Areas)
6. Amenity Space
5. Parking and Highways
6. Sustainability
7. Impacts on local infrastructure / S106

Principle of Estate Regeneration

8.2 The Government is committed to creating the opportunity for decent homes for all. The regeneration and renewal of neighbourhoods is supported by the Mayor's Housing Supplementary Planning Guidance (November 2005). In Tower Hamlets, the Council is seeking that all homes are brought up to Decent Homes Plus standard to ensure that homes are in a good state of repair.

8.3 The Decent Homes Standard is defined by the Department of Communities and Local Government (DCLG) as a home which is 'warm, weatherproof and has reasonably modern facilities'. The Decent Homes Plus Standard goes beyond these requirements and includes works such as improved security, lift replacement and thermal comfort works.

8.4 As part of the Tower Hamlets Housing Choice Programme the Eric and Treby Estate was transferred to Eastend Homes in 2004. In order for Eastend Homes to facilitate the regeneration of the Eric and Treby Estate and bring the existing homes up to Decent Homes Plus standard, a comprehensive redevelopment is proposed. The application includes the provision of additional housing in new blocks across the application site, which increases the housing density of the estate. The increase in density is required in order to generate sufficient value from market development to support the refurbishment of the existing dwellings and the provision of new affordable housing. This accords with the requirements of IPG policy CP23, which seeks to improve all existing housing stock to a minimum of decent homes plus standard.

8.5 The application proposes the erection of 13 buildings providing 181 new residential units to facilitate the following estate regeneration improvements:-

Works	Cost (£)
New Kitchens and bathrooms	1,092,859
New Bathrooms	617,347
Central heating	1,140,975
Roof repairs	529,241
Thermal insulation improvement	1,697,086
Windows	448,169
Structural Repairs	465,320
Communal Area Improvements	258,949
Repair/Renew Entrance Doors	275,745
Balcony upgrading	414,960
Improvements to electrical and water services	1,947,596
Refuse Improvements	94,730

Environmental Works including Security/Lighting, Landscaping, Car Parking, Paving, Play equipment	2,209,296
New communal stairs and entrances including access control	270,000
Door Entry Systems Works	321,029
Repair/Renew Lifts	799,333
Total	12,582,633

8.7 The development would generate £8.2M towards these upgrade works.

8.8 In overall terms the principles and objectives set out in regional and local policies for estate regeneration schemes are achieved through this proposal. The proposal maximises the development potential of the site whilst upgrading the existing housing and communal areas. The planning issues are considered in detail below.

Land Use

8.9 The existing land use of the site is predominantly residential. There are no specific land use designations in the adopted UDP or IPG. The application proposes additional housing, a community centre, housing offices and a small commercial unit.

Principle of additional housing

8.10 The application proposes 181 new units of accommodation. Taking into account the loss of 29 existing units this results in a net gain of 152 additional dwellings.

8.11 The provision of additional housing to facilitate the regeneration of the estate accords with the aims of London Plan Policy 3A.3 and IPG policies CP19 and CP20, which seek to maximise the supply of housing; and the aims of IPG policy CP23, which seeks to improve all existing housing stock to decent homes plus standard.

8.12 Housing issues are discussed in more detail in the Housing Section of this report.

Principle of community centre and offices

8.13 On the ground floor of site 1, the application proposes a new community centre (310 square metres) and office space (365 square metres). The centre would comprise a community hall, external ball court, meeting room and kitchen. The applicant has indicated that the office space would be used by Eastend Homes Housing Management Team.

8.14 London Plan Policy 3A.18 requires that in areas of major development and regeneration, adequate facilities should be provided for social infrastructure and community facilities. Saved policy SCF11 of the UDP encourages the provision of new meeting places, policy SCF1 in the IPG requires that consideration is given to the need for social and community facilities within redevelopment proposals.

8.15 There is currently no community centre on the estate. The proposed community centre, ball court and offices are well located around the base of a prominent estate building. The proposed facilities will be of considerable benefit to residents and are acceptable in land-use terms.

Principle of commercial space

8.16 The amendments to the application introduced a small shop / office unit (85 square metres, use classes A1, A2 or B1) on the ground floor of site 8. This use provides an active frontage to the Burdett Road / Wentworth Mews junction, contributes to the mix of uses in the area and is acceptable in terms of saved UDP policy DEV3 and policy CP1 of the IPG - which seek to provide a range of uses in the local environment.

Density

- 8.17 London Plan policy 3A.3 links housing density to public transport availability which is expressed in a Public Transport Accessibility Level (PTAL). The site is located in an urban area and has a PTAL of 6a/6b. The London Plan states that the appropriate density for residential use should be within a range of 200-700 habitable rooms per hectare.
- 8.18 The existing estate has a density of 326 habitable rooms per hectares. The proposal would result in a scheme with a density of 410 habitable rooms per hectare.
- 8.19 The proposed density is within the range recommended in the London Plan. The density is considered appropriate in terms of local context, design principles, amenity impacts and infrastructure impacts. It is therefore considered acceptable in terms of London Plan policy 3A.3 and IPG policies CP20 and HSG1.

Housing

- 8.20 The application proposes the erection of 13 new buildings at various sites around the estate providing 181 new residential units. Taking into account the demolition of 29 existing units there is a net gain of 152 housing units. Interim Planning Guidance policy sets out the Council's objective to ensure that all residents in Tower Hamlets have access to decent homes in decent neighbourhoods, as part of an overall commitment to tackle social exclusion.

Principle of demolition of housing units

- 8.21 The proposals involves the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road. It is noted that the demolition of buildings at 106 – 128 and Hamlets Way and 1 – 7 Burdett Road has already taken place.
- 8.22 The housing units lost are replaced with an additional number of better quality units and as such there is no conflict with the objectives of UDP policy HSG4 and IPG policy CP23, which seeks to prevent the loss of housing.
- 8.23 The redevelopment of the sites at a higher density, with modern buildings incorporating sustainable design technologies also accords with the aims of over-arching sustainability objectives and IPG policy CP1.

Affordable Housing

- 8.24 Policy 3A.9 of the London Plan states that Boroughs should seek the maximum reasonable amount of affordable housing, taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Boroughs' own affordable housing targets. Interim Planning Guidance policies CP22 and HSG3 seek to achieve 50% affordable housing provision from all sources across the Borough, and specify that individual developments should provide a minimum of 35% affordable housing.
- 8.25 IPG Policy HSG5 relates specifically to estate regeneration schemes. It states that the Council may consider varying its requirements towards additional affordable housing where it can be demonstrated that the provision of market housing on the estate is necessary in order to cross subsidise the works being undertaken.
- 8.26 The proposal would provide 19 entirely new additional affordable housing units, and would also replace the 29 affordable units lost through demolition. It total the scheme would provide 48 affordable units, which equates to 35% of all of the habitable rooms proposed. The application has been accompanied by a toolkit assessment which demonstrates that it would not be viable to provide any additional affordable housing. The scheme meets the

35% minimum affordable housing required by policy CP22 and is therefore acceptable.

- 8.27 It is noted that in this case the Applicant has not sought to make use of the provisions of HSG5 to allow a reduction in the level of affordable housing to facilitate estate regeneration cross subsidy.

Tenure Mix

- 8.28 London Plan policy 3A.9 promotes mixed and balanced communities by seeking a 70:30 split between social rent and intermediate tenures within affordable housing. In Tower Hamlets there is an identified need for a larger percentage of social rented units which is reflected in the 80:20 split between these tenures specified in IPG policies CP22 and HSG4.
- 8.29 The application seeks to provide 100% social rented accommodation in the affordable housing, and in this respect does not comply with requirements of the above policies. However, it is noted that the Council's Housing Section have not objected to the absence of intermediate units in the scheme. Given the particular need for additional social rented units in the Borough, the mix of tenures is considered acceptable.

Housing mix

- 8.30 London Plan policy 3A.5 promotes housing choice including the provision of a range of dwelling sizes. Unitary Development Plan policy HSG7 requires new housing schemes to provide a mix of unit sizes including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Policies CP21 and HSG2 in the IPG specify that a mix of unit sizes should be provided to reflect local need and to contribute to the creation of balanced and sustainable communities. Policy HSG2 provides target percentages for dwelling sizes in affordable and market housing.
- 8.31 The application proposes the following mix of unit sizes for the new build. The target percentages given reflect those specified by IPG policy HSG2.

Unit Size	Total Units	Affordable: Social Rent			Market		
		Units	%	Target	Units	%	Target
Studio	19	0	0	0	19	14.3	25
1 bed	61	2	4	20	59	44.4	25
2 bed	52	13	27	35	39	29.3	25
3 bed	40	24	50	30	16	12	25
4 bed	0	0	0	10	0		
5 bed	9	9	19	5	0		
Totals	181	48	100	100	133	100	100

- 8.32 In the social rent tenure the application exceeds HSG2 targets for the provision of larger units with 69% of units having 3 or more bedrooms. In particular it is noted that the scheme includes the provision of eight 5 bedroom terraced dwelling houses, with generous gardens, which is a valued form of family accommodation that can be difficult to provide on other sites (one 5 bedroom flat is also provided).
- 8.33 In the market tenure only 12% of the units have 3 bedrooms, which is below the target of

policy HSG2. However, given the high level of family provision in the social rent sector the overall housing mix responds well to local needs and is acceptable in terms of policy.

- 8.34 The range of housing types provided is considered to make good re-provision of the type of units lost through the demolition.

Standard of accommodation

- 8.35 UDP policy HSG13 requires all new development to provide adequate internal space. Supplementary planning guidance note 1: residential space sets minimum internal flat and room sizes.

- 8.36 The proposed flats are well laid out with adequate room sizes. The flats benefit from acceptable outlook and would offer a reasonable standard of accommodation. The Council's Environmental Health Officer has raised concerns about the level of interior daylight for proposed new flats behind walkways on sites 2a and 15. To ensure these flats receive adequate light it is recommended that the size of the windows be increased to 1510mm x 1810mm. This would be secured by condition, and with this amendment the proposed flats would be acceptable.

- 8.37 The application has been accompanied by a Noise Survey which includes an assessment of whether the proposed flats would suffer from unreasonable levels of noise. This particularly relates to those flats located on Burdett Road and Southern Grove, as these roads generate greater levels of traffic noise. The study concludes that part of the development is located within Noise Exposure Contour C. In these locations planning permission should only be granted where alternative sites are not available, and where appropriate mitigation can be provided. Officers consider that there are no realistic alternative locations for additional housing and conditions can require the use of suitable glazing to ensure internal noise levels are acceptable. With the imposition of conditions requiring appropriate survey work and mitigation measures the development would be acceptable.

Wheelchair and accessible accommodation

- 8.38 London Plan policy 3A.5 and Interim Planning Guidance policy HSG9 require housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.

- 8.39 It total 13 wheelchair accessible units are proposed and a further 5 could easily be converted for wheelchair users. This equates to 10% of the total housing provision and is considered acceptable.

- 8.40 All of the units would be constructed to Lifetimes Homes standards and the details of this would be required by condition.

Design & Neighbour amenity

- 8.41 The main design issues for Members to consider relate to the scale and appearance of the proposed buildings, the relationship to the existing buildings, and the impact of the buildings on designated Conservation Areas.

- 8.42 In terms of amenity, the main issues Members must consider are the impact of the proposed buildings on the neighbouring occupiers in terms of potential loss of light, overshadowing or increased sense of enclosure.

General design principles

- 8.43 Good design is central to the objectives of national, regional and local planning policy. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These policies are reflected in saved policies DEV1, DEV2 and DEV3 of the UDP; and IPG policies DEV1 and DEV2.
- 8.44 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site and that it should not result in overdevelopment or poor space standards.
- 8.45 Policy CP4 of the IPG seeks to ensure new development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.46 Policy DEV4 in the IPG seeks to ensure safety and security in new development. This can be achieved by incorporating principles such as ensuring building entrances are visible, designing development to face the street with active frontages and by creating opportunities for natural surveillance of the public realm.
- 8.47 Some of the proposed buildings are significantly higher than neighbouring buildings. Therefore consideration has also been given to the requirements of IPG policy DEV27, which details specific criteria that are relevant to the assessment of tall buildings.

Impact on Conservation Areas

- 8.48 Parts of the Eric and Treby Estate fall within designated Conservation Areas. Brokesley Street is found towards the Western edge of the Tower Hamlets Cemetery Conservation Area. Proposed building 10 is located within this area. The Ropery Street Conservation is located towards the South West of the site. The boundary of this Conservation Area extends south down the centre of Eric Street from Hamlets Way.
- 8.49 The application proposes the erection of a new building at site 10 and improvement works to 31 – 39 Brokesley Street, both of which are within the Tower Hamlets Cemetery Conservation Areas.
- 8.50 Building site 14 is located within the Ropery Street Conservation Area. Site 15 is located on the edge of the Ropery Street Conservation Area.
- 8.51 In assessing any development proposal in a Conservation Area, the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Planning Policy Guidance Note 15: Planning and the Historic Environment provides advice on the approach to development in Conservation Areas. This document includes the advice that new buildings need not copy their older neighbours in detail, as a variety of styles can add interest and form a harmonious group.
- 8.52 National guidance is carried through to the local level where IPG policy CON2, re-asserts that development in Conservation Areas should preserve or enhance the distinctive character or appearance of that area in terms of scale, form, height, materials, architectural detail and design.
- 8.53 UDP policy DEV28 sets criteria that must be taken into account when assessing proposal to demolish buildings in Conservation Areas.

Summary design issues

- 8.54 A detailed consideration of the design of each proposed building is given below. In overall terms the proposed buildings are considered to respond well to the constraints of each individual site, and provide a cohesive approach to the renewal of the estate. The landscaping works take the opportunity to improve the quality of the existing open-spaces and introduce dedicated areas of children's play-space.
- 8.55 In general the application has attempted to site buildings on redundant areas of surface parking and hard-standing. In some cases building does take place on existing open-space, and this issue is discussed in more detail under the amenity section of this report.
- 8.56 The larger buildings (sites 2, 15 and 11) would be sited along Hamlets Way. This is one of the wider roads which bisects the estate. Existing tall estate blocks including Ennerdale House and Beckely House are already located on this road and it is considered an appropriate location for larger scale buildings.
- 8.57 In more sensitive locations, such as those within Conservation Areas, the scale of buildings has been limited and a traditional design employed. The development of sites along Burdett Road would help to strengthen the street frontage and remove unsightly garages.
- 8.58 Outside of Conservation Areas the proposed buildings use common design themes and a consistent pallet of materials. This includes the use of brick, small areas of render, balcony systems and green-glazed bricks around entrance doors. The result helps to tie the estate buildings together helping to create a sense of place.
- 8.59 In overall terms the proposed buildings complement the existing buildings around the estate and, when combined with the landscaping works, will lead to a significant improvement in the quality of the local environment for residents.

Daylight and Sunlight

- 8.60 In terms of amenity, Policy DEV2 in the UDP 1998 and Policy DEV1 of the IPG seeks to ensure that development where possible, protects and enhances the amenity of existing and future residents as well as the amenity of the public realm.
- 8.61 In accordance with BRE Guidance, a Daylighting and Sunlighting report was submitted with the application. The report calculates the Vertical Sky Component (VSC), Average Daylight Factor (ADF) and Sunlighting for adjoining properties. Further addendums to this report were also submitted.
- 8.62 The VSC quantifies the amount of skylight falling on a vertical wall or window. For a room with non-continuous obstructions there is the potential for good daylighting provided that the VSC, at the window position 2m above ground, is not less than the value for a continuous obstruction of altitude 25 degrees. This is equal to a VSC of 27%.
- 8.63 The VSC calculation can be related to the ADF which, in addition to the amount of skylight falling on a vertical wall or window, considers the interior daylighting of the building. The calculation takes into account the thickness of the glazing, size of the window, reflectance and total area of room surfaces.
- 8.64 Sunlighting has been measured using sunlight availability indicators or sunpath indicators. The British Standard recommends that at least 25% of annual probable sunlight hours be available at the reference point, including at least 5% of annual probable sunlight hours in the winter months.

- 8.65 The calculations have been based on a sample of rooms in the blocks that are likely to be most affected by the proposal.

Summary sunlight and daylight issues

- 8.66 The report demonstrates that there are some instances where the VSC is below the levels set out in the BRE guidance. However, in nearly all situations the affected rooms would still have sufficient ADF. Given the urban context of the site, it is considered that the resultant levels of daylight can be accepted.
- 8.67 Levels of sunlight to some properties have also been reduced, however, on balance the impact is also considered to be acceptable given the urban context.
- 8.68 The Council's Environmental Health Section has reviewed the Daylight and Sunlighting Report and considers that the report satisfactorily demonstrates that there will be no significant impact with regard to daylight/sunlight on existing residents.

Site specific design and amenity considerations

- 8.69 In total 13 new buildings are proposed. The main issues in relation to each of these buildings are considered in turn:-

Site 1

- 8.70 Site one is located at the junction of Southern Grove and Hamlets Way. It currently comprises grass open-space and an area of hard-standing (which used to be a playground). The site wraps around the foot of Ennerdale House – a 19 storey Tower, to the North is Derwent House – a 6 storey block.
- 8.71 The proposed building can be separated into two components. Firstly, a single storey component which wraps around the base of Ennerdale House. This will provide 365 square metres of office space. The applicant has indicated that this will be used by their housing management team.
- 8.72 The second component would be a four storey block fronting Southern Grove. The block is sited in-between Ennerdale House and Derwent House. It is linked to the single storey part of the building which provides the office space. Part of the ground floor of this building would be used to provide a community centre. The centre would comprise a 190 square metre main hall, an outside ball court and associated facilities. The housing offices, community centre and ball court would all be accessed via a shared entrance from Southern Grove.
- 8.72 The remainder of the ground floor of the block, and the upper floors, would provide 9 affordable housing units including one wheelchair maisonette with parking space.
- 8.73 In design terms the proposed building helps to create a strong frontage to Hamlets Way and Southern Grove, and encloses the areas of open-space to the rear. At a maximum of 4 storey the block relates well to the 6 storey Derwent House. In overall terms the design is considered acceptable.
- 8.74 In terms of amenity the main impact would be on the occupiers of flats in the South-east corner of Derwent House and the lower floors of Ennerdale House. The reductions in daylight and sunlight pass ADF targets and are considered acceptable. Occupiers of neighbouring properties could suffer from noise and disturbance associated with the use of the external ball court. A condition would prevent the use of this facility after 9.00pm which would preserve residential amenity.

Site 2a –

- 8.75 Site 2 is located on the North side of Hamlets Way to the West of Ennerdale House. It currently comprises surface car-parking and hard-standing. Part of Derwent House runs North-South towards the application site. This part of Derwent House is 4 storey in height.
- 8.76 The application proposes a part 4, part 6 storey building. The building is arranged in an L-shape, with the longer 6 storey frontage to Hamlets Way and a shorter 4 storey return to the Derwent House spur. The building would provide 36 private flats. The building would enclose an area of public amenity space to the rear.
- 8.77 The building has simple rectangular form with one change in height which is comparable to existing buildings on the estate. The six storey height is considered acceptable along Hamlets Way and the reduction to 4 storey helps to tie the proposal into the existing development. matching the height of the Derwent House spur. In design terms the building is considered acceptable.
- 8.78 Site 2a is sufficiently far from Derwent House (opposite to North) and Beckley House (to south) for there to be no significant impact in terms of loss of daylight or sunlight.

Site 2B

- 8.79 Site 2B comprises a raised pedestrian walkway linking Hamlets Way to Maplin Street. There are garages underneath the raised walkway. To the West is the 5 storey block of Windemere House. The ground floor of this block also comprises garages. The garages are accessed from Maplin Street. Currently a change in land-levels means that this access terminates in a dead-end at its southern-end. To the East is an area of open space used by residents of Derwent House, and then the 4 storey Derwent House block itself.
- 8.80 The application proposes the erection of 11 residential units in a block approximately following the line of the existing raised walkway. The block would be part 2 and part 4 storey. The scheme includes removing the existing dead-end to create a new 'street' running from Hamlets Way to Maplin Street (this would be a shared pedestrian/vehicle surface. A barrier would prevent vehicles using the street as a through route).
- 8.81 The scale and bulk of the building is considered acceptable given the scale of the neighbouring buildings. The proposed residential units would be arranged so that they are accessed from the new street, with ground floor windows adding activity to an area that currently benefits from little natural surveillance. At first floor level the flats are arranged with habitable windows facing East, away Windemere House. This arrangement ensures that there is no loss of privacy to the occupiers of these properties.
- 8.82 In terms of loss of daylight and sunlight the proposed building would have some impact on the occupiers of Windemere House. However, there are no habitable rooms at ground floor level on this property, and the reductions to the first floor level are not excessive given the context of the application site.

- 8.83 Site 3 (There is no site 3)

Site 4

- 8.84 Site four comprises a ground floor undercroft area beneath Coniston House. The majority of the area has no specific use, though there are some pram stores. The application proposes to infill this area to create 4 affordable units. The flats would be accessed via an entrance deck on the North side of Coniston House.

8.85 The in-fill would make more beneficial use of the available space. There has been no objection to the loss of the pram stores. The proposed façade treatment complements that used on the existing building above, and in overall terms is acceptable. This proposed building has no impacts in terms of day lighting or sunlight.

8.86 Objectors have raised concerns about potential noise and disturbance from the proposed play area to the North of this site. This is an open-area and there would be no control on the hours of use. Officer's consider that in a residential area, a degree of noise associated with children playing is acceptable.

8.87 Site 5 – Omitted from amended submission

Site 6

8.88 Following discussions with Officer's site 6 has been removed from scheme now recommended for approval.

Site 7

8.89 Site 7 is rectangular in shape and fronts Burdett Road. It is located just to the North of the East London Tabernacle and to the South of flats 1 – 30 Wentworth Mews. The site was previously occupied by three single storey bungalows – which have now been demolished.

8.90 The application proposes a four storey block providing 8 affordable housing units. The flats are arranged two per floor accessed from a central stairwell. The ground floor units benefit from rear gardens and the upper floors have balconies.

8.91 The scale and form of the block is appropriate in relation to the adjoining buildings. The building infills the existing gap in the frontage along Burdett Road and is acceptable in design terms.

8.92 The main amenity impact would be on the occupiers of the flats in Wentworth Mews. Wentworth Mews has garages on the ground floor. At first floor level and above habitable room windows face the application site. The proposed building is located to the south of these windows and they will therefore suffer a loss of sunlight and daylight. However, a distance of 9.5m separates the proposed building from Wentworth Mews. This is considered sufficient to ensure that the occupiers of this property do not suffer from any unreasonable loss of light or outlook and is acceptable.

8.93 Windows serving offices are located in the North flank of the Tabernacle, facing the application site. These windows will experience some loss of light, however given the non-residential use and the location to the south of the proposed development there would not be any significant detrimental impact on the occupants.

Site 8

8.94 Site 8 is rectangular in shape and is located at the junction of Burdett Road and Wentworth Mews. Flats 1-30 Wentworth Mews are located to the South of the site. Flat 1c Wentworth Mews is located on the opposite side of the Mews. The site currently comprises a surface parking court. There is a change in level of approximately 600mm between the site level and the Burdett Road pavement.

8.95 The application proposes a 4 storey block. The block would comprise a commercial unit on the ground floor (uses A1, A2 or B1) and 6 private residential units above. The residential unit and commercial units would be accessed from Burdett Road. The commercial unit would also have a service bay to the rear, which would be accessed from Wentworth Mews.

- 8.96 In design terms the incorporation of a commercial unit helps to add activity to the Burdett Road / Wentworth Mews junction and complements the commercial units found on the ground floor of 1c Wentworth Mews. The block itself follows the style of block 7 and is considered to relate well to the neighbouring buildings and is acceptable.
- 8.97 The main impact of the proposal would be on the occupiers of the flats 1-30 Wentworth Mews, just to the South of the site. The ground floor of this building comprises garages. Upper floors are residential with windows serving habitable rooms facing the application site. These windows appear to serve kitchens and bedrooms. A distance of approximately 4m separates the proposed building from these windows.
- 8.98 Due to the orientation of the existing building these windows already receive little daylight or sunlight. The proposed building will cause a further reduction in available light, however with the exception of the kitchen window of 2 Wentworth Street all pass ADF targets. On this basis the impact on amenity is acceptable. It is also noted that the occupiers of the flats will continue to enjoy light and outlook from living windows to the rear.

Site 9

- 8.99 Site 9 is located at the junction of Eric Street and Wentworth Mews. The site is adjacent to the Wentworth Arms public house, a three storey Victorian building. Coopers Court, an elderly peoples home, is located on the opposite side of Eric Street. The site is currently occupied by single storey garages that are accessed from Eric Street.
- 8.100 The application proposes a 4 storey building adjacent to the public house. The building would provide 4 affordable flats. The building would be flush with the building line of the public house along Eric Street, and would slightly higher in height. Large balconies would be provided on the SE corner of the upper floors introducing additional activity to a poorly overlooked corner of the estate. The building does appear large in relation to the modestly proportioned Wentworth Arms. However, there are relatively few viewing angles where this is noticeable and in overall terms the design makes good use of an area of dead space and is acceptable.
- 8.101 The proposed building is sufficiently far from neighbouring buildings for there to be no significant impacts in terms of loss of light or overshadowing. There are no windows in the flank walls of the Wentworth Arms Public House and any potential overlooking would be at an oblique angle and as such would not result in any significant loss of amenity.

Site 10

- 8.102 Site 10 comprises 1 – 14 Brookesley Street. This is a two storey block of flats that are currently vacant. The site is located within the Tower Hamlets Cemetery Conservation Area. The existing one-bed flats were constructed in the late 1950s in a style characteristic of this time. On the opposite side of Brookesley Street is an attractive terrace of Victorian dwellings. The Council's Conservation Appraisal notes that residential townscapes, including Brookesley Street, contribute to the character of the Conservation Area.
- 8.103 The application proposes replacing the existing flats with a terrace of 8 x 5 bedroom dwelling-houses with rear gardens. The dwellings would be in the social rent tenure.
- 8.104 Members will note from the Recommendation section of this report that they are asked to consider two separate matters in relation to the development on this site. Firstly, because the existing flats are located in a Conservation Area, Conservation Area Consent is required for their demolition. This consent is a stand-alone application (reference PA/08/2240), and its merits are considered below. Secondly, Members must consider whether the proposed terrace, which forms part of the larger estate regeneration planning

application, is acceptable in terms of planning policy.

Conservation Area Consent

- 8.105 The existing flats are not considered to have any historical significance and do not make any significant positive contribution to the quality of the Conservation Area. Objectors have noted that they reflect the evolution of the character of the area, however Officers do not consider that on its own this warrants their retention. It is considered that the demolition of the flats, and the erection of a suitable replacement, would accord with the requirements of saved UDP policy DEV28 and IPG policy CON2, as it would improve the character of the conservation area.
- 8.106 A condition would be placed on any permission to ensure that the demolition of the flats was tied to the construction of a replacement building – to prevent an undeveloped site blighting the Conservation Area.

Planning Permission for replacement terrace dwellings

- 8.107 The proposed terrace would be three storey in height and would have a flat roof hidden behind a corniced parapet. The terrace would be constructed from yellow London stock brick with painted timber windows and cast-iron rainwater goods.
- 8.108 A large number of objections have been received in relation to the design of the proposed terrace. English Heritage also raised concerns about the proportions of the building and the relative lack of detailing.
- 8.109 It is acknowledged that the proposed terrace does not slavishly replicate the form or rich architectural detailing seen on the Victorian dwellings opposite. However, it does not necessarily follow that the design is poor. The terrace would be a modern addition to the street and would be seen as such.
- 8.110 The parapet line of the proposed terrace is approximately 1m higher than the parapet (not the top of the ridge) of the Victorian dwellings opposite. From ground level this difference in height would not have any significant impact on streetscape views. The scheme would not harm the appearance of the terraces along the street and is acceptable in terms of saved UDP policy DEV30, which seeks to preserve rooflines of uniform character.
- 8.111 The use of traditional materials helps to tie the building into the historic character of the area and ensures that the terrace is a sensitive addition to the streetscene. In overall terms Officers are satisfied that the proposed terrace will enhance the character and appearance of the Conservation Area and that it is acceptable in terms of relevant design policy.
- 8.112 The main amenity impacts from the proposal relate to potential loss of light, overshadowing and increased sense of enclosure. The proposal would have an impact on properties to North. This includes first floor flats at 642 – 648 Mile End Road. There are also residential flats located in a converted office/storage located in the rear yard area of 642 – 648 Mile End Road. These properties have been shown on the amended plans submitted with the application.
- 8.113 These properties would suffer from a loss of daylight and available sunlight. However, on balance the impact does not significantly exceed the current situation and the impact is considered acceptable.
- 8.114 The properties on the opposite side the road comprise 77 Brokesley – a converted warehouse and the terrace of 71 – 75 Brokesley, a terrace of dwellings. The submitted study shows that there will be little loss of daylight to these properties. There will be some loss of morning sunlight, however the effect would be transitory and on this basis is

acceptable.

Site 11

- 8.115 Site 11 is located on the South side of the junction between Southern Grove and Hamlets Way. The site abuts Loweswater House, which is 7 storey in height. Ennerdale House is 19 storey in height and is located on the opposite side of Hamlets Way. To the West is the 11 storey Beckley House. The site currently comprises surface parking and open space. The boundary of the Tower Hamlets Cemetery Conservation Area runs along opposite side of Southern Grove to the East of the application site.
- 8.116 The application proposes the erection of 7 storey building. The building would have a rectangular footprint with the long edge providing a 28.6m frontage to Hamlets Way. The building would provide 27 private flats. The flats benefit from private balconies and access to a large communal roof terrace.
- 8.117 The main body of the building (excluding the lift core which projects above) is approximately 3.6m higher than the adjoining Loweswater House. The additional height is justified given the location on the building at the junction of two of the estate's larger roads. The longer frontage to Hamlets Way is well articulated with contrasting materials, windows and balconies helping to break up any appearance of bulk. The scale and design of the building sits well with the neighbouring Loweswater House, would preserve the setting of the Tower Hamlets Cemetery Area and is acceptable.
- 8.118 In terms of amenity impacts, it is noted that Loweswater House is located to the South of the development and as such would not suffer any loss of sunlight. West facing windows, at 90 degrees to the proposed building would lose some daylight. However, the losses do not result in ADF levels below BRE guidelines and the impact is therefore acceptable in an urban environment. The relatively oblique angle between proposed habitable room windows / balconies and Loweswater House ensures that there would be no significant loss of privacy for existing occupiers.
- 8.119 A distance of 20m separates Ennerdale House from the proposed building which is sufficient to ensure that there is no significant loss of light or loss of privacy implications.

Site 12

Site 12 is a rectangular plot of land fronting English Street. It is currently used to provide surface car-parking. The site is located adjacent to the south-east corner of Beckley House, and directly to the south is 2 – 36 English Street, a 4 storey block of flats. An electricity sub-station is located in the corner and this would be unaffected by the proposal.

- 8.120 The application proposes the erection of a 4 storey block providing 4 private flats. The dual aspect units would be arranged one per floor. The ground floor unit is a wheelchair unit and would have an associated car-port. The proposed building would be separated from the English Street block by the single storey substation.
- 8.121 In design terms the proposed building sits slightly forward of, and is slightly higher than, the existing English Street block. This adds a degree of visual variation along the length of street and helps the block to act as a terminating point to the streetscene. In overall terms the design is acceptable.
- 8.122 The main amenity impacts would be on the occupiers of the flats to the north-west of the development in Beckley House. Habitable room windows would suffer a loss of daylight however the resultant ADF values exceed BRE guide lines and are therefore considered acceptable. There would be some loss of sunlight to the private garden at the base of Beckley House and to balconies higher up. However, any impact would be limited to the

morning hours and as such the overall impact on the amenity of the occupiers is considered acceptable. The rear windows of the proposed building have been angled to prevent overlooking back towards windows in the south wall of Beckley House preventing any significant loss of privacy.

Site 13

- 8.123 Site 13 is located towards the northern end of English Street. It currently comprises single storey garages and hard-standing. To the North is the 4 storey block of 2 – 36 English Street, to the west the flank wall of 1 – 27 Treby Street and to the South the 3 storey 38 – 48 English Street. The application proposes a 4 storey block comprising 4 flats. The ground floor flat is a wheelchair unit with associated parking bay. The flats are arranged one per floor and have a single aspect over English Street.
- 8.124 In design terms the proposed block follows the building line and general scale of development along English Street which results in an acceptable appearance. When viewed in conjunction with site 12 the development will provide complementing 'bookends' to 2 – 36 English Street resulting in a consistent streetscene.
- 8.125 In terms of amenity the main impact will be on habitable room windows to the West. There would be a reduction in daylight however the resulting ADF values exceed BRE targets and are considered acceptable. There would be some loss of morning sunlight to the rear of 1 – 27 Treby Street, however, the impact is transitory and is therefore acceptable. The single aspect over English Street prevents any loss of privacy to these occupiers.

Site 14

- 8.126 Site 14 comprises a vacant plot located at the corner of Ropery Street and Eric Street. Ropery Street comprises 2 storey Victorian terraces. The dwellings abutting the site on Eric Street were constructed circa 1970s and are 3 storey in height.

The site is located within the designated Ropery Street Conservation Area. The Conservation Area largely comprises terraced dwellings. The Council's Conservation Area Appraisal describes how the uniformity of these terraces contributes to the special character of the area.

- 8.127 The application proposes a part 2, part 3 storey block providing 4 social rent residential units. The design of the proposed corner building seeks to provide a link between the two styles of development that abut the site. Along Ropery Street the building would be 2 storey and would follow the style of the adjoining Victorian terrace. As the building nears the corner it rises to three storey to tie in with the established storey height along Eric Street.
- 8.128 The building follows the scale of the adjoining properties, incorporates traditional design features and utilises appropriate materials. As such it is considered a sensitive addition to the terraced street-scene that enhances the character of the Ropery Street Conservation Area and is acceptable.
- 8.129 The impact on neighbouring amenity in terms of potential loss light and overshadowing is considered acceptable as resultant ADF levels do not fall below BRE targets. A condition would ensure that the bathroom window in the East elevation is obscure glazed to prevent overlooking into the bedroom window of 1 Ropery Street and with this safeguard the potential impacts on privacy are acceptable.

Site 15

- 8.130 Site 15 is the area of land located at the junction of Eric Street and Hamlets Way. It was previously occupied by a two storey residential building with a large area of open-space in front. The building has recently been demolished. To the South of the site are two parallel 4 storey residential blocks, one of which fronts Eric Street and the other Treby Street. The area in-between these blocks are private gardens. Further to the North, on the opposite side of Hamlets Way, is another 4 storey residential block.
- 8.131 To the West, on the opposite side of Eric Street, is a two storey terrace of Victorian Dwellings. These dwelling are located in the Ropery Street Conservation Area, the boundary of which runs along the centre of Eric Street.
- 8.132 The application proposes a stepped building rising to a maximum of 6 storey along Hamlets Way. The building would provide 56 private residential units. The building would have an approximate U shape, with the higher and longer component fronting Hamlets Way and two arms returning to the South to meet the existing blocks on Eric and Treby Streets.
- 8.133 The building would be 4 storey in height adjacent to the existing 4 storey block fronting Eric Street. This portion of the development has a façade without any balconies and would be finished in a buff coloured brick. In terms of scale the proposal relates well to the existing development. The uncluttered design and materials ensure that the building is considered to preserve the setting of the Ropery Street Conservation Area.
- 8.134 The height of the building steps up to a maximum of 6 storey along Hamlets Way. This is considered acceptable along Hamlets Way as this wider road can accommodate buildings of a larger scale. The frontage along Hamlets Way is well articulated which helps to reduce any impression of excessive bulk. The materials used will tie in well with the other new buildings further to the East. The final part of the building is the 5 storey arm returning to link the building to the existing 4 storey development on Treby Street. The centre of the U-shape is used to provide a communal garden area. In overall terms the design of the building is considered acceptable.
- 8.135 The main impact of the development would be potential loss of sunlight and daylight to properties on the opposite side of Hamlets Way, and properties on the opposite side of Eric Street. The submitted daylight study notes that while the levels of loss may be noticeable the resultant levels do not exceed BRE ADF guidelines, and are therefore acceptable.
- 8.136 The distance and ‘across the road’ relationship ensures that neighbouring residents would not suffer from any unreasonable loss of privacy from windows on the building’s frontages. To the rear overlooking would only be possible from relatively oblique angles, which would ensure that there was no direct overlooking into the rear rooms of 36 – 66 Eric Street or 2 – 32 Treby Street.

Other improvement works

- 8.137 The other estate-wide improvement works including new entrances, landscaping, installation fo street furniture, street-lighting and cladding would all help to improve the appearance of the estate and are acceptable in design terms.
- 8.138 The introduction of new entrance to 31 – 39 Brokesley Street would help to announce the building on the street and would preserve the character of the Tower Hamlets Cemetery Conservation Area.

Design and amenity conclusion

- 8.139 Overall, the proposed buildings are considered acceptable in terms of design and amenity. The height, scale and design of the proposed buildings are acceptable and in line with

policy criteria set out in 4B.1 of the London Plan, policies DEV1 and DEV2 of the UDP and policies DEV1, DEV2 and DEV27 of the IPG which seek to ensure buildings are of a high quality design and suitably located. The proposed buildings sensitively designed and are considered to enhance the character and appearance of the Ropery Street and Tower Hamlets Cemetery Conservation Areas.

- 8.140 The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the compliance with relevant BRE Guidance and the urban context of the development. As such, the scheme accords with policy DEV2 of the UDP and policy DEV1 of Council's IPG. Given the acceptable design and amenity impacts, the application is not considered an overdevelopment.

Amenity space

- 8.141 The application seeks to improve the quality and usability of the existing open-spaces across the estate. This includes the provision of a new ball court and the provision of 6 dedicated child-play areas. Existing grassed areas would be landscaped with the addition of planting and seating.

Estate-wide

- 8.142 In terms of defining open space, the Mayor's Best Practice Guidance on Preparing Open Space Strategies provides a clear definition for both Public and Private forms of open space. Public Open Space is defined as

"public parks, commons, heaths and woodlands and other open spaces with established and unrestricted public access and capable of being classified according to the open space hierarchy, which meets recreational and non-recreational needs".

- 8.143 Private open space is defined as

"open space to which public access is restricted or not formally established but which contributes to local amenity or wildlife habitat or meets or is capable of meeting recreational or non-recreational needs, including school and private playing fields".

- 8.144 The guidance also states that private residential gardens or incidental areas such as road verges or streets (unless these form part of a link in the open space network) should not be included.

- 8.145 Saved UDP policy OS7 states that planning permission will not normally be given for any development that results in the loss of public or private open-space having significant amenity value.

- 8.146 Policy OSN2 in the IPG states that given the existing deficiency of open-space the Council will not permit any further loss of the Borough's open space resource. London Plan policy 3D.8 states that the Mayor will work with strategic partners to protect, promote and improve access to London's network of open-spaces. The policy also notes that poor quality is not in itself a reason to justify the loss of open-space.

- 8.147 Policy HSG16 in the UDP requires that all new housing developments include an adequate provision of amenity space. IPG policy CP25 states that all new housing developments should provide high quality private and communal amenity space for all residents and policy HSG7 provides specific minimum standards for new residential developments.

Public Open Space

8.148 Quality, quantity and access to open space are key components to the delivery of sustainable communities. The existing open-spaces on the estate comprise relatively large grassed areas.

8.149 The table below details existing and proposed levels of public open space:-

As existing	10, 744m ²
Lost to new building footprint and ancillary spaces	- 1, 734m ²
Gained from conversion of hard-standing / existing surface parking	+ 890m ²
Net loss of open-space to built development	844m ²

8.150 The application also proposes to re-allocate some areas of existing public space as private gardens for existing residents. These areas comprise:-

Number 10 and 11 (space lost to provide private gardens)	Loss of 182m ²
Number 12 (space lost to provide communal garden)	Loss of 495 m ²
Overall Gross loss public open-space	2, 411m ²
Overall Net Loss public open-space	1, 521m ²

8.151 The application proposes the reconfiguration and upgrade of the open space throughout the estate. The calculations show there will be an loss in the provision of open space across the estate of 844 sq m. Whilst it is acknowledged that the population density will increase as a result of the proposal, it is considered that the proposed open space provision is acceptable given that there will be a significant improvement in quality of the amenity areas. It should be noted that the figures do not take into account the increase in provision of private gardens, private communal gardens and roof terraces which contribute to improving the living environment for existing and new residents.

8.152 The private gardens would be provided around the edge of two areas of public open space to the West of Windermere House (existing open space numbers 10 and 11 on submitted plan F528/PO/07 Rev A). Residents of Windemere House requested the provision of these gardens during the Developer's community consultation events, and they would be seen as a considerable benefit of the scheme. The creation of the gardens would rationalise the existing boundary of the areas of public space, and is not considered to have any significant impact on the openness, overall quality or function of these spaces.

8.153 The scheme also proposes the re-allocation of existing public open space to the rear of site 7 as a private communal garden (marked as existing open space number 12 on submitted plan F528/PO/07 Rev A). This space would be linked with existing areas of hard-standing

to the rear of the Tabernacle to form one enlarged open-space. As this space is surrounded on all sides by rear gardens it is not considered appropriate to make this generally accessible to the public. Accordingly it would be allocated as a private communal garden for the benefit of all existing and proposed residents occupying the dwellings around the space. The area of hardstanding given over to this private communal garden amounts to 765 sq m.

- 8.154 The application seeks to gain some additional replacement public open-space by reclassifying an existing communal garden as public open-space. This area (numbered 8 on submitted plan F528/PO/07 Rev A) is located in-between Derwent House and the raised pedestrian footway. This area is currently fenced off for the exclusive use of residents of Derwent House, and as such is technically classified as private communal open space. The scheme proposes making this space available for the use of all estate residents, and accordingly 848 sq m would be re-classified as public open space. An additional 132 sq m is gained from an area of hardstanding, providing an area of public open space comprising 980 sq m.
- 8.155 The proposed public open space provision has been given very careful consideration. It is accepted that any loss of open space is contrary to the objectives of open-space policies. However, the objectives of these policies must also be balanced against the improvements made to the quality and usability of the existing open-spaces, the provision of affordable housing and the overall objectives of the estate regeneration.
- 8.156 The application also makes provision of 375 square meters of 'private' communal space in the form of roof terraces on buildings 2, 11 and 15. Site 15 also has a ground level communal courtyard of 320 square metres. In total this comprises 695 square metres of space which provides some compensation for the loss of the public open space.
- 8.157 In overall terms the regeneration of the estate, it is considered that the proposal will lead to a significant and tangible improvement in living conditions for residents, which on balance is considered to outweigh policy objectives to retain open-space.

Child Play Space

- 8.158 London Plan Policy 3D.13 requires residential development to make provision for play and informal recreation, based on the expected child population. The Mayor's SPG sets a benchmark of 10sq.m of useable child play space to be provided per child. The guidance also notes that under 5 child play space should be provided on site. The Council's Interim Planning Guidance sets a standard of 3 square metres per child.
- 8.159 The existing estate currently has no dedicated areas of child play space. To application includes the provision of playspace for the expected child yield for both the existing and proposed units of accommodation.
- 8.160 The table below details the estates child play space requirements. The space requirement is based on the IPG 3 square metre per child standard.

Unit Size	Market Units				Affordable			
	No. of Units	Child Yield	Total Yield	Space required (sqm)	No. of Units	Child Yield	Total Yield	Space required (sqm)
Studio	21	0.036	0.756	2.268	27	0.059	1.593	4.779
1 bed	87	0.036	3.132	9.396	103	0.059	6.077	18.231
2 bed	149	0.228	33.972	101.916	149	0.49	73.01	219.03
3 bed	125	0.564	70.5	211.5	103	0.912	93.936	281.808
4 bed	8	0.742	5.936	17.808	6	1.221	7.326	21.978
5 bed	3	0.742	2.226	6.678	11	1.221	13.431	40.293
6 bed	0	0.742	0	0	2	1.221	2.442	7.326
Totals	393		116.552	349.566			197.815	593.445
Grand Total				943				

8.161

The application proposes to create 960 square metres of dedicated child-play space. The spaces include a ball court and five play areas targeted for younger children. The proposed playspace will provide dedicated facilities for children of a variety of ages. The amount of provision exceeds the Council's IPG standard of 943 square metres and as such is considered acceptable.

8.162 Private amenity space

Policy HSG16 of the UDP requires the provision of adequate amenity space in new housing development. Interim Planning Guidance policy HSG7 sets specific minimum standards for housing developments based on the size of the proposed dwelling.

8.163

The application provides private amenity space in the form of balconies and terraces. Almost all of the flats benefit from access to private amenity space. The only exception are the flats on the upper floors of site 14, which is because balconies would be out of character with the Ropery Street Conservation Area.

8.164

In some cases the proposed terraces are smaller than policy would require, however in other places the standards are exceeded. For the most part this is a reflection of the trade-offs made when designing the building layouts. In total the application proposes 2912 square metres of private amenity space. IPG policy HSG7 would require the provision of 2865 square metres of space. The private amenity space provided is considered acceptable in quality, and exceeds the policy standard in terms of quantity.

Parking and Highways

8.165 Policy 3C.1 of the London Plan seeks to ensure the integration of transport and development by encouraging patterns and forms of development that reduce the need to travel by car and to locate high trip generating development in locations with high levels of transport accessibility and capacity. Policy 3C.2 further requires proposals for development to be considered in terms of existing transport capacity. The Mayor seeks to ensure that on-site car parking at new developments is the minimum necessary.

8.166 Saved policy T16 of the UDP states that new development proposals will be assessed in relation to the ability of the existing and proposed transport system to accommodate the additional traffic that is likely to be generated. Saved policy T18 states that priority will be given to the safety and convenience of pedestrians in the management of roads and the design of footways.

- 8.167 Policies CP41 and DEV19 of the IPG seek to ensure the integration of new development with transport, recognising that this is fundamental to achieving more sustainable patterns of travel in Tower Hamlets. Maximum car parking, and minimum cycle parking standards are detailed in IPG Planning Standard 3.

Car Parking

- 8.168 There are currently 126 car-parking spaces and 150 garages located around the estate. The application proposes to retain 61 of the existing car-parking spaces, and to provide 30 additional spaces, giving a total of 91 spaces. Sixty-two of the garages would be retained. There are also 181 on-street parking bays controlled by Council issued permit or meter payment.
- 8.169 Of the 30 new spaces, 13 are covered spaces associated with the wheelchair accessible housing. This meets the 10% wheelchair standard space required by IPG policy DEV19.
- 8.170 The new residential units would be 'car-free' and occupiers would not be eligible to apply for Council issued car-parking permits. This would overcome the objections made by residents relating to problems associated with increased pressure for car-parking spaces.
- 8.171 The level of car parking provision is well below the maximum levels specified in by IGP policy DEV19. The site is located in an area with a high PTAL level and the overall reduction in the amount of car-parking accords with sustainability objectives and as such is acceptable.
- 8.172 The submission of a complete Travel Plan would be secured in a S106 Agreement to ensure compliance with IPG policy DEV18.

Cycle Parking

- 8.173 London Plan policy 3C.22 and Interim Planning Guidance Policy DEV16 require the provision of adequate cycle parking for new residential development. The application makes provision of cycle parking for all new residential blocks at a ratio of one stand per dwelling. The stands are located in communal stores, private sheds or stands in front of the property. Ideally all cycle stores should be located within buildings, however on some sites this has not proved possible due to site constraints. In overall terms the amount of cycle parking meets policy minimums and is considered acceptable.

Access, Servicing and Highway Safety

- 8.174 The application includes details of proposed refuse stores and servicing arrangements for new and existing dwellings. These have been reviewed by the Council's Highway Section and are considered acceptable.
- 8.175 Objectors have raised concerns relating to the distance from proposed dwellings on Brokesley Street to the play areas within the estate. It is noted that the proposed dwellings have back gardens, which would allow safe play areas for younger children. The distance to play areas within the main estate is not far and Officer's consider that the journey can be safely made by older children or under parental supervision.
- 8.176 In overall terms the proposal is not considered to have any adverse impacts on highway or pedestrian safety and complies with the requirements of UDP policies T16 and T18.

Sustainability

- 8.177 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon

dioxide emissions, improving energy efficiency and increasing the proportion of energy generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG. In particular, policy DEV6 which requires that:

- 8.178 All planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
Major developments incorporate renewable energy production to provide at least 20% of the predicted energy requirements on site.
- 8.179 The application has been accompanied with a detailed Energy Strategy. This strategy details how insulation improvements to the existing dwellings can deliver a substantial carbon saving. The study also considers the feasibility of introducing a district heating system and on-site renewable energy technologies.
- 8.180 The study acknowledges that the integration of renewable technologies into the scheme is technically possible. However, practical and financial constraints limit the opportunity to introduce a large scale renewable energy component.
- 8.181 The following feasibility reasons for not providing a district heating system have been provided by the applicant:
- 8.182 Residents will remain in their homes whilst improvement works are carried out. The change from the current provision of individual boilers to a district heating system would be very disruptive.
- 8.183 Some units have been purchased under the right to buy scheme and as such it would not be possible to require leaseholders to connect to the district heating scheme.
- 8.184 The buildings are spread across the estate which would make the provision of a single district heating system difficult and costly to implement.
- 8.185 As a result of these constraints, the proposal seeks to make energy savings across the estate as a whole. The existing estate buildings are old and significant improvements to energy consumption can be made, for instance by introducing cavity insulation and installing new condensing boilers. In addition to improvements to existing dwellings, the new development will be designed to meet Sustainable Code 3 requirements.
- 8.186 Overall, the refurbished scheme will achieve a total reduction in carbon emissions for the existing stock of 44.07%, a total reduction of 22.6% in the new build and a total reduction from the baseline (existing and new build) of 42.29%. There will be a reduction in carbon emissions from the estate in its present condition of 27.48%, despite the increase in number of housing units. (Note since the submission of the Energy Strategy the number of proposed units has been reduced).
- 8.187 Officers consider that it is more cost effective investing in refurbishment to deliver a carbon reduction by upgrading the existing stock rather than installing costly renewable technologies. The alternative is that money spent on achieving Decent Homes Plus standard would instead be spent on renewable technology for the new build. There are larger carbon savings per pound for the refurbishment works than there are for the renewable elements.
- 8.188 The comments made by the Council's Sustainability Officer and the GLA Stage One response have been noted. It is accepted that the proposal does not meet the Energy criteria set out in the London Plan. Nevertheless, in this case greater weight has been placed on policy objectives to provide affordable housing and to upgrade housing to Decent

Homes Plus standards and given the financial constraints of the scheme the proposal is acceptable.

Biodiversity and Trees

- 8.189 London Plan policy 3D.14 states that the planning of new development and regeneration should have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development. Saved UPD policy DEV57 states that the Council will not permit developments that cause unjustifiable harm to designated sites of Nature Conservation Importance or Green Chains. Saved UDP policy DEV12 requires the provision of landscaping and policy DEV15 seeks the retention or replacement of mature trees.
- 8.190 Policy CP31 of the IPG states that the Council will seek to ensure the protection, conservation, enhancement, and effective management of the Borough's biodiversity.
- 8.191 Tower Hamlets Cemetery is designated as a Site of Metropolitan Importance for Nature Conservation. Mile End Park is a Site of Borough Importance. The scale of the development is such that the proposal would not have any significant adverse impacts on these designated areas.
- 8.192 The proposed landscaping works would improve the range of habitats around the estate which would promote biodiversity. The comments from Natural England regarding the need for further ecological assessment, enhanced mitigation and financial contributions to improve the SINC have been considered. However, the submitted toolkit assessment has shown that additional contributions would be at the expense of other estate improvement works. It is considered that the proposed landscaping works provide sufficient biodiversity improvements and in this respect the proposal is acceptable.
- 8.193 The application has been accompanied with an Arboricultural Assessment. The scheme does not propose the removal of any trees with significant amenity value, and in overall terms the impact on trees is considered acceptable.

Air Quality

- 8.194 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work.
- 8.195 The application has been accompanied by an air quality assessment. This considers the likely impact of the construction phases of development. It is concluded that a Construction Management Plan could mitigate for any potential adverse impacts, for instance by ensuring that dust suppression measures are implemented. This would be secured by condition.
- 8.196 Once completed the development would be 'car-free' which would ensure that the scheme does not have any adverse impacts on air quality. The development is therefore considered to comply with relevant air quality policies.

Flood Risk

- 8.197 Interim Planning Guidance DEV21 seeks to ensure developments do not lead to increased risk from flooding. The site is located in Flood Risk Zone 1 (lowest risk) a Flood Risk Assessment has been submitted because the development site exceeds 1 hectare in size.
- 8.198 The submitted Flood Risk Assessment has been reviewed by the Environment Agency who have raised no objection subject to the imposition of a condition relating to surface water drainage. A condition would be imposed on any permission and as such the development

would be acceptable.

Site Contamination

- 8.199 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by a Phase 1 Desk Based Assessment of Ground Conditions to assess whether the site is likely to be contaminated.
- 8.200 The study has been reviewed by the Council's Environmental Health Officer who has concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and this, and any necessary mitigation, would be required by condition.

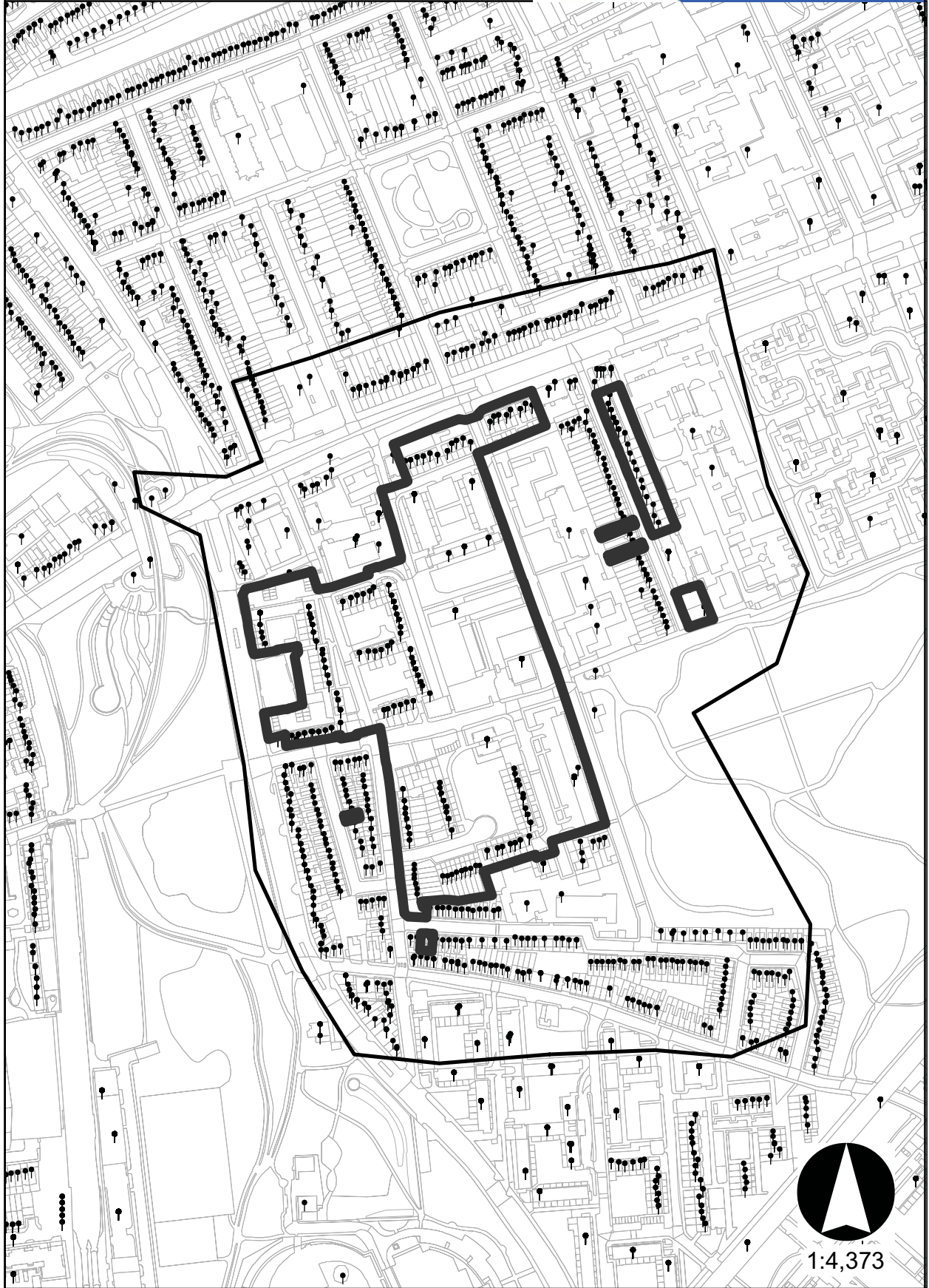
Impacts on local infrastructure and other planning issues

- 8.201 A toolkit has been submitted with the application. It compares the potential revenue from the site with the potential costs of the development. The figures input into the toolkit appear low in terms of market value. However, the developer costs are substantially lower than the standard toolkit values. Other costs are generally at the standard level or below and no exceptional developer's costs have been input into the toolkit.
- 8.202 The toolkit demonstrates the financial constraints of the scheme and shows that the scheme would generate 8.2M in cross-subsidy for the upgrade of the existing properties on the estate to Decent Homes Plus standard.
- 8.203 Any additional requirements such as increased s.106 contributions or the incorporation of additional renewable energy would have a direct negative impact on the funding available for the upgrade of the estate.
- 8.204 Overall, the scheme provides 35% affordable housing in accordance with Council policy and provides a comprehensive refurbishment of the existing estate to bring the existing homes up to Decent Homes Plus standard. Contributions have been sought towards the provision of future health and social care facilities (£232, 125) and the provision of primary school places (£333, 324).
- 8.205 It is considered that on balance the benefits of a scheme which will facilitate the upgrade of the estate outweigh the shortfall in additional renewable energy provision and the absence of other mitigating financial contributions.
- 8.206 Mitigation for other developments in the vicinity of the site is considered on a case by case basis and it is not considered that the cumulative impacts of these developments would result in any significant adverse impacts.

9 Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

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Agenda Item number:	7.6.
Reference number:	PA/08/02239 & PA/08/02240
Location:	The Eric and Treby Estates, Treby Street, Mile End, E3.
Proposal:	Applications for planning permission and conservation area consent comprising: Regeneration of existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brookesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sq m commercial space.

1. CLARIFICATIONS

- 1.1. Paragraph 4.1 of the Committee Report (Agenda item 7.6) contains a typing error in relation to the number of five bed houses. The description of development should read:

“The provision of 181 new residential units comprising 19 x studio flats, 61 x 1 bed flats, 52 x 2 bed flats, 40 x 3 bed flats and 8 x 5 bed house and 1 x 5 bed flat.”

2. AMENDED ENERGY STRATEGY

- 2.1. Further to the consideration of sustainability matters at paragraph 8.177 of the Committee Report, following discussions with the Greater London Authority the applicant has amended the submitted energy strategy. The scheme originally did not propose any on-site renewable energy provision. The amended strategy now proposes the installation of PV arrays on un-shaded roofs. This would provide 4.6% of the site wide energy demand from renewable sources.

- 1.1. This is an improvement on the reported scheme and would accord with policy 4A.3 of The London Plan 2008 and policies DEV5 to DEV9 of the council's interim planning guidance (October 2007) which seek to reduce carbon emissions.
- 1.2. It is recommended that an additional condition is imposed on any permission requiring the submission of the details of this renewable energy provision.

2. ADDITIONAL REPRESENTATIONS

- 2.1. The following additional representations have been received: -
- 2.2. The ELT Baptist Church advises that following the submission of amended plans they no longer have any objections.

- 2.3. Four additional letters have been received raising objection on the following grounds:
- Poor housing mix / lack of 4 bed units.
 - Loss of open space.
 - No need for commercial space / housing is the priority.
 - Lack of consultation from the developer.
 - Lack of opportunity to speak to Committee (*The available slots had already been taken by other objectors*).
 - Scheme not viable in the current market (*Not a planning matter*).
 - Works likely to result in increase in service charges (*Not a planning matter*).
 - Standard of cleanliness and maintenance of estate (*Not a planning matter*).
- 2.4. The material planning issues raised by objectors are already discussed in the main Committee report.

3. AMENDMENT TO THE RECOMMENDED SECTION 106 CONTRIBUTIONS

- 4.1. Following the deletion of Site 6 from the scheme, the recommended contributions to mitigate the impact of the development on local healthcare and education resources have been recalculated. The amounts have fallen slightly due to the reduced number of units. The revised figures recommended below update those at paragraph 3.1B of the Committee report.

4. RECOMMENDATION

- 5.1. Paragraph 3.1B is amended to read:

Financial Contributions

- a) To provide a contribution of £224,122 towards the provision of future health and social care facilities.
- b) To provide a contribution of £320,892 towards the provision of primary school places.
- 5.2. Paragraph 3.3 Conditions: An additional condition is recommended to require the submission of the details and implementation of the revised energy strategy.
- 5.3. My recommendations to GRANT planning permission and conservation area consent are otherwise unchanged

Agenda Item number:	7.1.
Reference number:	PA/08/02239 & PA/08/02240
Location:	The Eric and Treby Estates, Treby Street, Mile End, E3.
Proposal:	<p>Applications for planning permission, and conservation area consent comprising:</p> <p>Regeneration of existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sq m commercial space.</p>

1. ADDITIONAL REPRESENTATIONS

- 1.1 Additional petition signed by 101 residents of Derwent House and Ennerdale House. Additional petition signed by 30 residents of Beckley House and surrounding blocks
- 1.2 The petitions re-iterated previously raised concerns including:-
- Site 2a should be removed from plans;
 - Sites 1, 2A and 2B do not respect existing buildings;
 - Buildings too close together;
 - Loss of open-space;
 - Area too densely populated, future works to St Clements Hospital Site;
 - Site 2A is all private sale, social rent should be provided; and
 - Loss of car-parking spaces.
 - No play space
 - Additional strain on GP services / schools
 - Object to sites 1, 2A, 2B, 11, 12, 13 and 15
- 1.3 One additional letter of objection was also received from a resident of Derwent House regarding the loss of disabled car-parking at Ennerdale House.
- 1.4 One objector sent an additional letter re-iterating points previously made.
- 1.5 The issues raised are discussed in the main committee report.

2 RECOMMENDATION

- 2.1 My recommendation is unchanged

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STRATEGIC DEVELOPMENT COMMITTEE

13th May 2009 at 7.00 pm

UPDATE REPORT OF HEAD OF DEVELOPMENT DECISIONS

INDEX

Agenda item no	Reference no	Location	Proposal
7.1.	PA/08/02239 & PA/08/02240	The Eric and Treby Estates, Treby Street, Mile End, E3.	Regeneration of existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sq m commercial space.
7.3	PA/08/002690	Site Bounded by Leman Street, Whitechapel High Street, Commercial Road and Buckle Street	Demolition of the existing buildings and erection of a part 19-storey, part 21-storey building comprising office floorspace (Use Class B1) and retail floorspace (Use Class A1-A4) at ground floor level, together with underground parking, associated plant, servicing and landscaping

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Agenda Item 9

Committee: Strategic Development	Date: 25 th June 2009	Classification: Unrestricted	Agenda Item No: 9
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the adopted London Plan 2004 (as amended by Early Alterations December 2006)
- 3.2 Other material policy documents include the Council's Community Plan, Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 7.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 9.1

Committee: Strategic Development	Date: 25 June 2009	Classification: Unrestricted	Agenda Item No: 9.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Devon Rollo		Ref No: PA/09/0548 & PA/09/0549	
		Ward(s): St Katharine's and Wapping	

1. APPLICATION DETAILS

Location: News International Limited Site, 1 Virginia Street, London

Existing Use: Newspaper printing (removed in April 2008) and associated journalism offices (still in use).

Proposal: Full Planning Permission

Remodelling of the existing print works building and the adjoining Rum Warehouse building as a campus type office facility incorporating the creation of new retail space(A1-A3) and museum (D1); external alterations to the main print works building to include a landscaped roof terrace and works of alteration to the Rum Warehouse. Creation of, and revised vehicular and pedestrian access routes into and through the site; landscaping to provide publicly accessible space; car parking, access and servicing provisions. All as shown on the plans and drawings proposed.

Listed Building Consent

Works of alteration to the Grade II listed building, both internally and externally.

Partial demolition at the eastern end of the building. Creation of a new pedestrian entrance from Pennington Street into a newly created entry plaza. New pedestrian entrance from the entry plaza to the lower ground floor and the structural vaults; Landscaping and other works of making good both internally and externally; continued use of the building as offices, plant and amenity areas ancillary to the main print works building; Introduction of new Class A use and Class D1(museum)use at the eastern end of the building; creation of new outdoor raised terrace at eastern end with steps down to entry plaza.

Drawing Nos: 445 GA 01 06 rev. E; 445 GA 09 01 rev. D; 445 GA 09 19 rev. E; 445 GA 09 20 rev. E; 445 GA 09 21 rev. D; 445 GA 09 23 rev. B; 445 GA 09 24 rev. B; 445 GA 09 25 rev. B; 445 GA 09 26 rev. B; 445 GA 09 27 rev. B; 445 GA 09 28 rev. B; 445 GA 09 29 rev. B; 445 GA 09 30 rev. / ; 445 GA 09 39 rev. B; 445 GA 09 40 rev. C; 445 GA 09 41 rev. C; 445 GA 09 42 rev. C; 445 GA 09 43 rev. C; 445 GA 09 44 rev. B; 445 GA 09 51 rev. E; 445 GA 09 52 rev. C; 445 GA 09 53 rev. B; 445 GA 01 04 rev. E; 445 GA 02 19 rev. G; 445 GA 02 20 rev. H; 445 GA 02 21 rev. E; 445 GA 02 23 rev. D; 445 GA 02 24 rev. D; 445 GA 02 25 rev. D; 445 GA 02 26 rev. D; 445 GA 02 27 rev. D; 445 GA 02 28 rev. D; 445 GA 02 29 rev. D; 445 GA 02 30 rev. D; 445 GA 03 09 rev. B; 445 GA 03 10 rev. C; 445 GA 03 13 rev. D; 445 GA 03 14 rev. E; 445 GA 03 16 rev. E; 445 GA 03 20 rev. A; 445 GA 04 01 rev. F; 445 GA 04 02 rev. C; 445 GA 04 04 rev. D; 445 GA 04 10 rev. A; 445 GA 04 11 rev. A; 445 GA 04 12 rev. A; 445 GA 04 50 rev. B; 445 GA 04 51 rev. B; 445 GA 04 52 rev. B; 445 GA 04 53 rev. B; 445 GA 04 54

rev. B; 445 GA 04 55 rev. B.

Supporting Documents: Planning Statement
Design and Access Statement dated 3 April 2009
Planning Landscape Design Statement
Rum Warehouse Design Manual dated 3 April 2009
Transport Assessment dated April 2009
Proposed Noise Emissions Limits Document dated January 2009
Biodiversity Statement dated February 2009
Planning Stage Energy and Water Statement dated April 2009
Sunlight, Daylight, Overshadowing, glare and light Pollution Analysis report dated 2 April 2009
Consultation Statement

Applicant: News International Limited
C/o DP9
100 Pall Mall
London
SW1Y 5QN

Owner: London Borough of Tower Hamlets
News International (Leaseholder)

Historic Building: Grade II Listed Rum Warehouse

Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

Planning Permission

2.1 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, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal is in line with the Mayor and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan 2008 (Consolidated with Alterations since 2004) which seeks to ensure this.
- The proposed office use would be, in principle, an acceptable land use, as it would retain the employment function of the site and would be in accordance with policies 3B.1 and 3B.2 of the London Plan 2008, policies ST15, ST17 and EMP1 of the UDP and policies CFR1, CP7, CP11 and EE2 of the IPG, which also seek to encourage office provision and local economy and job growth.
- It is considered that the retail component of the development, due to the location and relationship with Tobacco Dock, would be acceptable in terms of policies 3D.1 and 3D.3 of the London Plan 2008, policies ST34 and ST35 of the UDP and policies CFR1, CP15, CP17, RT3 and RT5 of the IPG, which seek to provide protect the role of town centres while appropriately locating evening and night-time uses as well as providing a range of shops for local users.
- The proposed community uses within the proposed development are acceptable in principle as they would be located in an area well located in relation to public transport and connected to a wide range of uses. The proposed community facilities would be in

accordance with policy 3A.18 of the London Plan 2008 (Consolidated with Alterations since 2004) policies ST49, SCF8 and SCF11 of the Unitary Development Plan 1998 and policy SCF1 of the Interim Planning Guidance 2007, which seek to provide community facilities in areas well located and accessible and of high quality.

- The development's height, scale, bulk and design is acceptable and in line with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008 (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP4, DEV1 and DEV2 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- The proposed alterations to the listed building are considered on balance acceptable given the benefits of the scheme to the public, community and surrounding environment and due to the alterations ensuring the continued use, repair and maintenance of the remaining building. The proposal is therefore considered in accordance with PPG15, policies 4B.11, 4B.12 and 4B.13 of the London Plan, policy DEV37 of the UDP and policy CON1 of the IPG, which seek to preserve and enhance the historic character, appearance and setting of the listed building.
- Sustainability matters, including energy, are acceptable. This is in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 4A.4 and 4A.7 and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007), these policies seek to promote sustainable development practices.
- The development will enhance the ecology and biodiversity of the area in accordance with policy 4D.14 of the London Plan 2008 (Consolidated with Alterations since 2004), policies DEV61 of the Unitary Development Plan 1998 and CP31 of the Interim Planning Guidance (2007), which seek to protect and enhance all sites of importance for nature conservation.
- Contributions have been secured towards the provision of employment and training, highway improvements, public access improvements and public transport enhancement in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- Consideration has been given to the objections made to the scheme, but none of these are considered sufficient to outweigh the reasons for granting planning permission.

Listed Building Consent

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, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposed alterations to the listed building are considered on balance acceptable given the benefits of the scheme to the public, community and surrounding environment and due to the alterations ensuring the continued use, repair and maintenance of the

remaining building. The proposal is therefore considered in accordance with PPG15, policies 4B.11, 4B.12 and 4B.13 of the London Plan, policy DEV37 of the UDP and policy CON1 of the IPG, which seek to preserve and enhance the historic character, appearance and setting of the listed building.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor**

B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:

Financial Contributions

- A financial contribution of £50,000 for improvements to pedestrian environment on Dellow Street. The proposed works would involve the installation of improved lighting, improving the footway and installing CCTV.
- A financial contribution of £100,000 for improvements to Pennington Street pedestrian environment through traffic calming measures, including three speed tables and incorporating land provision for a TFL cycle hire scheme station, if required in future.
- A financial contribution of £100,000 towards Shadwell Stations public realm improvements programme in order to mitigate the impact on the public transport network.
- A financial contribution of up to £30,000 towards the upgrade of local bus stops to requisite standards.

Non-financial Contributions

- 24 public access through the site, with the exception that the public access on the northern east west link is restricted to hours of 08:00-20:00.
- 24 hour security, maintenance and management of the new public realm areas.
- Covenant by the owner that the use of the existing adjacent car park shall cease as ancillary to the permitted land use of the proposed development.
- Change in the traffic management order and associated costs to prohibit business parking permits to be issued (i.e. Car free)
- Social compact obligation to commit skills (Education and Employment) offered by News International as per below:
 - New International would become an endorsing employer of the Diploma in Creative and Media, committing to participation on the course and 2 placements per annum
 - New International would offer 7 internships per annum
 - News International will offer 10 apprenticeships at any one time through there main contractors during construction.
 - New International will notify the skills match recruitment team for

administration and sales jobs.

- Operation of a shuttle bus service for employees
- Production and implementation of a Travel Plan.

3.2 That the Head of Development Decisions is delegated power to impose conditions [and informatives] on the planning permission to secure the following:

Conditions (Planning Permission)

- 1) 3 year time period
- 2) External material samples
- 3) Detailed elevation drawings
- 4) Typical junction details and bay window details
- 5) Plant and Noise mitigation
- 6) Archaeology Assessment
- 7) Archaeology Recording
- 8) Petrol/oil filters
- 9) CCTV provision
- 10) Photovoltaics provision
- 11) Solar water heating provision
- 12) BREEAM reports
- 13) Landscaping details
- 14) Landscaping materials
- 15) Landscaping management plan
- 16) No Ivy on listed buildings
- 17) Signage strategy
- 18) CCHP connection provision details
- 19) 10% disabled parking
- 20) Cycle storage details
- 21) Fire fighting water supply details
- 22) Surface water drainage scheme
- 23) Construction Management Plan
- 24) Construction working hours
- 25) Construction noise levels
- 26) Electrical vehicle charging points
- 27) Schedule of highways works
- 28) Scheme for protective measures around trees
- 29) Ventilation and extraction system details
- 30) Cycle Parking Details
- 31) Hours of operation for retail
- 32) Removal of wall and provision of access links
- 33) Recording of the historic fabric to be removed
- 34) Structural report
- 35) Details of eastern elevation of Rum Warehouse
- 36) Schedule of repair works
- 37) Details of repair and finish to wall
- 38) Details of new external alterations
- 39) Details of new pedestrian entrance
- 40) Details of removal of gate pillar
- 41) Details of planting
- 42) Details of salvage and reuse
- 43) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives (Planning Permission)

- 1) S106 agreement
- 2) S278 agreement

- 3.3 That, if by 24th July 2009 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.
- 3.4 That the Committee resolve to **GRANT** Listed Building Consent
- 3.5 That the Head of Development Decisions is delegated power to impose conditions [and informatives] on the Listed Building Consent to secure the following:

Conditions (Listed Building Consent)

- 1) Time period
- 2) In accordance with application PA/09/00548
- 3) Recording of the historic fabric to be removed
- 4) Structural report
- 5) Details of eastern elevation of Rum Warehouse
- 6) Schedule of repair works
- 7) Details of repair and finish to wall
- 8) Details of new external alterations
- 9) Details of new pedestrian entrance
- 10) Details of removal of gate pillar
- 11) Details of planting
- 12) Details of internal alterations
- 13) Details of salvage and reuse
- 14) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Following the relocation of the News International printing presses to Broxbourne in April 2008, it is proposed that the current print works building (along with the adjacent Rum Warehouse) at Wapping is remodelled by News International into its UK headquarters. The proposal also envisages the co-location of various News Corporation brands' offices (such as My Space, Harper Collins, Fox and Dow Jones) within these premises. Around 4,300 employees are to be located on the Site.
- 4.2 The proposed development would see the existing main print works building comprehensively remodelled in order to convert it from the existing uses into a modern campus style office building. Associated with the remodelling of the main print works building would be alterations to the Grade II Listed Rum Warehouse building, the introduction of A1-A3 (retail/restaurant) and D1 (Non-residential Institution/museum) Uses, opening of public access through the site, extensive landscaping and reduction in vehicle parking spaces.
- 4.3 The relevant floorspaces associated with these proposals are:

<i>Use</i>	<i>Existing</i>	<i>Proposed</i>
A1 / A3	-	1,740 sqm
B1/B2	46,165 sqm	-

B1	52,075 sqm	85,824 sqm
D1	-	1,902 sqm
Car parking	3,600 sqm	9,129 sqm
<i>Total</i>	<i>101,840 sqm</i>	<i>98,595 sqm</i>

Table 4.1 – Floorspaces associated with the remodelling proposal.

4.4 The design for the proposed campus comprises the following works:

- New elevation designs for the former print works façades;
- Relocating the building’s main entrance to its eastern end;
- Creating new pedestrian access routes providing east-west and north-south permeability;
- Establishing a new publicly accessible piazza;
- Introducing considerable hard and soft landscaping; and
- Alterations to the Grade II listed Rum Warehouse.

4.5 Members of the public will be able to gain access to new routes through the Site, which will provide pedestrian and cycle links north-south and east-west through the site. A new and extensive piazza will connect the canal to Pennington Street and new public retail and public use facilities (within Use Classes A1, A3 and D1) are to be provided at the eastern end of the Site.

4.6 The level of car parking spaces is to be dramatically reduced from the current level of 596 to 271. The entirety of the car parking is to be located within the former print works building, thereby negating the requirement for the external car parking to the west.

4.7 Works to the Grade II Listed Warehouse will provide a new, semi-enclosed terrace area is to be the eastern end of the Site. The terrace will provide access into the Rum Warehouse and the rest of the Site as well as to allow an archway in the Pennington Street wall to be opened up as a pedestrian Site entrance. Part of the existing Warehouse building is to be given over to public uses e.g. restaurant, retail, and archive/museum in order that these currently private structures can be made available for public usage, particularly the basement vaults of the building.

4.8 Figure 4.1 below shows the proposed layout of the ground floor of the development following the remodelling of the existing development.

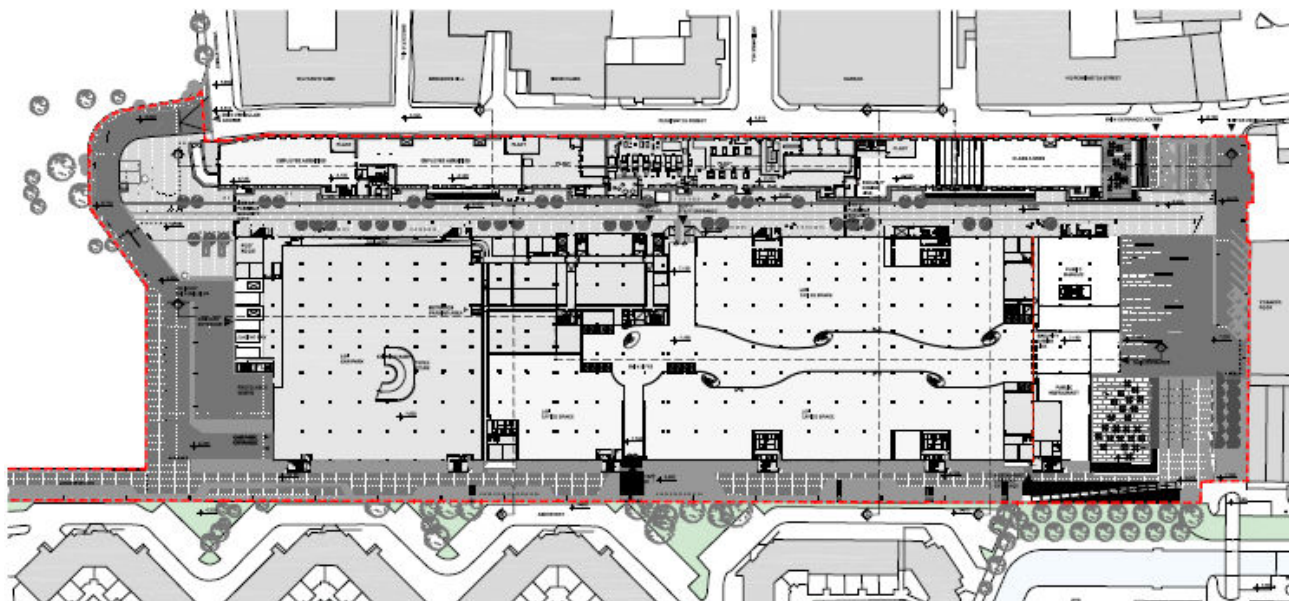


Figure 4.1 – Layout of the ground floor of the proposed remodelling proposal

Site and Surroundings

- 4.9 The subject site is approximately 4.3 hectares in area, bounded by Pennington Street and Virginia Street to the north, Vaughan Way and the existing car park to the west, Tobacco Dock to the east and the Quay 430 residential development to the south.
- 4.10 The site is currently occupied by the main print works building, which is a large seven storey building that formally housed the printing presses for News International and is still occupied by some of News International's offices. A Grade II listed building, which was formally a Rum Warehouse when the area was used as docks and has now been converted into offices and associated storage and plant space used by News International, is also located within the site adjacent the northern site boundary on the south side of Pennington Street. Figure 4.2 shows the existing layout of the site and its relationship with the immediate surrounds.

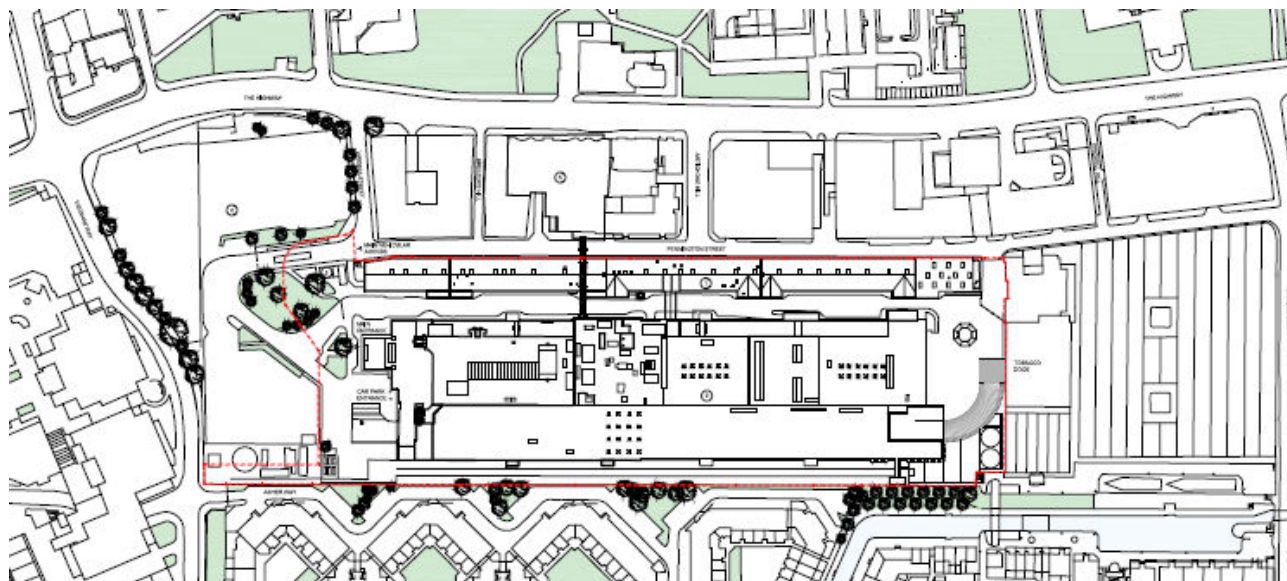


Figure 4.2 – Plan of the existing News International site and the immediately surrounding area

- 4.11 The current nature of the boundary treatments surrounding the site, as well as current security arrangements mean that there is no public access into or through the site.
- 4.12 To the north, between the Site and The Highway, are a range of residential and commercial buildings including Telfords Yard (six storeys), comprising former warehouses converted to apartments on the corner of Virginia Street and Pennington Street. To the east of Telfords Yard is a mixture of residential and commercial premises including the six storey offices of Times House fronting both The Highway and Pennington Street. Times House, in use by News International, currently has a pedestrian bridge connection to the print works building on the Site. Further east are businesses premises including a Saab dealership and Machine Mart fronting The Highway, warehouses and a recording studio on Pennington Street.
- 4.13 The Grade I listed Tobacco Dock lies immediately to the east of the Site. Tobacco Dock is a former warehouse which was converted into a shopping centre in the late 1980s but is now largely vacant and has been placed on English Heritage's "At Risk" register.
- 4.14 To the south of the Site is Quay 430 on Asher Way. This is a three to nine storey residential development comprising four buildings: Trade Winds Court; Spice Court; Leeward Court; and China Court. This development was completed in 1993 as part of the regeneration of the area initiated by the London Docklands Development Corporation.
- 4.15 To the west of the Site is a car park, which is part of the News International complex but does not form part of the application Site. Further to the west of the car park on the opposite side of Vaughan Way is the Thomas Moore Square complex comprising offices, retail units (including a Waitrose supermarket) and leisure facilities. This development rises 15 storeys at its highest point.

Relevant Planning History

- PA/02/01555 Erection of two buildings of 10 and 27 storeys to create 115,388 sqm floorspace for class B1 (Offices), 1,419 sqm A1 (shop), 913 sqm A3 (Café and Restaurant) and 1,200 sqm D1 (Assembly and Leisure), together with new access and servicing arrangements, car parking for up to 650 cars, lorry marshalling area and landscaping works.
Finally disposed of under Article 25(11) – 16/12/2009
- PA/04/00028 Retention of existing barbed wire fencing above boundary wall.
Permitted – 13/05/2005
- PA/99/01012 Retention of the roof top plant enclosure and the two existing standby generators.
Permitted – 11/01/2002
- PA/99/00157 Revised application for the retention of 17 satellite dishes on the roof top of the building.
Permitted – 20/03/2001
- PA/00/01343 Alteration and extension of existing security gatehouse at ground and first floor level.
Permitted – 04/12/2000
- PA/98/01166 Variation of Condition 1 of planning consent T93/238 to allow commencement of development not later than the expiration of ten years from the date of the original permission. Planning permission relating to erection of one 15 storey and 3 six storey buildings to provide office (class B1), retail (class A1 & A3) accommodation; construction of associated underground car, formation of new vehicular and pedestrian accesses and relocation of security building in conjunction with realignment of Virginia Street and alterations to Vaughan Way to form taxi drop off and associated landscaping works.
Permitted – 6/12/1998
- PA/98/01050 Erection of canopy over loading bay area.
Permitted – 23/10/1998
- PA/98/753 Erection of steel portal frame structure for noise reduction.
Permitted – 07/08/1998
- PA/97/1068 Application for variation of details relating to erection of approved pedestrian bridge between 2 Pennington Street and News International
Permitted – 23/02/1998
- WP/96/00175 Erection of pedestrian bridge between third floor of 2 Pennington Street and fourth floor of News International plant.

Permitted – 13/12/1996

WP/94/00017 Redevelopment by the erection of three 6 storey buildings each with roof level plant rooms, one with access point to pedestrian bridge linking News International premises, and one 15 storey building comprising office (B1), shop (A1), café and wine bar (A3) uses, with roof level plant rooms all with associated underground parking and service areas; construction of underground car park serving News International publishing works; formation of new vehicular and pedestrian accesses and relocation of security building in conjunction with realignment of Virginia St; alteration to Vaughan Way to form taxi “drop off”; and landscaping of site.

Permitted – 22/12/1994

PA/92/00524 Internal and external alterations involving demolition of existing western vehicle ramp; creation of new western elevation; addition of entrance, stair and lift tower; new plant room at roof level; formation of additional parking; editorial and publishing facilities and new ramp within existing building; new entrance canopy, alterations to vehicular access from Virginia St.

Permitted – 08/06/1992

WP/90/00090 Construction of western ramp on new alignment to replace existing.

Permitted – 06/09/1990

WP/90/00045 Erection of additional office accommodation at fifth and sixth floor level together with new stair lift tower on north elevation.

Permitted – 09/05/1990

PA/78/00853 South side of Pennington St within the former London Docks: Redevelopment of site and change of use of warehouse for use for newspaper publication and ancillary uses.

Permitted – 11/07/1979

PA/78/00852 South of Pennington St within former London Docks: Demolition of the five stacks, partial demolition of adjoining sheds and refurbishment of remaining sheds.

Listed Building Permitted – 05/04/1979

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

The London Plan Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (February 2008)

2A.1	Sustainability Criteria
2A.7	Areas for Regeneration
3A.3	Maximising the Potential of Sites
3A.17	Addressing the Needs of London’s Diverse Population
3A.18	Protection and enhancement of Social Infrastructure and

	Community facilities
3A.26	Community Strategies
3A.27	Meeting Floor Targets
3A.28	Social and Economic Impact Assessments
3B.1	Developing London's Economy
3B.2	Office Demand and Supply
3B.11	Improving Employment Opportunities for Londoners
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.12	New Cross-London Links within an Enhanced London National Rail Network
3C.13	Improved Underground and DLR services
3C.14	Enhanced Bus Priority, Tram and Bus Transit Schemes
3C.17	Tackling Congestion and Reducing Traffic
3C.19	Local Transport and Public Realm
3C.20	Improving Conditions for Buses
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.1	Supporting Town Centres
3D.3	Maintaining and Improving Retail Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.11	Open Space Provision in DPDs
3D.14	Biodiversity and Nature Conservation
3D.15	Trees and Woodland
4A.1	Tackling Climate Change
4A.2	Mitigating Climate Change
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.10	Overheating
4A.11	Living Roofs and Walls
4A.12	Flooding
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.16	Water Supplies and Resources
4A.17	Water Quality
4A.19	Improving Air Quality
4A.20	Reducing Noise and Enhancing Soundscapes
4A.28	Construction, Excavation and Demolition Waste
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.4	London's Buildings: Retrofitting
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect Local Context and Communities
4B.10	Large-scale buildings – Design and Impact
4B.11	London's Built Heritage
4B.12	Heritage Conservation
4B.13	Historic Conservation-led regeneration
4B.15	Archaeology
4C.1	The Strategic Importance of the Blue Ribbon Network

4C.3	The Natural Value of the Blue Ribbon Network
4C.4	Natural Landscape
4C.10	Increasing Sport and Leisure use on the Blue Ribbon Network
4C.11	Increasing Access Alongside and to the Blue Ribbon Network
4C.20	Development Adjacent to Canals

Unitary Development Plan 1998 (as saved September 2007)

Proposals:

FPA	Flood Protection Area
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Policies:

ST1	Effective and Fair Planning Service
ST15	Expansion and Diversification of Local Economy
ST17	High Quality Work Environments
ST28	Restrain Use of Private Cars
ST30	Improve Road Safety
ST34	Improved Provision of Shopping
ST35	Retention of Local Shops
ST43	Public Art
ST49	Social and Community Facilities
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Development
DEV4	Planning Obligations
DEV8	Protection of Local Views
DEV9	Minor Works
DEV12	Provision of Landscaping in Development
DEV15	Retention/Replacement of Mature Trees
DEV37	Alteration of Listed Buildings
DEV46	Protection of Waterway Corridors
DEV48	Strategic Riverside Walkways and New Development
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV 69	Efficient Use of Water
EMP1	Employment Uses
EMP3	Surplus Floorspace
EMP6	Employing Local People
EMP7	Enhancing the Work Environment and Employment Issues
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrian Needs in New Development
S7	Considerations for Development of Special Uses
SCF11	Meeting Places

Interim Planning Guidance for the purpose of Development Control(October 2007)

Proposals:

CFAAP	City Fringe Area Action Plan
FRA	Flood Risk Area
CF20	Development Site CF20

Core Strategies:

CP 1	Creating Sustainable Communities
CP 2	Equality of Opportunity

CP 3	Sustainable Environment
CP 4	Good Design
CP 5	Supporting Infrastructure
CP 7	Job Creation and Growth
CP 8	Tower Hamlets' Global Financial and Business Centre and the Central Activities Zone
CP 11	Sites in Employment Use
CP 15	Provision of a Range of Shops
CP 16	Vitality and Viability of Town Centres
CP 17	Evening and Night-time Economy
CP 29	Improving Education and Skills
CP 30	Improving the Quality and Quantity of Open Spaces
CP 31	Biodiversity
CP 34	Green Chains
CP 36	The Water Environment and Waterside Walkways
CP 37	Flood Alleviation
CP 38	Energy Efficiency and Production of Renewable Energy
CP 39	Sustainable Waste Management
CP 40	A Sustainable Transport Network
CP 41	Integrating Development with Transport
CP 42	Streets for People
CP 43	Better Public Transport
CP 46	Accessible and Inclusive Environments
CP 47	Community Safety
CP 49	Historic Environment

Policies:

DEV 1	Amenity
DEV 2	Character and Design
DEV 3	Accessibility and inclusive Design
DEV 4	Safety and Security
DEV 5	Sustainable Design
DEV 6	Energy Efficiency and Renewable
DEV 7	Water Quality and Conservation
DEV 8	Sustainable Drainage
DEV 9	Sustainable Construction Materials
DEV 10	Disturbance from Noise Pollution
DEV 11	Air Pollution and Air Quality
DEV 12	Management of Demolition and Construction
DEV 13	Landscaping and Tree Preservation
DEV 14	Public Art
DEV 15	Waste and Recyclables Storage
DEV 16	Walking and Cycling Routes and Facilities
DEV 17	Transport Assessments
DEV 18	Travel Plans
DEV 19	Parking for Motor Vehicles
DEV 22	Contaminated Land
DEV 24	Accessible Amenities and Services
EE 2	Redevelopment/Change of Use of Employment Sites
RT 3	Shopping Provision Outside of Town Centres
RT 5	Evening and Night-time Economy
SCF 1	Social and Community Facilities
OSN 3	Blue Ribbon Network and the Thames Policy Area
CON 1	Listed Buildings
CFR 1	City Fringe Spatial Strategy
CFR 2	Transport and Movement
CFR 3	Health Provision
CFR 5	Open Space and Flooding

CFR 21	Employment Uses in Wapping Sub-Area
CFR 23	Retail and Leisure Uses in the Wapping Sub-Area
CFR 24	Design and Built Form in Wapping Sub-Area
CFR 25	Local Connectivity and Public Realm in Wapping Sub-Area
CFR 26	Site Allocations in Wapping Sub-Area

Supplementary Planning Guidance/Documents

Designing Out Crime (Part 1 & 2) – SPG 2002
 Landscape Requirements – SPG 1998
 Shop Front Design – SPG 1998
 Flexible Design in Business Use (B1) – SPG 1998

Government Planning Policy Guidance/Statements

PPS 1	Delivering Sustainable Development
PPG 13	Transport
PPG 15	Planning and the Historic Environment
PPG 22	Renewable Energy
PPG 24	Planning and Noise

Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

A Great Place To Be
 Healthy Communities
 Prosperous Communities
 Safe and Supportive Communities

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Access Officer

- 6.2 Seating should be accessible seating through out the site, (i.e. seating with some elements that could function as arms and backs, not just slab seats.)
- 6.3 The latest's plans indicate a dominant use of hard landscaping particularly the route entering through the dock wall, passing through the eastern plaza to the canal side – this would be difficult to navigate with a visual impairment (very disorientating).
- 6.4 Excessive hard landscaping does not encourage recreational use. It has been proved that lack of quality green spaces are detrimental to mental health. This is a particular concern on the site, as there is no significant green space in the immediate location. Breaking up the vast areas of hard landscaping would allow the introduction of more quiet contemplative spaces – the pocket parks of the city of London are a good example of oasis' that function as breathing spaces.
- 6.5 A defined route that draws you through the site to the canal needs to be emphasised to improve wayfinding.
- 6.6 The ramp to the east which will connect the site with tobacco dock should be as shallow a gradient as possible and defined with in the space (i.e. extended to were the trees start and

flanked by those trees)

- 6.7 The ramp slicing through the steps adjoining the canal is acceptable if the point where the step meets the ramp is tonally/visually contrasting. That the steps around the seating area to the north of the slicing ramp seem excessive, this should be rethought, and be replaced with planting. The steps from the south of the terrace have potential for reduction as there is the canal side step seating.
- 6.8 Lift to rum warehouse is currently not obvious on entry to site this needs to be more integrated with stepped access. A platform lift within the canteen in this location is acceptable.

Officer's Comments

- 6.9 The application has identified the principle of the landscaping proposed as part of the development. It is recommended that a condition be included on the application to require details of the materials and provisions such as planting types and sizes, seating, lighting and rubbish bins. During assessment of these matters of detail matters such as ease of use for elderly and disabled will be addressed.
- 6.10 It is considered that the proposed landscaping does provide significant enhancements on the current open space access within the area, introducing a significant amount of new vegetation into the landscaping, in the form of trees and low planting. The proposed landscaping also opens links to the canal side and access to the associated open space and water areas. It is considered that the proposed landscaping is an acceptable balance of the need for an easily maintained public area and the introduction of vegetation and trees for shade.
- 6.11 Accessible access has been provided in the development for both the main building and the Rum Warehouse building. A condition could be included to ensure that appropriate signage is provided to make the location of the lift access easily identifiable.

LBTH Biodiversity Officer

- 6.12 No objections received

LBTH Ecology Officer

- 6.13 No objections received

LBTH Education

- 6.14 LBTH Education Team confirm that the employment and education offer by News International, outlined below, would be welcomed and would assist in providing local employment and education opportunities within the borough. Wording has been provided for the requirements to be included within a S106 legal agreement to ensure continued compliance with this provision.
- News International would become an endorsing employer of the Diploma in Creative and Media, committing to participation on the course and 2 placements per annum.
 - News International would offer 7 internships per annum starting next summer.
 - News International will offer 10 apprenticeships per annum through their main contractor.
 - News International will use the skills match recruitment team for administration and sales jobs starting from Summer 09.

LBTH Energy Efficiency Unit

- 6.15 The development is required to comply with the policies set out in *The London Plan (2008)*

and the *Interim Planning Guidance (2007)*. The energy strategy submitted broadly follows the energy hierarchy set out in policy 4A.1 of The London Plan (2008).

- 6.16 An IES thermal model has been developed to establish the anticipated energy use. Energy efficiency measures are proposed for the development, improvement is being made to the building façade and energy efficiency measures are being incorporated. No information is given on the current lighting systems and if any improvements could be made.
- 6.17 There are currently 6 boilers in the boiler plant room with a total capacity of 15MW at MTHW, which have an operational lifetime of 15 years remaining. There are also 4 chillers which were installed in 1997 totalling 8MW of cooling capacity. This is very close to the new cooling load for the proposed building. It is noted there will be no benefit from installing a Combined Cooling / Heat and Power (CC/HP) plant. The applicant needs to demonstrate the design of the energy systems would allow for future connection to a district heating system in the vicinity especially the car park which is likely to be redeveloped in the near future.
- 6.18 A range of renewable energy technologies have been investigated to meet the 20% CO2 reduction from onsite renewable energy technologies. The applicant has identified 1,256 s.q.m of roof space available of which 50% could be utilised for photovoltaic panels. Currently only 144 m² of solar thermal panels are proposed, the current level of renewable energy incorporated in to the development is not acceptable and the applicant needs to demonstrate that the provision of renewable energy technologies have been maximised.
- 6.19 The applicant has included a water efficiency statement, however no sustainability statement has been included, during the pre-application discussions the applicant proposed that the development would achieve a BREEAM 'Excellent' rating. The BREEAM pre assessment should be included demonstrating the development is capable of achieving this.

Officer's Comments

- 6.20 The applicant has agreed to provide photovoltaic panels in order to maximise the renewable energy produced within the development. It is therefore considered that the renewable energies are maximised on site to an acceptable level. A Condition of consent is recommended to require the inclusion and operation of the photovoltaic panels if planning approval is approved.
- 6.21 It is recommended that a condition is included requiring that the developer submit for approval a BREEAM assessment prior to construction if approval of the planning permission is granted.
- 6.22 A further condition is recommended to be included, if approval is granted, requiring the applicant to submit details of how acceptable provision is made for the future provision of connection to a district heating scheme, should one become available.

LBTH Environmental Health

Noise and Vibration

- 6.23 The proposed noise emissions limits assessment by Arup Acoustics dated January 2009 has been reviewed, the contents only shows the lowest L90 at ground level to be 46 dB(A). There is no proposed plant noise levels mentioned in the report and there is no calculation undertaken/shown to ensure that BS4142 standard are met. Further details will be needed to satisfy EH, that all relevant residential sensitive facades are able to meet BS4142 criteria without causing noise nuisance.

Daylight/Sunlight

- 6.24 The daylight/sunlight report by Edmund Kirby in association with Waterslade dated April 2009, has been reviewed the contents of the report shows that the impact of the proposed scheme on the surrounding buildings and on itself appears minimal in terms of

daylight/sunlight and shadow analysis.

Officer's Comments

- 6.25 It is recommended that a condition of consent is included to ensure that noise calculations are provided to show that the development would acceptably meet BS4142.

LBTH Highways

Parking

- 6.26 The applicant is proposing a reduction in private car use by over 50% from 596 to 271 spaces. Although this is higher than our parking standard stipulated in our LDF but the impact on the road network is considerably reduced from the existing use.
- 6.27 A further reduction in the number of car spaces will be welcomed as this can be compensated with the introduction of a car club.
- 6.28 There are off street business permit bays on Pennington Street.

Disabled Parking

- 6.29 The applicant has indicated that they will be providing disabled parking at 10% of the total number of parking spaces required as part of this application. This level of parking provision would be acceptable.

Site Access

- 6.30 Accessibility to the site is averagely ok, with a public transport accessibility index (PTAL) of 3. It is located within easy walking distance to various London stations.

Site Servicing

- 6.31 All servicing activities will take place in a dedicated loading bay area within the site. The trip generation assessment carried out demonstrate that travel patterns for servicing vehicles associated with the remodelling will decrease in the peak hours compared to the printing press.
- 6.32 The proposed servicing arrangements are deemed acceptable in highways terms.

Cycle Parking

- 6.33 The applicant has included cycle parking facilities in a covered and secure location. This is also in line with council current policies and standards of 1 cycle space per 250 sqm of floor space. Cycle parking provision has also been made for visitors within the landscaping of the ground floor.

Traffic Generation

- 6.34 Vehicle trips associated with the proposed remodelling will decrease as a result of the decrease in parking levels within the site. The proposed remodelling will reduce the overall vehicular trips associated with the site from the existing use.
- 6.35 The proposal will also reduce the impact of heavy Lorries by improving on existing and recent deliveries patterns by accommodating all deliveries on site at all time and conventional office hours.

Public Transport Trip Generation

- 6.36 The impact on public transport as demonstrated in the transport assessment is considered to be an increased impact on the existing network.
- 6.37 The site has good connections to the local bus network and is within walking distance of Shadwell DLR station, Tower Hill LUL station, Tower Gateway DLR, Aldgate LUL station and

the Aldgate East LUL station.

- 6.38 The applicant is also proposing to operate a shuttle bus service for its employees, connecting its site with Tower Hill LUL station.

Pedestrians & Cycling

- 6.39 The site is also within walking distance to local amenities. The site is bounded by Pennington Street to the north, Tobacco Dock to the east, Asher Way to the south and Vaughan Way to the west. The proposal would improve pedestrian safety and local connectivity by providing new routes through the site.

- 6.40 The site is also well accessible to pedestrians and cyclist.

Section 106

- 6.41 Section 106 contributions will be required as per previous discussions.

Travel Plan

- 6.42 The applicant has provided some Travel Plan initiatives and Travel Plan framework which are measures that will be taken to encourage the use of more sustainable forms of transport. This will also ensure that the level of sustainable transport usage is maintained and encouraged through the use of the site.

Officer's Comments

- 6.43 A car club is not considered appropriate as the site is to be occupied primarily by an office building for one organisation, which has associated fleet vehicles.

- 6.44 The applicant has agreed to change the traffic management order to exempt the occupiers of the site from obtaining parking permits for the parking bays outside of the site, thereby minimising the impact on the parking in the area and vehicle usage. This will be included in the S106 legal agreement.

- 6.45 Conditions of consent are recommended to ensure that the provision of 10% of the parking is disabled parking and that details of cycle parking are provide in order to ensure that the arrangement is appropriate and functional.

- 6.46 The applicant currently runs a shuttle service between the site and Tower Hill. The applicant has offered to continue the service in order to avoid impacting on the local bus network and agreed to include the service in a S106 legal agreement to ensure operation continues throughout the use of the site by News International. The applicant has also agreed to financial contributions to TFL in order to improve the accessibility at local bus stops that have been identified as below standard and towards a scheme for improvement of the Shadwell Overground and DLR Stations public realm area in order to improve the public safety and interchange ability.

- 6.47 Overall these S106 contributions to improvement works for the public transport system and the provision of the shuttle service are considered to adequately mitigate against the proposed impacts on the public transport network.

LBTH Leisure Team

- 6.48 No objections received

LBTH Policy (Retail officer)

- 6.49 No objections received

LBTH Strategic Transport

- 6.50 Strategic Transport raises concerns over the conclusions of the Transport Assessment and the proposed trip generation of the development. Strategic Transport considers that the assumptions on routes made within the transport assessment result in a shift of journeys towards Tower Hill rather than alternative routes which would end at Shadwell.
- 6.51 Further details on the shuttle bus service to Tower Hill are requested.

Officer's Comments

- 6.52 The applicant has supplied additional information in the form of supplementary documents detailing the distribution of employees and why the assumptions made in the Transport Assessment have been made with regards to the use of different routes.
- 6.53 The Transport Assessment and supplementary information shows that the proposal will increase the use of all adjacent stations (Shadwell, Tower Hill and Wapping) and impact on the public transport network. Therefore in order to mitigate this impact the applicant has agreed to provide a financial contribution of £100,000 towards the public realm and associated interchange project at Shadwell DLR and Overground Stations, in order to mitigate the impacts. Council officers consider that this would adequately mitigate against the worst case impact on the network and would improve the public realm and safety of these stations and the interchange.
- 6.54 The applicant has supplied additional information on the frequency of the shuttle service and agreed to include it in a S106 legal agreement in order to ensure mitigation on the local bus network and avoid numerous employee trips on the local TFL buses. Furthermore they have agreed to up to a £30,000 financial contribution to improve local bus stops in order to bring them up to a requisite standard.

LBTH Waste Management

- 6.55 No objections received

British Waterways

- 6.56 British Waterways have no comments to make on the application.

English Heritage (Statutory)

- 6.57 Due to the constraints of the site, English Heritage agree that a separate pedestrian entrance would be necessary but could be formed with considerably less intervention with regard to the historic fabric than is the case with the current proposal which includes the removal of an area of vaults to form a level entrance to the site.
- 6.58 Whilst English Heritage can understand the desire to create a new entrance space or plaza such that it affords views over the site, this is not considered essential. The significant alteration of a listed building requires adequate justification, which English Heritage view as not having been provided.
- 6.59 The proposed partial demolition of the eastern end of the Rum Warehouse would reveal an existing internal fire wall which it is intended would form a new eastern elevation. Notwithstanding English Heritage opposition to the removal of historic fabric, exposing the raw firewall would, in the opinion of English Heritage, constitute an unsympathetic alteration to the exterior of the listed building and would detract from its existing architectural character which is characterised by robustly handled classical elements.

- 9.60 The Heritage Statement (page 17) indicates that 'The vaults of the London Dock were, when completed, one of the great architectural and engineering glories and wonders of the metropolis'. They remain, despite later subdivision, a magnificent series of spaces.
- 6.61 English Heritage would welcome moves to make the vaults more accessible to a wider public (such as the creation of a public archive or museum, as suggested) but this must be carefully balanced against the need to preserve historic fabric. The infilling, removal or alteration of at least seven bays of the vault could not, in the view of English Heritage, be considered a sympathetic or necessary alteration.
- 6.62 English Heritage have no objections to the wider aspects of this important proposal, including the remodelling and extension of the former printworks, but whilst English Heritage welcome works to restore the exterior of the Rum Warehouse and to undertake works such as the removal of later dividing walls within the vaults, they retain significant concerns with regard to the extent of the removal of historic fabric and the impact of the proposed subsequent remodelling on the historic character of the eastern end of the warehouse building. In the view of English Heritage, the eastern end of the warehouse is capable of adaptation to include a pedestrian entrance to the site, entrance to the vaults and retail spaces. English Heritage do not object to the planning application (except as it relates to the LBC) but urge that the listed building consent application is reconsidered at this stage.
- 6.63 Moving the entrance to the east has been seen as a means of encouraging rethinking with regard to the moribund Tobacco Dock complex. English Heritage support any efforts to breathe new life into Tobacco Dock but to date there does not appear to be any dialogue that has resulted in firm proposals with regard to the latter structure.

Officer's Comments

- 6.64 The proposal to move the main entrance of the development to the eastern end and the incorporation of public facilities, public links and retail in the eastern end of the development is considered an important feature of the development in that it provides a potential catalyst for the revitalisation of the currently vacant retail development within the adjacent Tobacco Dock building. Tobacco Dock is a Grade I listed building and due to its currently vacant state is listed on the buildings at risk register. It is considered by Council officers that the News International Development has the potential to revitalise Tobacco Dock and provide significant benefits to the community and ensure the survival of the Tobacco Dock development and its associated historic heritage.
- 6.65 Currently located at the eastern end of the subject site is the servicing entrance to Tobacco Dock. This Would create a conflict with potential pedestrian access and pedestrian links through the site if they were to share this access. The development solves this matter by separating the pedestrian access and the servicing and vehicle access.
- 6.66 The length of the Rum Warehouse and associated vista of the long wall along Pennington Street is considered one of the most important features of the Rum Warehouse. In order to retain this, the applicant proposes to make an opening in one of the decorative archways that is formed in the wall. This is considered to maintain the appearance of the length of the wall and also the character of the wall in that it does not create an alien opening in the structure.
- 6.67 Due to the variations in the level between the ground level of Pennington Street and the floor level of the Rum Warehouse, the pedestrian route into the site has required the demolition of at least some of the eastern end of the building.
- 6.68 It is considered that retention of the eastern end of the Rum Warehouse would impact on the quality of the entrance, the viability of the retail uses at the eastern end and the potential revitalisation of the adjacent Tobacco Dock.

- 6.69 While it is acknowledged that a portion of the historic vaults and the previously damaged eastern end is removed and there is an impact on the historic character of the building and area, the majority of the building remains. The proposal would open the vaults to the public and allow the continued use and retention of the building. Furthermore, the applicant is proposing to carry out restoration works on damaged areas of the remaining portion of the building.

English Heritage Greater London Archaeological Advisory Service

- 6.70 The development lies in an area of archaeological significance where important remains from the Roman period and those associated with post-medieval industrial use are known to exist. The proposed development may, therefore, affect remains of archaeological importance. It is advised that archaeological assessment and any necessary investigation should be undertaken in advance of development works. This should be secured a recommended by condition.
- 6.71 The Design and Access Statement correctly identifies the significance of the industrial heritage represented by the buildings on the site, not only the 19th Century Rum Warehouse but also the main building which played a historically important role in the transformation of England's newspaper industry. While the proposals intend to retain the building's industrial character in new design, some elements of the buildings' original fabric and designed function will be affected by the alterations. Preservation by record is required to mitigate the impact of proposed alterations. In accordance with PPG 15 it is recommended a condition of consent that applicant's arrange suitable recording of features that would be destroyed in the course of the works for which consent is being sort.

Officer's Comments

- 6.72 It is recommended that the conditions of consent and informatives recommended by Greater London Archaeological Advisory Service (GLAAS) are included on the planning permission if granted, in order to mitigate the impact of the development on the archaeological remains and matters of archaeological importance.

Environment Agency (Statutory)

- 6.73 The Environment Agency have no objection to the development subject to the inclusion of a recommended conditions relating to the requirement to submit details related to surface water drainage and minimisation of the discharge from the site.

Officer's Comments

- 6.74 It is recommended a condition of consent is in included as recommended if planning permission is approved.

Greater London Authority (Statutory)

- 6.75 London Plan policies on land use, design, inclusive access, biodiversity, climate change and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

Land Use

- 6.76 The proposal is consistent with London Plan polices 2A.5, 38.1, 3B.2, 5C.1 and 5C.3. London Plan polices 3B.1 and 3B.2 seek to support the aspect of London's world city role and London's continued economic development by seeking the provision of a variety of type, size and cost of business premises and office space to meet the needs of all sectors. Accordingly, the principle of the proposed remodelling and enhancement of the News International campus and the continuation of employment use on the site is consistent with the relevant policies of the London Plan and guidance given in the draft City Fringe Opportunity Area Planning Framework.

Urban Design and Built Heritage

- 6.77 The proposal is inconsistent with the requirements of London Plan Policy 4B.1 (as relate to biodiversity) but consistent with 4B.11 and 4B.13. The proposed layout would result in significant improvements to pedestrian permeability in the area by opening up new routes through the site. This in combination with the active uses and positions of entrances would animate the locality and improve passive surveillance, particularly around Wapping Canal and Tobacco Dock.
- 6.78 The proposal would not substantively change the existing form, scale and massing of the main building or the Rum Warehouse with the main changes focused on the eastern end where parts of the existing structures would be demolished to facilitate the creation of the plaza.
- 6.79 The most apparent external change to the building would be the alterations to the façade where the architect has proposed an intricate, layered cladding system. This would be a significant improvement on the appearance of the existing building. The proposed internal alterations would increase natural light and ventilation in the core of the main building and create a large area of flexible, accessible office space which is a positive aspect of the scheme.
- 6.70 The landscape and public realm proposals are on a whole well considered but should be developed in response to the biodiversity comments below.

Inclusive Access

- 6.81 The proposal is consistent with London Plan Policy 4B.6. The design and access statement and supporting plans demonstrate that inclusive design principles have informed all aspects of the proposed design.

Biodiversity

- 6.82 The proposal is inconsistent with London Plan Policy 3D.14. The application site is located within an Area of Deficiency in access to nature, as defined in the Improving Londoners' Access to Nature (London Plan Implementation Report). The landscape proposals offer the potential to enhance the biodiversity value of the site but at present the design appears to be principally driven by other considerations despite the supportive recommendations contained in the applicants Biodiversity Report.

Climate change

- 6.83 The proposed energy efficiency measures are welcomed but the applicant should address the questions raised above to confirm compliance with the London Plan. The applicant should also demonstrate that the proposed system would be capable of future connection to a district energy system in the area in line with the London Plan. The proposal should be revised to include greater photovoltaic panel coverage towards the target of 20% renewable energy generation on site. The application is inconsistent with London Plan policies 4A.1, 4A.6, and 4A.7.
- 6.84 The extensive improvements to the ventilation and cooling of the building, the living roof and landscaping proposals are all positive in this regard. The proposal would incorporate a significant area of living roofs except where plant and maintenance space prohibit this. The proposal would incorporate living roofs, which would reduce surface water run-off, and rainwater harvesting and would offer significant improvements on the existing situation. The water report submitted suggests a range of water efficiency measures that would or could be adopted in the scheme and the potential savings that would result. This is welcomed. The application is consistent with London Plan policies, 4A.10, 4A.11, 4A.14, and 4A.16.

Transport

- 6.85 To fully comply with London Plan policies 3C.1, 3C.3, 3C.20 and 3C.21 the development

should provide funding towards additional bus capacity and include measures to improve access to and from the site for pedestrians and public transport users. To comply with London Plan polices 3C.23 and 3C.17 the amount of car parking should be reduced in line with maximum standards in Annex 4 and a legal agreement should be drawn up to restrict future use of the surface car park. TfL welcomes proposals to improve Pennington Street and Dellow Street and to open up the public realm around the site which will help to achieve the aims of Policy 3C.18 and support Policy 3C.21. The proposals for cycle parking and a cycle hire facility are also welcomed and will support policy 3C.22. Submission of a more detailed Travel Plan as requested will help to achieve the objectives of Policy 3C.2

Officer's Comments

- 6.86 The proposal is considered to greatly enhance the existing biodiversity and habitat onsite. The proposal incorporates significant planting within the ground level landscaping as well as providing planting on the roof terrace. The Biodiversity strategy does include recommendations to include native species and further recommendations of the report could be included when submitting details of landscaping and the landscaping management plan as would be required by recommended conditions of consent.
- 6.87 The applicant has submitted additional information confirming the inclusion of Photovoltaics in order to maximise the renewable energy production onsite.
- 6.88 Agreement to provide substantial financial contributions to mitigate the impact of the development on public transport systems has been secured through the S106 legal agreement negotiations with the applicant. Contributions towards the improvements to the public realm and safety of the interchange have been offered as well as contributions to upgrade local bus stops where they are not to requisite standard.
- 6.89 Additionally the applicant has offered to include in a legal agreement the provision of an employee shuttle service in order to mitigate the impact on the local bus system.
- 6.90 Car parking is considered to be acceptably reduced within the proposed development. The reduction represents a loss of over 50% of the existing car parks on the site. This is considered to significantly reduce the potential vehicle usage and impact of the development on the highway network. Furthermore, the applicant has agreed to change the traffic management order to exclude occupiers and employees of the premises from obtaining parking permits (i.e. a car free agreement).

LFEP

- 6.91 With regards to Town and Country Planning, the Fire Authority needs to consider Access and Water Supplies, which are covered by Approved Document B (B5, 15, 16 & 17) and British Standard 9990. The documentation has been researched and no information directly related to Fire Service Access & Water Supplies has been provided. As such the Fire Authority is unable to make meaningful observations.
- 6.92 The Fire Authority is aware of the existing Fire Service Access & Water Supplies. Having noted the depth of the site as detailed in the site plans, it is imperative that information relating to any changes, as a result of the proposed development, is provided.

Officer's Comments

- 6.93 It is recommended a condition of consent is included if planning permission is approved to ensure that the water supplies for fire fighting purposes is adequate. This would require the submission and approval of details of the water supplies.

Metropolitan Police

- 6.94 Concerns about the security of the site at night, and there for the safety of the people who

may be using the development. There are parts of the proposed planting that completely obscure any form of surveillance, and there for at night will mask any criminal behaviour or anti-social behaviour. The opening up of the access onto the canal is likely to make existing canal users feel unsafe because of the possibility of additional users accessing from the NI site, and the potential for crime that may result in (at night/hours of darkness)

- 6.95 The ideas of having permeable access routes through the site are fully supported, though the fact it's a commercial site and not residential completely changes the way the workers can be used as a crime prevention tool. It is considered there is a need to find a way of securing the site at night. It's not possible to re-design buildings that are not being replaced, so it's not possible to make access routes through the site any wider, or more active. In fact the only thing making this scheme more user friendly and active will be how the public react to using it. It is suggested that during the day it will be well used by workers and public, but when the workers go home and the public have already used it and returned home themselves, there will be little use.

Officer's Comments

- 6.96 Gated communities do not promote social cohesion and are divisive in nature. This stance is supported in the London Plan and has been a consistent approach taken by Tower Hamlets in the past, supported by policy DEV3 of the IPG. Furthermore, gated communities will increase the perception of crime and by association, the fear of crime and anti-social behaviour. Whilst security concerns are relevant, they should not override this overarching principle and other measures should be employed to deal with those concerns. The applicant has agreed to 24 hour security of the public realm within the site which will be included in the S106 agreement. In addition the northern east-west link will be restricted access for employees only from 20:00 - 08:00 in order to give employees a secure way to leave the premises.

National Air Traffic Services Ltd.

- 6.97 NATS (En Route) Limited has no safeguarding objections to this proposal.

National Grid (Statutory)

- 6.98 Nation Grid has no objection to the proposal.

Natural England (Statutory)

- 6.99 After careful consideration of the information provided it is Natural England's opinion that this proposal does not affect any priority areas for Natural England, therefore they do not object to the proposal.
- 6.100 The provision of Green Walls and the use of Native Planting species, as part of this application is welcomed and to be supported.
- 6.101 Although Natural England does not object to the proposal, they recommend that, should the Council be minded to grant permission for this application, Council secure, as appropriate, measures to enhance the natural environment in accordance with the planning guidance identified in the Consultation Documents from Ove Arup.

Officer's Comments

- 6.102 Conditions of consent and informatives are recommended to ensure the guidance and recommendations in the Arup Biodiversity Statement are incorporated within the development.

Thames Water Utilities Ltd. (Statutory)

Waste Comments

- 6.103 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 6.104 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 6.105 Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments

- 6.106 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

Officer's Comments

- 6.107 It is recommended that a condition be included on the application to ensure that petrol/oil filters are connected to all drains where vehicle parking is permitted in order to prevent petrol/oil discharges entering local watercourses.

7. LOCAL REPRESENTATION

- 7.1 A total of 2143 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 6 Objecting: 4 Supporting: 2

- 7.2 The following local groups/societies were notified but made no representations:

- Stephen and Maltilda Tennants Association
- South Quay Residents Association
- South Quay Estate
- Shearsmith House

- 7.3 The following issues were raised in representations:

- Disruptive construction impacts, including noise and vibrations, reducing the quality of life for residents and offering no great benefit to the area upon completion.
- The proposal to open the link to canal will allow increased numbers of users, which will pollute and litter the area currently enjoyed by local families.
- The works will increase car traffic in area despite the reduction in car parking spaces.
- The level difference and the stairs down to the canal will encourage loitering around the area at all levels and impact on privacy of nearby neighbours.
- Concern that the stairs to the canal will attract an element of anti-social behaviour to the area.
- Security plans may prove to be intrusive on privacy depending on their nature

- Waterman Way properties were not consulted prior to the application.
- Lack of cross section drawings showing relation of plaza to Waterman Way
- Concern that there will be a loss of privacy should the proposal include the use of the bridge over the canal.
- Will cause unwarranted intrusion and will create evening and night time noise pollution

7.4 The following supporting comments were raised in representations:

- Support improved links from the north of the site through the site to Wapping and Thomas Moore Square/St Katherine's Dock, which will reduce walking distances and times.
- Improved links will provide an alternative route with improved pedestrian environment away from the busy intersections and poor air quality of the highway.
- Support the developments requesting one of the retail spaces be made available for an Optician as there are no Optician's in Wapping area.

Officer's Comments

- 7.5 As stated in section 8 of this report, a number of legislative instruments control the impact of construction in order to minimise the impact on surrounding occupiers. However, it is recommended that a condition of consent regarding the submission of a Construction Management Plan for approval is included if planning permission is approved. This would ensure that matters related to construction, such as noise and vibration, as well as hours of construction, are adequately managed.
- 7.6 It is considered that the proposed development would provide a number of benefits to the area, including potentially revitalising Tobacco Dock shopping centre, employment and education opportunities secured under the S106 legal agreement and improved pedestrian and cycle links through the site.
- 7.7 The canal is already a publicly accessible area with a number of links from Vaughan Way and the surrounding residential developments through to Wapping Lane. While the proposed linkages through the site will increase accessibility to this public area, it should be noted that this is a public area for the enjoyment of the public and not a private area for use by residents only. Furthermore, the canal is identified in the IPG Proposals Map as a proposed cycle route, which the proposed linkages serve to enhance.
- 7.8 Gated communities do not promote social cohesion and are divisive in nature. This stance is supported in the London Plan and has been a consistent approach taken by Tower Hamlets in the past, supported by policy DEV3 of the IPG. Furthermore, gated communities will increase the perception of crime and by association, the fear of crime and anti-social behaviour. Whilst security concerns are relevant, they should not override this overarching principle and other measures should be employed to deal with those concerns.
- 7.9 With regards to privacy the proposed plaza will be approximately 18m from the houses of waterman way. The area between the proposed plaza and the existing houses is already a publicly accessible space with access along the side of the canal directly in front of the houses on Waterman Way. It is not considered that the proposal would significantly impact on the privacy of the residential developments in this area.
- 7.10 The applicant proposes as part of the S106 to provide security within the public realm area of the development. It is not considered that any security arrangements would impact on private residential developments outside of the site. CCTV arrangements could be condition if condition so as not to record on private dwellings or impact on the privacy of private spaces outside the development site.
- 7.11 The applicant has provided a transport assessment with the application that details the

development would not result in additional peak vehicle traffic, identifying a reduction in car trips of 73 during the morning peak hours and a reduction of 165 during the evening peak hours.

- 7.12 Extensive consultation was invited by the applicant prior to the application being submitted. Notwithstanding this, the required statutory consultation has been undertaken by the Council in response to the submission of the application, including letters to the properties within Waterman Way, site notices and notices within the local paper.
- 7.13 While a cross section has not been undertaken to the Waterman Way properties, a cross section drawing was produced through the site immediately to the west of the plaza stairs. This is considered to adequately show the relationship of the canal level to the site.
- 7.14 The existing bridge across the canal is not included within the application site and would not be affected by the proposed development.
- 7.15 The site is currently a 24 hour operation and formally when the printing press was operating from the site was subject to significant early morning and evening operations. However, it is recommended a condition is included if the application is permitted in order to restrict the hours of the A3 restaurant/café uses in order to minimise the late night noise associated with such activities.
- 7.16 It is not considered appropriate to condition the retail unit to be restricted to an Optician, however, it is considered that the proposals will serve to revitalise the adjacent shopping complex at Tobacco Docks, which should encourage a range of retail units servicing the local community.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principles of the Land Use
2. Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
3. Traffic and Servicing Issues
4. Design and Layout of the Development
5. Sustainability
6. Planning Obligations

Principle of the Land Uses

8.2 The London Plan 2008, The Council's adopted Unitary Development Plan 1998 (UDP) and the Council's Interim Planning Guidance 2007 (IPG) include a number of policies requiring discussion when assessing the principle of land use.

Principle of Office Use

8.3 The London Plan 2008 sets out a number of policies which support the provision, increase and regeneration of office use within the Central Activities Zone and appropriate office locations in order to provide employment and economic opportunities. These policies are supported by UDP and IPG policies which also seek to encourage office provision and local economy and job growth.

8.4 While the News International Site sits just outside the Central Activity Zone, which has its boundary on Vaughan Way, it is an existing key employment site within the borough, adding significantly to the employment provision within Tower Hamlets. The site is currently occupied by the main print works building with office space in the upper levels, as well as

Rum Warehouse building, which also has a provision of existing office use. In April 2008 the relocation of the printing presses from the site to Broxbourne was completed, leaving the B2 Use of the site redundant. As a result the current proposal seeks to convert the main print works building to a primarily B1 Use.

- 8.5 The Town and Country Planning (General Permitted Development) Order 1995 provides express planning permission for a change from Class B2 to B1 Use. Therefore the use of the site for increased B1 Use is considered acceptable. While there is a slight reduction in the floorspace associated with the employment uses onsite, it is considered that the remodelling and modernisation of the building would significantly increase the usability of the building and therefore the efficiency of use of the site. This is reflected in the increase in employment proposed on the site, from the former circa 3000 to the proposed circa 4300 employees.
- 8.6 The proposed office use would be, in principle, an acceptable land use and would be in accordance with policies 3B.1 and 3B.2 of the London Plan 2008, policies ST15, ST17 and EMP1 of the UDP and policies CFR1, CP7, CP11 and EE2 of the IPG.

Principle of Retail

- 8.7 Policies 3D.1 and 3D.3 of the London Plan 2008, policies ST34 and ST35 of the UDP and policies CFR1, CP15, CP17, RT3 and RT5 of the IPG seek to provide protect the role of town centres while appropriately locating evening and night-time uses as well as providing a range of shops for local users.
- 8.8 The proposed development introduces 1740m² of A1-A3 Use, which the applicant has indicated is likely to consist of a restaurant and a café, both open to public use. The proposed redevelopment of the site will change the main entrance of the development to the eastern end of the site, adjacent Tobacco Dock. The proposed retail units will be located at the eastern end of the building fronting the new public plaza area.
- 8.9 Tobacco Dock is a retail shopping centre, which is currently unoccupied. It is a Grade I listed building and is on the Buildings at Risk Register. It is consider that change in the entrance location on the News International Site and the introduction of complementary retail uses, which would encourage evening and night-time activity in the area, will strengthen the existing retail element of Tobacco Dock and encourage the occupation and re-vitalisation of the currently empty development.
- 8.10 As such the retail component of the development is considered to contribute to the provision of facilities for local use, appropriately locate evening and night-time uses and encourage the viability and vitality of the existing retail provision in the area.
- 8.11 It is considered that the retail component of the development would be acceptable in terms of policies 3D.1 and 3D.3 of the London Plan 2008, policies ST34 and ST35 of the UDP and policies CFR1, CP15, CP17, RT3 and RT5 of the IPG.

Principle of community uses

- 8.12 London Plan 2008 policies 3A.17, 3A.18 and 3A.27, supported by policies ST49 and SCF11 of the UDP and policy SCF1 of the IPG, promote the provision of an appropriate range of community facilities to cater for the needs of London's diverse population.
- 8.13 The applicant is proposing to include 1902m² of D1 floorspace within the redeveloped main building and Rum Warehouse. It is currently proposed to have museum uses with the potential provision of a printing press and history about the newspaper industry as well as News International's archives. Given the good public transport links and the large residential population within the surrounding area that would be included in the catchment area for the

proposed facility, the proposed D1 Use is considered, to be in principle acceptable.

- 8.14 The proposed community facilities are considered to be in accordance with policies 3A.17, 3A.18 and 3A.27 of the London Plan 2008, policies ST49 and SCF11 of the UDP and policy SCF1 of the IPG.

Impact on the Amenity of Adjoining Occupiers and the Surrounding Area

Daylight and Sunlight

- 8.15 Policy DEV2 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance 2007 and policy 4B.10 of the London plan require that developments preserve the amenity of the adjacent occupiers, including sunlight and daylight.
- 8.16 The applicant has provided a Daylight and Sunlight Report with their application outlining the daylight and sunlight received by the adjacent buildings. It has assessed the daylight and sunlight levels of the proposed development against the guidance provided in the BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991) providing the results of the effect on daylight in terms of the tests use in the BRE guidelines.
- 8.17 The tests carried out by the applicant show that the daylight received by the habitable rooms of the residential buildings adjacent the development will meet or exceed the BRE guidelines for both Vertical Sky Component (VSC) and Average Daylight Factor (ADF), providing acceptable daylight levels to the current and future occupants of the adjacent developments.
- 8.18 The sunlight results generally meet the guidance level, though the submitted report has noted that there are six apertures where the Annual Probable Sunlight Hours (APSH) will not meet the guidelines. Five of these windows are located on the upper ground floor level of Telford's Yard and one is situated in 2 Pennington Street. The six windows will not experience any loss of sunlight during the summer months. However, they do experience a small loss during the winter months. 2 Pennington Street is not a residential development and therefore the impact would not impact on residential living conditions.
- 8.19 It is considered in terms of daylight and sunlight that on balance given the central city location the proposal would be generally in accordance with policy DEV2 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance 2007 and policy 4B.10 of the London plan.

Privacy

- 8.20 Issues of privacy/overlooking need to be considered in accordance with policy DEV2 of the Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance 2007, which informs that new developments should be designed to ensure that there is sufficient privacy for adjacent habitable rooms.
- 8.21 As the site is currently occupied by the existing building, of which the upper floor of the main print works building is officers, it is not considered that the proposed remodelling would significantly impact on the privacy of neighbouring developments.
- 8.22 The Council's UDP states that new developments should be designed to ensure that there is sufficient privacy for residents and that a distance of about 18 meters between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. The remodelled main building would be a minimum of 20m from the adjacent residential buildings to the south and exceed 30m to the buildings to the north of the site.

- 8.23 Submissions have brought up the issue of privacy in relation to the new public open space and the opening of the link to the canal by removing a portion of wall. It is not considered that this would significantly impact on the privacy as the canal area is already publicly accessible.
- 8.24 It is therefore considered that the proposed development would be acceptable in terms of privacy and in accordance with policy DEV2 of the UDP and policy DEV1 of the IPG.

Noise and Vibration

- 8.25 In protecting the amenity of the surrounding area Policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG also require the noise and vibration nuisance from a development to be minimised.
- 8.26 No specific details of the proposed noise and vibration levels of plant or ventilation systems to the proposed development has been provided with the application, however it is considered that a condition of consent could ensure that details of the noise and vibration impacts of any proposed plant and ventilations systems would be submitted to Council for approval prior to installation. This would ensure that any acoustic attenuation required would be installed to mitigate the impact on the adjoining occupiers and surrounding area.

Odour & ventilation

- 8.27 The proposed development includes the introduction of 1740m² of retail floorspace, which is proposed to include A1-A3 uses. As such, there will potentially be a food cooking and associated odours being created within the development. Policy DEV 2 of the UDP and Policy DEV1 of the IPG require the mitigation of odours in order to protect amenities within the development and of the wider area.
- 8.28 In order to remove these odours from the development and create suitable internal amenity ventilation and extract systems would be required to be installed. This would potentially consist of general ventilation for units within the development, in order to provide fresh air into the development, and extract systems to the units with cooking facilities, in order to extract cooking odours.
- 8.29 Details of these systems have not been provided. It is therefore recommended if approved, conditions are included on the planning permission to ensure that the ventilation and extraction systems are appropriate and don't impact on the amenity of the adjacent occupiers or the appearance of the development.

Construction

- 8.30 It is acknowledged that the proposed development would result in some disruption to the amenity of the area and highway network due to the construction effects of the proposed development, however these will be temporary in nature.
- 8.31 Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of construction.
- 8.32 It is therefore recommended that if approved a condition of consent is included, which would require the submission of a Construction Management Plan in order to ensure that the best practice examples are followed to avoid, remedy and mitigate the effects of construction.
- 8.33 There are also a number of existing mature trees on the site around the proposed

development and likely construction site. Officers consider that a condition should be imposed on any planning permission to protect the trees from construction impacts. This would include a requirement for protective fencing and prevention of the storage of materials under the canopy of the trees.

Vehicle Traffic Movements

- 8.34 Vehicle movements associated with the proposed development have the potential to impact on the amenity of the area through noise, pollution and the general vehicle movement within the public realm. Policy DEV2 of the UDP and DEV 1 of the IPG seek to protect this amenity.
- 8.35 As detailed below the proposed development will produce a number of additional trip movements. However, given the high Public Transport Accessibility Location (PTAL) rating and central city location of the site, there is a maximisation in the use of public transport and walking. This combined with the reduction in vehicle parking numbers would insure that the number of vehicle traffic movements and minimised.
- 8.36 It is therefore considered that the impact on the amenity of the area through increased vehicle traffic movement will not be significant and in terms of the impact of vehicle movements the development will accord with policy DEV2 of the UDP and DEV 1 of the IPG.

Traffic and Servicing Issues

Trip Generation

- 8.37 Policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan 2008, policies ST28 and T16 of the UDP and policies CP41, DEV17 and DEV19 of the IPG seek to restrain unnecessary trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.
- 8.38 The applicant has provided a Transport Assessments detailing the proposed additional trip generation as a result of the proposal in comparison to when the site was in full operation, including the printing press, prior to April 2008. Table 8.1 shows the estimated increase across the different transport modes during the peak morning and evening hours.

Mode	07:00 - 08:00		08:00 - 09:00		09:00 - 10:00		16:00 - 17:00		17:00 - 18:00		18:00 - 19:00	
	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT
Car drivers	-23	-2	-32	-2	-9	-5	-12	-12	-20	-28	-57	-36
Bus	-4	0	-2	-1	23	5	9	12	3	19	-1	6
Car Passengers	-3	0	-2	0	20	4	8	11	3	16	-1	5
Motor Cycle	-2	0	-1	0	10	2	4	5	1	8	0	3
Pedal	-3	0	-2	0	17	4	6	9	2	14	0	4
Rail	-11	-1	-6	-2	70	16	27	37	10	58	-2	19
Taxi	-1	0	-1	0	7	1	3	4	1	5	0	2
LUL/DLR	-22	-3	-13	-3	140	31	53	74	21	115	-4	37
Walk	-7	-1	-4	-1	47	10	18	25	7	38	-1	12
Total	-75	-8	-63	-10	323	69	115	164	29	247	-66	52

Table 8.1 – Estimated trip generation

- 8.40 Table 8.1 shows that a significant number of trips generated from the development would be undertaken on the public transport network or by walking and also shows that there would be a significant reduction in the numbers of private vehicle movements. It is therefore considered that the trip generation would be in accordance with the aspirations of policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan 2008, policies ST28 and T16 of the UDP

and policies CP41, DEV17 and DEV19 of the IPG.

Parking

- 8.41 London Plan Policies 3C.17 and 3C.23 seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policies DEV17 and DEV19 of the IPG.
- 8.42 The proposed development seeks to provide 279 car parking spaces. Within the existing News International Site there are currently 596 car parking spaces, including the external car parking site that is outside the proposed application boundary. It is proposed that the 271 car parking spaces would be provided within an internal car park at the west end of the building and 8 vehicle parks including disabled spaces would be located in the pick-up/drop-off area to the western end of the development. In order to ensure that the parking spaces re-provided within the development are not in addition to the existing car park site it is considered that a S106 undertaking would be necessary to ensure that the car park site cannot be used for parking ancillary to the development. In such case it is considered that the vehicle parking associated with the development would be significantly reduced.
- 8.43 It is therefore considered that the vehicle parking provisions would be in accordance with policies 3C.17 and 3C.23 of London Plan 2008 and policies DEV17 and DEV19 of the IPG. A S106 legal agreement should also be entered into so that the Traffic Management Order can be amended to exempt occupiers and employees of the development from obtaining parking permits. This will ensure no overflow parking on the road network.

Cycle Parking Facilities

- 8.44 Policy 3C.22 of the London Plan 2008, policy ST30 of the UDP and policies CP40, CP42 and DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.
- 8.45 The proposals within the remodelled development have included cycle parking facilities in a covered and secure location. This is also in line with council current policies and standards of 1 cycle space per 250m² of floor space. Cycle parking provision has also been made for visitors within the landscaping of the ground floor. A condition of consent is recommended to ensure the layout of the cycle storage is acceptable.
- 8.46 It is therefore considered that the proposed development would accord with policy 3C.22 of the London Plan 2008, policy ST30 of the UDP and policies CP40, CP42 and DEV16 of the IPG.

Deliveries and Servicing

- 8.47 Policies ST30 and T16 of the UDP and policy DEV17 of the IPG seek to provide adequate provision for the servicing and operation of developments while minimising the impact on the highway.
- 8.48 All servicing activities will take place in a dedicated loading bay area within the site. The trip generation assessment carried out demonstrate that travel patterns for servicing vehicles associated with the remodelling will decrease in the peak hours compared to the former printing press operation.
- 8.49 It is therefore considered that the proposed servicing arrangements are acceptable in terms of policies ST30 and T16 of the UDP and policy DEV17 of the IPG.

Public transport capacity

- 8.50 Policies 3C.1 and 3C.2 of the London Plan and policy CP41 of the IPG seek to integrate

development with transport and ensure that development is appropriate for the transport provision in the location.

- 8.51 The submitted Transport Assessment and supplementary transport information provided demonstrates that there will be approximately 447 additional AM peak hour trips and 312 PM peak hour trips by public transport, as a result of the proposed redevelopment and reoccupation of vacated Times House by a third party.
- 8.52 In order to mitigate the impacts on the public transport network the applicant has proposed the provision of financial contributions towards the improvement of the public transport network as well as provision of a shuttle service alternative to the public buses for the employees.
- 8.53 The applicant has agreed to provide a financial contribution of £100,000 towards the implementation of a scheme relating to the public realm and interchange around and between the Shadwell DLR and East London Line Overground Stations. The programmed scheme would increase the safety of the area for users, improve the surrounding public realm and improve the interchange between the stations.
- 8.54 The applicant has also carried out a survey of local bus stops servicing the area and has identified that there are two bus stops that do not meet the requisite standard. As such the applicant has offered to provide a financial contribution of up to £30,000 in order to fund works to improve the bus stops to the requisite standard.
- 8.55 Furthermore, in order to mitigate the impact on the local bus service the applicant has offered to include in a S106 legal agreement the provision of a shuttle bus service for employees. The shuttle bus service would operate between the News International site and Tower Hill Tube Station (Minories) from 8:00am – 10:00am and 4:45pm and 8:00pm weekdays. In addition to the morning and afternoon peak hour services the shuttle will provide transport to different locations, such as Canary Wharf and Isle of Dogs ASDA.
- 8.56 It is therefore considered that the proposed development through the financial contributions and the provision of a shuttle bus service for employees would adequately mitigate against the impact on the public transport network. It is therefore considered that the transport network has an appropriate capacity in the location for the proposed development, in accordance with policies 3C.1 and 3C.2 of the London Plan and policy CP41 of the IPG.

Highways Improvements

- 8.57 The submitted Transport Assessment and supplementary transport information provided demonstrates that vehicle trips associated with the proposed development will decrease from the levels associated with the printing press operation. The capacity of the local highway network is therefore anticipated to increase and no highway impact is expected as a result of the remodelled site.
- 8.58 However, the proposed redevelopment of the New International site will enable an increase in the number of employees on the site and the introduced public uses will also increase the visitors to the site. Policies 3C.21 and 3C.22 of the London Plan and policies CP42 and DEV16 of the IPG seek to improve walking and cycling conditions.
- 8.59 A number of the additional employees and visitors will access the site via the pedestrian route from the Shadwell Overground and DLR stations. The pedestrian environment of Dellow Street on the route between the News International Site and the Shadwell Overground and DLR stations is considered poor and requires works to upgrade it. The applicant has therefore agreed to a financial contribution of £50,000 for improvements to pedestrian environment on Dellow Street. The proposed works would involve the installation of improved lighting, improving the footway and installing CCTV.

- 8.60 The proposed changes of the main entrance from the western end of the site to the eastern end of the site mean that pedestrians accessing the site will be required to walk along Pennington Street. Pennington Street has a very poor pedestrian environment, due to narrow footways and fast vehicle movements. It is also used as a 'rat-run' by traffic avoiding the queues on The Highway, which further reduces the quality of the environment.
- 8.61 In order to improve the safety of the pedestrian environment along Pennington Street the Council considered that appropriate traffic calming measures should be installed to slow traffic. While there is currently some traffic calming measures, these are ineffective due to the poor design. The applicant has agreed to a financial contribution of £100,000 towards the installation of these traffic calming measures, which would include the installation of three speed tables to slow traffic. Council officers considered that the traffic Calming measures on Pennington Street can also include provision of land for a TFL cycle hire station, which has been requested by TLF be made available as part of the development.
- 8.62 It is therefore considered that the proposed development would improve the pedestrian and cycling environment in the surrounding area and would adequately meet policies 3C.21 and 3C.22 of the London Plan and policies CP42 and DEV16 of the IPG.

Sight lines/Access

- 8.63 The proposed access and egress points for the development are existing vehicle entry and exit point. The proposals do not significantly alter these provisions and would not result in any buildings or other development that would be considered to impact on sightlines of vehicles exiting the site.
- 8.64 The parking and servicing provisions allow for sufficient manoeuvring space to allow vehicles to enter and exit the site in forward gear, ensuring there is no need for vehicles to reverse onto the highway.
- 8.65 Council's Highways department have reviewed the application and made no objection to the proposed manoeuvring, sightlines or access points. It is therefore considered that the proposed development, in terms of sight lines and vehicle access would not cause unacceptable safety concerns to pedestrians or the highway network.

Design and Layout of the Development

- 8.66 The site is one of the largest potential development sites in London. The scale of the proposal allows it to become a major urban landmark and influence the wider area. The overall site dimensions are approximately 350m x 115m. The main printworks building alone is 280m x 72m and the Rum Warehouse is of a similar length. With such a large development site, there is a real opportunity to change the nature of the area and potentially provide a catalyst for regeneration of the area, in particular rejuvenate Tobacco Dock and create new job opportunities.
- 8.67 The ambition of News International is to create a world class headquarters with leading edge technology, sustainable practices, and ongoing engagement with the wider public, while retaining the industrial heritage of the Main Building and the historic dock heritage of the Rum Warehouse. With print production moved off site to Broxbourne, the Main Building and Rum Warehouse are both under-utilized industrial structures. News' corporate sustainable vision has driven design consideration towards, where practically possible, low energy, naturally ventilated office spaces, maximising natural daylight to the working areas.
- 8.68 Sustainability is a key feature of the new proposal. The scheme will reuse the existing structural framework and foundations, and retain elements of the existing facade. This allows the interior to retain the dramatic proportions of its industrial past, as well as reducing the

amount of energy and resources involved in the demolition of an existing structure and consequent new build.

Mass and Scale

- 8.69 Policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment, high quality in design and protect the amenity of the surrounding environment and occupiers.
- 8.70 The proposed remodelling of the existing buildings has minimal impact on the scale of the existing building. The Rum Warehouse building is reduced in size with the demolition of a small portion of the eastern end and the proposed alterations to the main building result in a reduction in the floorspace of the development. Overall given the scale of the existing buildings the mass and scale changes from the proposed development are negligible.
- 8.71 Overall it is considered that the scale and massing of the building is appropriate as it has not been significantly altered in terms of height and scale corresponds to the existing character of the area. It is considered that in terms of scale and mass the proposal is in accordance with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG.

Appearance and Materials

Main Building

- 8.72 The proposal comprises of the remodelling and refurbishment of the existing Main Building, which is comprised of a brick faced 'podium' envelope and perimeter escape stairs, with brick or concrete formed bases. The existing facade is punctuated by a series of protruding escape stair cores, interrupting the otherwise well proportioned dimensions of the existing building.
- 8.73 To mitigate the rhythm of these interrupting cores, the façade is proposed to be reworked as a series of overlapping and shifting horizontal bands that are intended to evoke the energy and iconography of the print works. Rather than a conventional curtain walling system, these proposals are considered more in character with the heritage of the area's industrial past.
- 8.74 Current knowledge of the construction of the facade and structural frame has guided the proposals. The aim has been to retain as much of the existing brickwork as possible. Panels are proposed to be removed to meet the daylighting and ventilation requirements for the building. The angular definitions of these proposed openings are created by inserting new metal cladding on a simple rail system, which frames the new glazed areas. This is considered to break down the monotony of the original singular facade, introducing a more human scale and in turn generating more transparency and porosity.
- 8.75 Shifting the scale of the facade at ground level also addresses the vast difference in scale between the Rum Warehouse and the Main Building and thereby enhancing the setting of the listed Rum Warehouse building. The existing metal panel cladding to the upper office levels is proposed to be replaced with a new high performance glazed façade in order to support the desire for a naturally ventilated, mixed mode mechanical system. These glazed upper floors are proposed to be set back from the footprint of the building. This is shown in figure 8.1 below

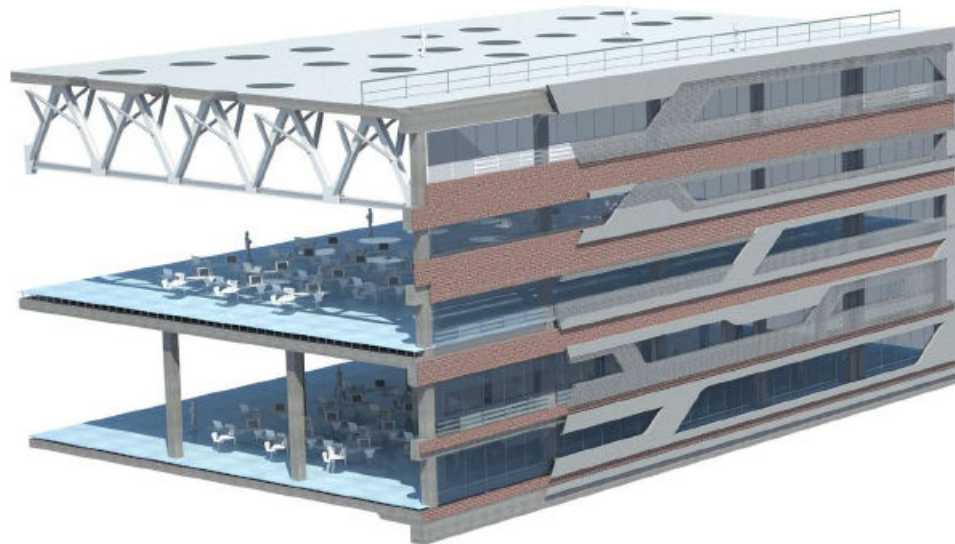


Figure 8.1 – Façade perspective

- 8.76 The proposed atria are currently proposed to be glazed with ETFE roofs in order to support a coordinated natural daylight, ventilation and fire strategy. Circular, glazed, roof lights are also proposed to be provided to the southern garden terrace.
- 8.77 The proposed remodelling of the main building is considered to be highly creative and subject to recommended conditions relating to the quality of materials and external cladding would be considered to be acceptable in terms of policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG.
- 8.78 Research for appropriate cladding materials and technologies is ongoing and therefore, while the approach to the materials is acceptable in principle it is recommended conditions are included on the planning permission if approved to ensure an acceptable quality, colour and range of materials are utilised in the development.

Rum Warehouse

- 8.79 The approach to the upgrade and refurbishment of the Grade II listed Rum Warehouse building is to highlight and maintain its industrial heritage, while providing modernisation to allow for better use of the building.
- 8.80 The Rum Warehouse can be considered as a historic example of a similar building type to the current Main Building – a utilitarian building converted for modern use. The proposals seek to re-engage the public to the building's unique heritage and fabric. The proposals therefore seek to:
- Reveal its exceptional underground vault network by providing new public access and transparency into the vaults and through the creation of a publicly accessible museum within the vaults.
 - Create greater public access to the site by opening up the space between the Rum Warehouse and
 - Tobacco Dock. This means alterations to the eastern end of the Rum Warehouse.
 - Repair the existing built fabric as needed and upgrade of external doors, fire escapes, etc.
 - Upgrade public and Client user access provision to meet statutory requirements
 - Enliven safe routes to generate activity and passive surveillance.
 - Maintain its warehouse character and industrial heritage
- 8.81 With the exception of the works to the eastern end of the works to the external of the Rum Warehouse are primarily related to the restoration of the historical façade and compliance

with access and security requirements. Discussion on the acceptability of the alterations to the eastern end of the Rum Warehouse is presented below in relation to the impact on the historic structure.

- 8.82 With the exclusion of the alterations to the eastern end of the Rum Warehouse the proposed alterations to the Rum Warehouse, being alterations for access and security requirements and the repair and restoration of the historical façade is considered acceptable in terms of policies B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG. It is again recommend that conditions of consent are implemented to ensure the quality of materials. Further conditions are also recommended below in relation to the listed building consent and how the works are undertaken.

Impact on Conservation and Heritage Values

- 8.83 PPG 15, policies 4B.11, 4B.12 and 4B.13 of the London Plan, policy DEV37 of the UDP and policy CON1 of the IPG seek to preserve the historic assets of the city.
- 8.84 The proposal to move the main entrance of the development to the eastern end and the incorporation of public facilities, public links and retail in the eastern end of the development is considered an important feature of the development in that it provides a potential catalyst for the revitalisation of the currently vacant retail development within the adjacent Tobacco Dock building.
- 8.85 Tobacco Dock is a Grade I listed building and due to its currently vacant state is listed on the buildings at risk register. It is considered by Council officers that the News International Development has the potential to revitalise Tobacco Dock and provide significant benefits to the community and ensure the survival of the Tobacco Dock development and its associated historic heritage.
- 8.86 Currently located at the eastern end of the subject site is the servicing entrance to Tobacco Dock. This Would create a conflict with potential pedestrian access and pedestrian links through the site if they were to share this access. The development solves this matter by separating the pedestrian access and the servicing and vehicle access.
- 8.87 The length of the Rum Warehouse and associated vista of the long wall along Pennington Street is considered one of the most important features of the Rum Warehouse. In order to retain this, the applicant proposes to make an opening in one of the decorative archways that is formed in the wall. This is considered to maintain the appearance of the length of the wall and also the character of the wall in that it does not create an alien opening in the structure.
- 8.88 Due to the variations in the level between the ground level of Pennington Street and the floor level of the Rum Warehouse, the pedestrian route into the site has required the demolition of at least some of the eastern end of the building.
- 8.89 It is considered that retention of the eastern end of the Rum Warehouse would impact on the quality of the entrance, the viability of the retail uses at the eastern end and the potential revitalisation of the adjacent Tobacco Dock.
- 8.90 While it is acknowledged that a portion of the historic vaults and the previously damaged eastern end is removed and there is an impact on the historic character of the building and area, the majority of the building remains. The proposal would open the vaults to the public and allow the continued use and retention of the building. Furthermore, the applicant is proposing to carry out restoration works on damaged areas of the remaining portion of the building.
- 8.91 The principle of the proposed alterations to the listed building is considered on balance

acceptable due to the benefits that the proposed development creates to the public, community and surrounding environment and due to the alterations ensuring the continued use, repair and maintenance of the remaining building.

8.92 However the level of detail provided in the application is not adequate to ensure that the proposed works will be undertaken in a manner that results in the impact on the historic character of the building and area being minimised. It is therefore recommended that a number of conditions are included on the listed building consent, if approved, requiring the submission and approval of particulars/details, in order to avoid unnecessary damage to the Listed Building.

8.93 Conditions are recommended covering the following matters:

- Protection of the historic fabric of the building during demolition.
- Full recording of the fabric removed as a result of the LBC
- A structural report to confirm the stability of the warehouse wall exposed as a result of demolitions to the rear to be submitted prior to works commencing on site. The report should include details of any remedial works proposed.
- With regard to the eastern elevation, full details of the elevation shall be submitted for approval prior to the commencement of works. This should include details of the cleaning and finishing of the firewall to be exposed and any additional structural bracing required. Full details of satisfactory designs for the new glazing at terrace level and basement level, details of the terrace, its structure, access to it and the balustrading around the terrace to be included.
- A schedule of works detailing the repairs required.
- Details of the proposed repair and finish to the south side of the existing wall to Pennington Street to be exposed as a result of the proposals.
- Full details of new external alterations to include, new windows, modifications to the entrances, new entries and landings, and the introduction of railings. This should encompass a schedule of works detailing the repair of the existing fabric.
- Full details of the new pedestrian entrance to be constructed through from Pennington Street to the new courtyard.
- Full details of the proposed vehicle access and gate at the Eastern end of the warehouse to include the finish to the existing Rum Warehouse Dock Wall, where the gate pier is to be removed.
- Details of the planting of the exposed northern wall of the warehouse to be submitted for approval to ensure that the planting proposed does not damage the historic brickwork.
- Full details of internal alterations to include details of structural interventions, new fabric to be introduced, internal finishes and fixings.
- Details of the salvage and reuse of existing original features and materials to include bricks, windows etc to be removed as a result of implementation of the consent.
- New signage.

8.94 It is considered with the imposition of the appropriate conditions the development would be in accordance with PPG15, policies 4B.11, 4B.12 and 4B.13 of the London Plan, policy DEV37 of the UDP and policy CON1 of the IPG.

Public Access

8.95 Policies 3C.21, 3C.22 and 4C.11 of the London Plan and policies CP42, CP46, DEV3 and DEV16 of the IPG promote the improved walking and cycling links and a more accessible environment.

8.96 New public pedestrian and cycle access links will be created by the remodelling and opening up of the site. This will provide access north-south through the site at the eastern end, enabling people to walk directly from Pennington Street through the plaza at the eastern end down to the canal. East-west links, along the southern boundary of the site and between the main building and the Rum Warehouse will connect with a north-south link at the western end of the building and give access to Vaughan Way in the southwest corner of the site, or Virginia Street at the northwest corner of the site. The links are shown in figure 8.2 below.

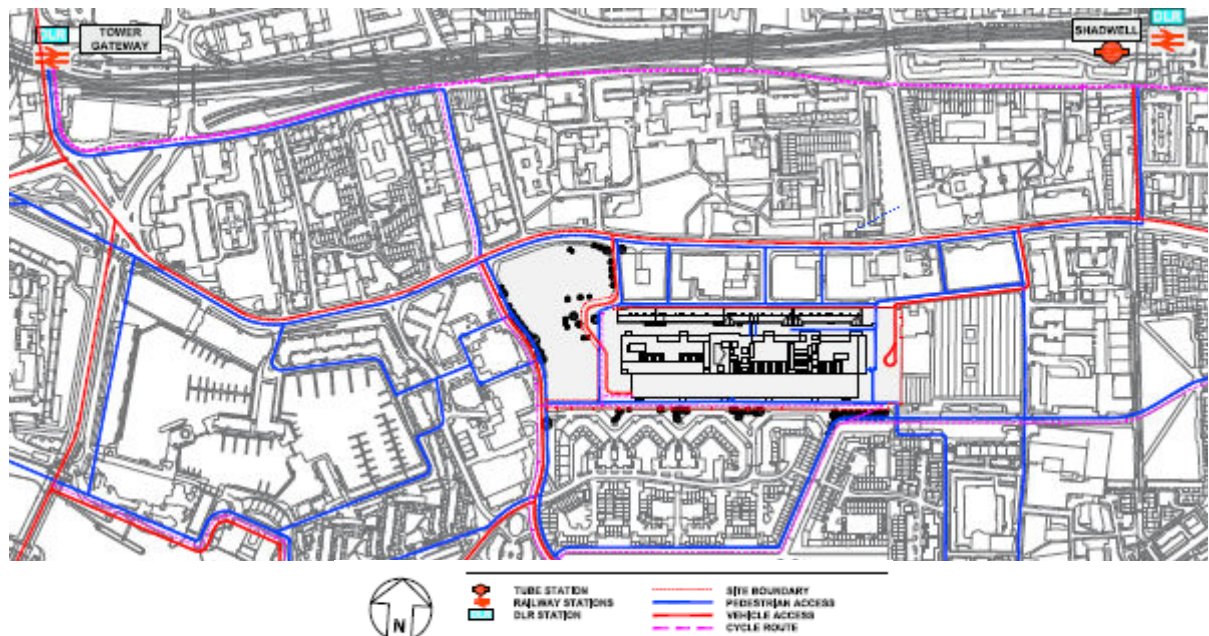


Figure 8.2 – Pedestrian and vehicle access plan

8.97 Currently there is a wall preventing access to the canal from the News International Site, which is proposed to be removed as part of the development, and security gates on all other entrances to the site. The creation of the public access links through the site, is considered by officers, important to achieving the desired permeability of the site and contribute to a more efficient pedestrian and cycle network. As such it is recommended that a condition of consent be included, if the planning permission is approved, requiring the removal of the wall and the establishment of the public access links. This would ensure the provisions are made as part of the development.

8.98 Furthermore, it has been agreed with the applicant to include in the Section 106 legal agreement a clause protecting the public access, requiring 24 Public access through the site, with the exception that the public access on the northern east west link is restricted to hours of 08:00-20:00 for security reasons.

8.99 It is noted that 3 objections have been received that mention late night or anti-social behaviour as a result of opening the development up to the public. It is considered that gating developments prevents integration of the community and social cohesion and creates a fear of crime and anti-social behavior. Whilst security concerns are relevant, they should

not override the overarching principles of accessibility and other measures should be employed to deal with those concerns.

External Amenity Space

- 8.100 Policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan 2008, policy DEV12 of the UDP and policies CP4, CP30 and DEV13 of IPG promote the good design of public places and the provision of green spaces.
- 8.101 The proposed development will provide a significant amount of publicly accessible open space within the site, including an approximately 21m x 45m entrance piazza. The open spaces also provide links through the development. The open space provide is proposed to be well landscaped for its proposed function, including seats, resting places and trees for shading and softening the large areas.
- 8.102 As well as providing open space on-site, the proposal open links onto the open spaces along the canal. As a result the piazza is extended into a significant area of open space. The public access to the areas will be secured within a S106 agreement, which will also include 24 hour security of the site.
- 8.103 It is considered that the provision of the publicly accessible open space and the associated links are a significant gain to the community as a result of the development and would be in accordance with policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan 2008, policy DEV12 of the UDP and policies CP4, CP30 and DEV13 of IPG.

Wind Micro-Environment

- 8.104 Planning guidance contained within the London Plan 2008 places great importance on the creation and maintenance of a high quality environment for London. Policy 4B.10 of the London Plan 2008, requires that *“All large-scale buildings including tall buildings, should be of the highest quality design and in particular: ... be sensitive to their impacts on micro-climates in terms of wind, sun, reflection and over-shadowing”*. Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 of the IPG also identifies microclimate as an important issue stating that:

“Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate.”

- 8.105 As previously stated the scale of the buildings is not significantly altered. It is therefore considered that the development would not lead to a significant change in the wind micro-environment.
- 8.106 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate wind conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10 and policy DEV1 of the IPG.

Landscaping

- 8.107 Landscaping is used to enhance the aesthetics and amenity of the public realm and outdoor spaces within and surrounding developments. In addition, appropriate landscaping can provide enhancements to the biodiversity and natural habitats within the area.
- 8.108 The applicant has submitted plans showing a general landscaping strategy for the entire site,

providing detail on the landscaping improvements proposed.

- 8.109 The landscape and public realm is an integral part of this scheme, as previously private areas are now proposed to be publicly accessible. The landscaping will facilitate the transition between the massive scales of the buildings to the more human scale experience.
- 8.110 The main entry plaza is proposed as an urban scaled piazza, bringing together the Rum Warehouse, the Main Building, Tobacco Dock, and the canal. A continuous hard surface is proposed, navigating the level changes from Pennington Street down to canal level. A series of ramps, steps and platforms allow for gathering spaces, an outdoor dining space for the restaurant, as well as an integrated vehicle drop off. The eastern end of the Rum Warehouse will be altered to create the separate pedestrian entrance but will provide an outdoor terrace and steps down to reveal the previously hidden historic vault network. Small clusters of trees and plantings screen the existing shared vehicular access to site and the Tobacco Dock servicing area. At the southern end, a series of steps down to the canal create a new public link to the existing open space network along the canal.
- 8.111 While the eastern entry plaza runs north - south from the canal to Pennington Street, it is proposed a new publicly accessible pedestrian route will be created along the southern edge of the site and run from the plaza to Vaughan Way at the far western edge of the site. Again, hard surfacing is proposed to be utilised for pedestrians and required Emergency vehicle access. A continuous promenade of pleached trees is proposed to provide both sun protection and a softened edge in front of the existing boundary wall, which is retained to preserve the privacy of the adjacent residential development. Planting along the edge of the building will provide privacy screening to the ground floor offices. The surfacing patterns relate to the rhythm of the facade patterning.
- 8.112 The proposed northern access route is proposed to be landscaped as a pedestrian streetscape with hard surfacing, seating amenities and planted trees. The linear paving patterns are considered to complement the alignment with the existing buildings. Hard surfacing is provided to allow for required emergency vehicle access.
- 8.113 The proposed western access route connects Virginia Street to the Northern and Southern access routes. A transitional plaza with shared hard surfacing allows for the turning of occasional vehicles within this zone and helps terminate this end of the northern access route. Safe pedestrian crossings allow for pedestrians to continue southward and connect to the proposed southern access route. As the northern route is directly adjacent to the redundant car park site, a temporary planted edge is proposed.
- 8.114 A 250m long roof garden will provide further employee amenity on the southern side of the main building with smaller terraces on the northern side simply landscaped in hard surfacing and planters.
- 8.115 The concepts of the landscaping proposals are considered acceptable. The landscaping is considered to enhance the setting of the listed Rum Warehouse building and that of the Grade I listed Tobacco Dock on the adjacent site. However, it is noted that the landscape plans propose the use of Ivy as a wall cover over the existing Rum Warehouse and Tobacco Dock warehouse. Given that these are listed buildings this aspect of the landscape plan is resisted and it is recommended a condition of consent be imposed on the planning permission if approved to ensure that Ivy is not grown on the listed buildings.
- 8.116 It is also recommended that a condition is imposed on the application to ensure that the proposed landscaping is of an acceptable level and quality to ensure the amenity of the publicly accessible areas and the development as a whole.
- 8.117 Furthermore, it is recommended that a condition be imposed to require a landscape management plan in order to ensure that the landscaping is maintained to an acceptable

level to ensure the quality and appearance of the landscaping.

- 8.118 Subject to conditions it is considered the proposed landscaping for the development would be in accordance with policy DEV12 of the UDP, policies DEV1, DEV2 and Dev 13 of the IPG and policies 4A.11, 4B.1 and 4B.10 of the London Plan 2008.

Views

- 8.119 Policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan 2008, policy DEV8 of the UDP and policies CP50 and CON5 of the IPG protect strategic views of the city and locally important views of the townscape.
- 8.120 The site does fall within a designated Strategic View Consultation Area under the London Plan 2008. The proposed remodelling is not considered to significantly alter the height of mass of the existing building and therefore it is not considered to significantly impact on any wider townscape views.
- 8.121 The proposal is therefore considered in accordance with policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan 2008, policy DEV8 of the UDP and policies CP50 and CON5 of the IPG

Access

- 8.122 The proposed development is fully accessible to mobility impaired persons. Lifts, signage, accessible WC's and disabled parking are all provided for both employee areas and for public access areas. The Council's Access Officer has raised some concerns with the details of the landscaping, which it is considered can be addressed through the recommended landscaping details condition, if planning permission is approved.
- 8.123 It is therefore considered that the access for mobility impaired persons is acceptable and would be in accordance with policy ST12 of the Unitary Development Plan 1998, policies CP46 and DEV3 of the Interim Planning Guidance 2007 and policy 4B.5 of the London Plan 2008

Waste Storage

- 8.124 The proposed development includes provision for onsite central waste storage room for the storage of waste. The site also has provision for onsite servicing. It is therefore not considered that the proposed development will result in any impact on the amenity of the area or the highway network as a result of the waste production or storage during occupation and operation.

Sustainability

- 8.125 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. Policies within the UDP and IPG also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

Energy

- 8.126 The applicant has provided an Energy Statement with the application, detailing the estimated energy usage, energy efficiency and what renewable energy provisions have been provided within the development.

- 8.127 PPS22 seeks to require the inclusion of renewable technology and energy efficiency within developments, as do policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan 2008 and policies CP38 and DEV6 of the IPG, unless it can be demonstrated that the provision is not feasible.
- 8.128 The proposed development is remodelling of the existing building and therefore has significant environment and sustainability gains by reducing the amount of energy used in completely demolishing the existing structure and rebuilding an entirely new building on the site.
- 8.129 The Energy Statement shows that large carbon savings can be made by the remodelling, in relation to the former operation of the building in its full capacity as print works. Due to the nature of the scheme the largest and most cost effective carbon savings are to be made by increased energy efficiency in the existing buildings.
- 8.130 The existing building was constructed in the 1980's for a mix of B1 and B2 use. This has been compared with the proposal for the remodelled building to provide office facilities. In terms of annual carbon emission savings the proposed development will save approximately 1170 tonnes of CO₂ per annum over the baseline 2006 building. This equates to a 24% saving.
- 8.131 The majority of the CO₂ savings are the result of a number of improvements and sustainability measures that are included in the design of the remodelled building.
- 8.132 The carbon saving results of the proposed energy efficiency and renewable energy measures, in comparison to the existing building during the printing press operation are shown in figure 8.3 below.

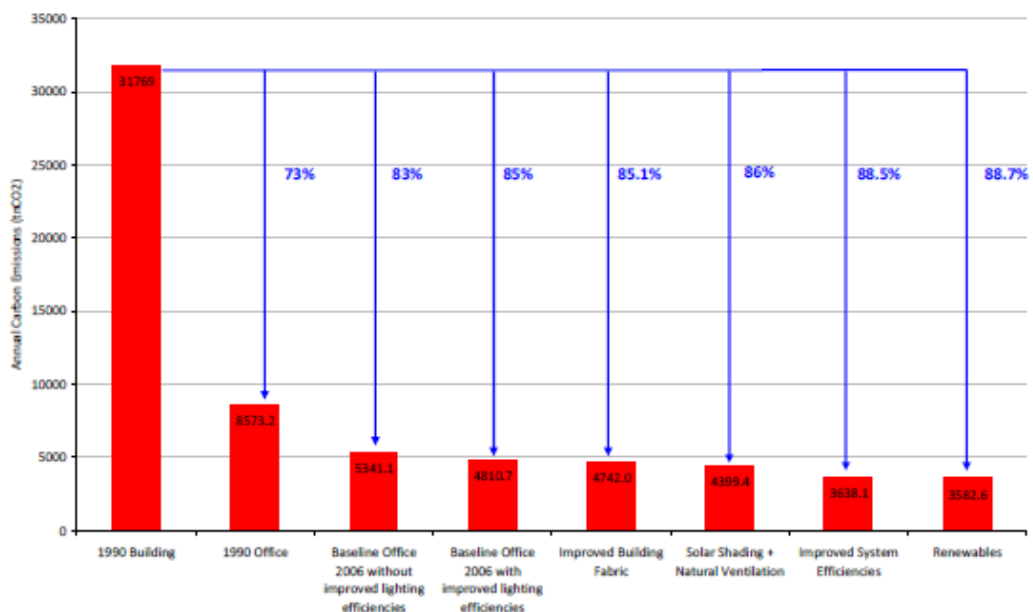


Figure 8.3 – Proposed Carbon Emission Savings

- 8.133 Policy 4A.7 of the London Plan 2008 requires that developments achieve a 20% reduction in carbon emissions through the use of onsite renewable energy, unless it can be demonstrated that such provision is not feasible. This is supported by policy CP38 of the IPG which seeks to ensure developments maximise the opportunities for the production of energy from renewable sources and policy DEV6 of the IPG which requires a minimum of 10% of the predicted energy production to be from renewable energy production.
- 8.134 As part of the proposed carbon emission savings it is proposed to integrate solar hot water

heating into the scheme. Hot water services would be provided to all sanitary fittings and kitchen appliances via 2 pipe system with circulation pump. According to the energy statement, the current hot water demand estimation would be met at approximately 14% of annual energy demand, providing that there will be approximately 144m² of evacuated tube panels installed. This will require 280m² of roof area and could save around 10,100m³ of natural gas and avoid 21.5 tonnes of CO₂ emissions per annum.

- 8.135 The applicant has also agreed to install photovoltaic panels on the roof of the main building. There are two areas currently identified on the roof that could accommodate Photovoltaic arrays facing due south at an 11° incline. The west side area provision is 1068m² and the east side area provision is 418 m², giving a total of 1486 m². The energy generated from the total installation would be in the order of 81,345 kWh per annum and would be rated at 95 kW_p. If a carbon dioxide factor of 0.422 kgCO₂/kWh is used, this equates to a saving in carbon dioxide of circa 34 tonnes per annum.
- 8.136 The provision of solar water heating and the inclusion of photovoltaic panels are considered to maximise the renewable energy production onsite. While the provision does not equate to 20% of the total energy usage as requested by London plan policy, the applicant has provided an analysis of other renewable energy measure which shows that these are not feasible.
- 8.137 CCHP has also been investigated as a measure to reduce the energy demand and CO₂ emissions resulting from the development but is considered that, due to the existing efficiency and life expectancy of the existing boiler and cooling system the installation of a combined heat and power or combined cooling heat and power system at this time may not achieve significantly greater carbon savings unless this served a wider area. However, it is recommended that a condition be included if planning permission is granted to ensure that the design of the energy systems would allow for future connection to a district energy system in the area and neighbouring sites (including the adjacent car park site which is likely to be redeveloped in the near future).
- 8.138 It is therefore considered that the proposed energy strategy represents an acceptable carbon emissions saving and that the proposed development is considered to accord to policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan 2008 and policy CP38 of the IPG.

Biodiversity

- 8.139 Policy 3D.14 of the London Plan 2008, policy DEV61 of the UDP and policy CP31 of the IPG seek to protect and enhance biodiversity and natural habitats.
- 8.140 The site is not designated as a Site of Nature Conservation or Importance. In overall terms, the provision of additional landscaped open space is likely to improve the range of habitats available and promote biodiversity in accordance with policy.
- 8.141 Recommendations of the applicants Biodiversity report identified opportunities to maximise biodiversity with the landscaping proposals. Conditions of consent are recommended to require an acceptable landscape plan to be produced for the landscaping works within the development. Assessment and approval of the landscaping would ensure that biodiversity enhancements and natural habitats are maximised within the landscaping proposals.
- 8.142 It is therefore considered that the proposed development would provide important biodiversity enhancements to this inner city location and that the proposed development would be consistent with policy DEV61 of the UDP policy CP31 of the IPG and Policy 3D.14 of the London Plan 2008.

Water

Flood Risk, Water run-off and Waste Water

- 8.143 The proposed development is located adjacent a canal and a small portion of the site is located within the flood risk area identified on the Council's Proposals Maps of the IPG. The proposed development will incorporate significant hard surface areas but would also include roof gardens, rainwater harvesting and areas of soft landscaping.
- 8.144 Due to the inclusion of the roof gardens, rainwater harvesting and soft landscaping the area of hard surfacing onsite is reduced from the existing levels and the likely runoff from the development will be reduced. The Environment Agency has reviewed the application and request a condition relating to details of surface water runoff and the use of sustainable urban drainage techniques is included on the permission.
- 8.145 Subject to imposing the recommended conditions it is considered that the proposed development would adequately mitigate against flood risk, water run-off and waste water generation.

Water use

- 8.146 The applicant has provided details of the proposed water usage and how it is proposed to be reduced. A number of low water usage devices are proposed to be included within the development in order to reduce water usage. It is recommended a condition of consent relating to a BREEAM assessment should be included on the consent to ensure that the development is required to maximise the sustainability, including the reduction of water usage, if the application is approved.
- 8.147 Subject to the recommended conditions, the proposed development is considered in accordance with policies, DEV69, U3 of the Unitary Development Plan 1998, policies CP37, DEV7, DEV 8 and DEV21 of the IPG and policies 4A.12, 4A.13, 4A.14 and 4A.16 of the London Plan 2008.

Construction Waste and Recycling

- 8.148 Policy 4A.28 of the London Plan 2008 and policy CP39 of the IPG require developments to follow the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste.
- 8.149 By remodelling the buildings the applicant has already gone some way to minimising the waste that would have been produced in a complete rebuild of the development. However, no Site Waste Management Plan for the development detailing that they will follow the principles of the waste hierarchy and reduce, reuse and recycle has been provided.
- 8.150 As such, a condition of consent is recommended to require a Site Waste Management Plan to be submitted detailing the particulars in relation to the development to ensure that the development is implemented in accordance with the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste.
- 8.151 If development is undertaken in accordance with an appropriate Site Waste Management Plan the development would be considered to be in accordance with policy CP39 (Sustainable Waste Management) of the IPG and policy 4A.28 (Construction, excavation and demolition waste) of the London Plan 2008.

Planning Obligations

- 8.152 Policy DEV 4 of the UDP and policy IMP1 of the IPG state that the Council will seek planning obligations to secure onsite or offsite provisions or financial contributions in order to mitigate the impacts of a development.

8.153 The applicant has agreed to the following being included in a Section 106 to ensure mitigation of the proposed development:

- A financial contribution of £50,000 for improvements to pedestrian environment on Dellow Street. The proposed works would involve the installation of improved lighting, improving the footway and installing CCTV.
- A financial contribution of £100,000 for improvements to Pennington Street pedestrian environment through traffic calming measures, including three speed tables and incorporating land provision for a TFL cycle hire scheme station, if required in future.
- A financial contribution of £100,000 towards Shadwell Stations public realm improvements programme in order to mitigate the impact on the public transport network.
- A financial contribution of up to £30,000 towards the upgrade of local bus stops to requisite standards.
- 24 public access through the site, with the exception that the public access on the northern east west link is restricted to hours of 08:00-20:00.
- 24 hour security, maintenance and management of the new public realm areas.
- Covenant by the owner that the use of the existing adjacent car park shall cease as ancillary to the permitted land use of the proposed development.
- Change in the traffic management order and associated costs to prohibit business parking permits to be issued (i.e. Car free)
- Social compact obligation to commit skills (Education and Employment) offered by News International as per below:
 - New International would become an endorsing employer of the Diploma in Creative and Media, committing to participation on the course and 2 placements per annum
 - New International would offer 7 internships per annum
 - News International will offer 10 apprenticeships at any one time through there main contractors during construction.
 - New International will notify the skills match recruitment team for administration and sales jobs.
- A shuttle bus service for employees between the News International site and Tower Hill Tube Station (Minories) from 8:00am – 10:00am and 4:45pm and 8:00pm and the News International Site and various destinations during lunch times.
- Production and implementation of a Travel Plan.

8.154 In accordance with policy DEV 4 of the UDP and policy IMP1 of the IPG it is considered that the inclusion of these matters in a Section 106 Legal Agreement, together with the recommended conditions would adequately mitigate against the impacts of the development.

Conclusions

8.155 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the

RECOMMENDATION at the beginning of this report.

Site Plan and Consultation Zone

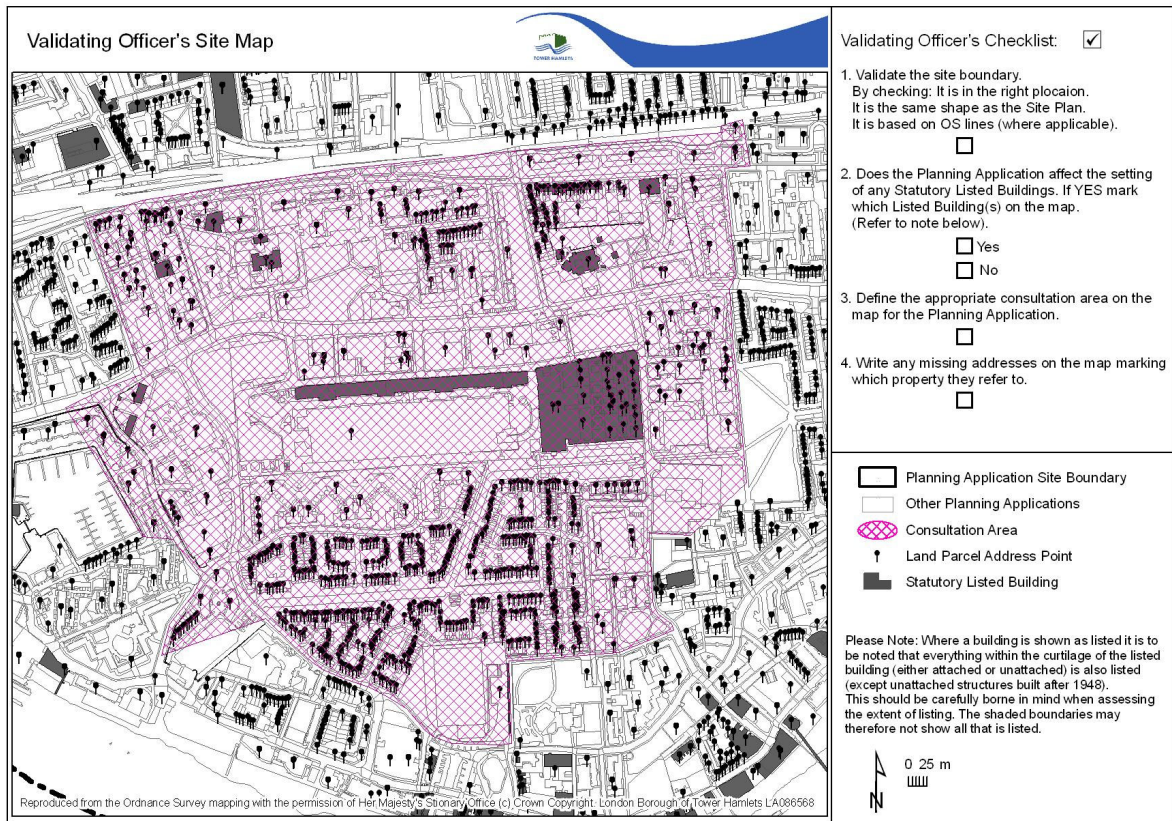


Figure 8.4 – Map showing site consultation zone

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Agenda Item 9.2

Committee: Strategic Development	Date: 25 June 2009	Classification: Unrestricted	Agenda Item Number: 9.2
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Report of: Director of Development and Renewal	Title: Town Planning Application and Conservation Area Consent
Case Officer: Richard Murrell	Ref No: PA/08/02709 and PA/08/0710 (CAC)
	Ward: Millwall (February 2002 onwards)

1. APPLICATION DETAILS

Location: Hertsmere House, 2 Hertsmere Road , London E14 4AB
Existing Use: Office (Class B1 Use)
Proposal: Demolition of existing building.

Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).

Drawing Nos/Documents: PA/08/02709
A1/PL/000 REVA, A1/PL/001 REVC, A1/PL/002 REVA,
A1/PL/003 REVB, A1/PL/004 REVA, A1/PL/005 REVB,
A1/PL/007 REVA, A1/PL/008 REVA, A1/PL/019 REVA,
A1/PL/021 REVB, A1/PL/028 REVA, A1/PL/029 REVA,
A1/PL/030 REVB, A1/PL/031 REVA, A1/PL/032 REVA,
A1/PL/033 REVB, A1/PL/034 REVA, A1/PL/046 REVA,
A1/PL/047 REVA, A1/PL/048, A1/PL/049, A1/PL/056 REVA,
A1/PL/057 REVA, A1/PL/058 REVA, A1/PL/059 REVA,
A1/PL/060 REVA, A1/PL/062 REVB, A1/PL/063 REVB,
A1/PL/064 REVB, A1/PL/065 REVB, A1/PL/066 REVA,
A1/PL/067 REVA, A1/PL/068 REVA, A1/PL/069 REVA,
A1/PL/070 REVA, A1/PL/071 REVA, A1/PL/072 REVA,
A1/PL/073 REVA, A1/PL/074 REVB, A1/PL/075 REVB,
A1/PL/076 REVA, A1/PL/080 REVA, A1/PL/081 REVA,
A1/PL/082, A1/PL/083 REVA, A1/PL/085 REVA, A1/PL/086
REVA, A1/PL/087 REVA, A1/PL/088 REVA, A1/PL/090,
A1/PL/091 REVB, A1/PL/092 REVB, A1/PL/093 REVA,
A1/PL/094 REVA, A1/PL/095 REVA, A1/PL/096 REVA,
A1/PL/097 REVA, A1/PL/098 REVA, A1/PL/099 REVA,
A1/PL/101 REVA, A1/PL/102 REVA, A1/PL/103 REVA,
A1/PL/104 REVA, A1/PL/105 REVA, A1/PL/106 REVA,
A1/PL/107 REVA, A1/PL/108 REVA, A1/PL/109 REVA,
A1/PL/110 REVA, A1/PL/120 REVA, A1/PL/121 REVA,
A1/PL/122 REVA and A1/PL/123 REVA.

PA/08/02710
Site Location Plan and A1/PL/112A

- Environmental Statement and Further Information
Prepared by URS Corporation December 2008, March 2009 and May 2009.
- Design and Access Statement
Prepared by Mark Weintraub Architecture & Design Dec. 2008
- Planning Statement
prepared by GVA Grimley December 2008
- Transport Assessment and Interim Travel Plan
prepared by Steer Davies Gleave dated December 2008
- Sustainability Statement
Prepared by URS Corporation December 2008
- Consultation Sweep-Up (including revised Energy Statement, Access Statement and Aerodrome Safeguarding Assessment)
Prepared by various authors. April 2009.

Applicant: Commercial Estates Group for and on behalf of GMV Ten Ltd
Ownership: Commercial Estates Group
 EDF Energy
Historic Building: Site in vicinity of Grade I and Grade II Listed buildings.
Conservation Area: West India Dock

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

PA/08/02709

- The redevelopment of an under-utilised site with additional office floorspace, hotel rooms, serviced apartments and associated commercial uses will consolidate and support the future economic role of the north of the Isle of Dogs as an important global business centre. The scheme therefore accords with policies 3B.3, 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), policies ART7, DEV3 and CAZ1 of the Council's Unitary Development Plan 1998, policies CP8, CP13 and EE4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and policies IOD13 and IOD15 of the Interim Planning Guidance Isle of Dogs Area Action Plan, which seek to develop and support Canary Wharf's roles as a leading centre of business activity.
- A contribution has been secured towards the provision of off-site affordable housing in lieu of the absence of any on-site housing. This accords with the requirements of London Plan (consolidated with Alterations Since 2004) policy 5G.3, which identifies Canary Wharf as an area where an off-site provision of housing should be accepted as on-site housing would compromise the broader objectives of sustaining important clusters of business activities.
- The building's height, scale, bulk and design is acceptable and accords with regional and local criteria for tall buildings. The proposal is therefore acceptable in terms of policies 4B.8, 4B.9 and 4B.10 of the London Plan (Consolidated with alterations since 2004), saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3, CP46, DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings

are of a high quality design and suitably located.

- The high quality design of the tower ensures the development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance with London Plan (Consolidated with Alterations since 2004) policies 4B.1, 4B.8 and 4B.9, policy DEV8 of the Council's Unitary Development Plan and policies CP48 and CP50 of the Council's Interim Planning Guidance (2007), and which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- The proposal will enhance the setting of nearby Grade I and Grade II Listed buildings and will enhance the character and appearance of the West India Quay Conservation Area by the replacement of the existing building with an example of high quality architecture and as such accords with policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004), policy DEV28 of the Council's Unitary Development Plan 1998 and policies CON1 and CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control, which seek to ensure the preservation or enhancement of built heritage.
- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the urban context of the site and as such accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.
- Sustainability matters, including energy, are acceptable and accord with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan (Consolidated with Alterations since 2004) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development..
- Transport matters, including parking, access and servicing, are acceptable and accord with London Plan (Consolidated with Alterations Since 2004) policies 3C.1 and 3C.23, policies ST34, T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Contributions have been secured towards the provision of transport infrastructure improvements; open space and public realm improvements; and access to employment for local people in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

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- The existing building makes no significant contribution to the character of the West India Dock Conservation Area and there is no objection to its demolition subject to it being replaced with a suitably designed alternative. The proposal therefore accords with the requirements of policy DEV28 of the Council's Unitary Development Plan

and policy CON2 of the Council's Interim Planning Guidance, which seek to ensure high quality development that enhances the character of Conservation Areas.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor**

B. The prior completion of a **legal agreement** to secure the following planning obligations:

3.2 Financial Contributions

- a) Provide a contribution of £1, 155, 340 towards the provision of off-site affordable housing;
- b) Provide a contribution of £3, 581, 553 towards transportation improvements;
- c) Provide a contribution of £332, 756 towards local employment and training initiatives;
- d) Provide a contribution of £433, 252 towards the improvement of local parks, open spaces and public realm; and
- e) any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.3 Non-financial Contributions

- f) Travel Plan;
- g) Publicly accessible pavilion and upper floor restaurant /bar;
- h) TV and Radio Reception Monitoring;
- i) Maximum duration occupancy 90 days for serviced apartments
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.4 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.6 **Conditions**

- 1) Time Limit (5 years)
- 2) Details of external materials including 1:1 scale sample of cladding system
- 3) Details of ventilation / fume extraction equipment for commercial units
- 4) Details of hours of opening of commercial units
- 5) Details of noise output and mitigation measures for all plant
- 6) Details of hard and soft landscaping
- 7) Assessment and mitigation for impact on microclimate
- 8) Details of mitigation from Crossrail noise and vibration
- 9) Provision of aviation warning lighting
- 10) Details of allocation of car-parking spaces between uses
- 11) Details of provision of cycle parking for serviced apartments
- 12) No additional car-parking to be provided
- 13) Energy Strategy to be implemented
- 14) Submission demonstrating building meets BREEAM 'Excellent' standards

- 15) Demolition and Environmental Construction Management Plan required. Including: - Feasibility study and details of moving waste and materials by water during construction, limits of hours of construction work, protection of trees.
- 16) Details of foundation construction method
- 17) Provision of notice to Crossrail for commencement of foundation works.
- 18) Survey and scheme of improvements to dock wall
- 19) Assessment of structural integrity of basement
- 20) Assessment potential groundwater contamination
- 21) Prevention of light-spill onto waterway.
- 22) Service Management Plan
- 23) Land contamination assessment required
- 24) Programme of archaeological work required
- 25) Landscape Management Plan including measures to promote biodiversity
- 26) Water supply infrastructure required
- 27) Further detail air quality impact and mitigation
- 28) Risk and Method Statement for works adjacent to water
- 29) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 **Informatives**

- 1) Contact Thames Water
- 2) Contact London City Airport regarding cranes and scaffolding
- 3) Contact LBTH Building Control
- 4) Contact British Waterways
- 5) Contact Environment Agency
- 6) Contact London Fire & Emergency Planning Authority
- 7) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.8 That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

3.9 That the Committee resolve to **GRANT** Conservation Area Consent subject to:

Conditions

No demolition to take place until a planning permission has been granted for the redevelopment of the site.

No demolition until scheme of demolition management approved.

4. **PROPOSAL AND LOCATION DETAILS**

Background

4.1 Applications for planning permission (reference PA/03/00475) and Conservation Area Consent (PA/03/00878) for an almost identical 63 storey building to that which is currently proposed, were reported to Development Committee on 18th March 2004. Committee resolved to grant permission subject to conditions and a S106 agreement. Following the completion of the S106 agreement permission was granted on 2nd March 2005.

- 4.2 The building has not been constructed. The existing permissions remain extant, however they are due to expire on 2nd March 2010.
- 4.3 Following amendments to planning legislation it is no longer possible to extend the life of an unimplemented permission. Consequently the Applicant has submitted a new application to extend the time available to commence the development. The Applicant has stated that the reason the additional time is required is to avoid the construction of the tower conflicting with the engineering works being carried out under the site as part of the Crossrail tunnelling.
- 4.4 The Applicant has made some amendments to the design to bring the scheme into accordance with current policy and to respond to objections made during the course of consultation.
- 4.5 The revisions include:-
- Amendment to external plan form,
 - Amendment to detailed design of roof and podium,
 - Alterations to elevation treatment,
 - Incorporation of additional renewable energy,
 - Additional visitor cycle parking,

Proposal

- 4.6 The application proposes the demolition of the existing building and the redevelopment of the site with a ground and 63 storey building (maximum height 242 metres AOD). The building will provide a mixture of office, hotel, serviced apartments commercial and leisure uses.
- 4.7 The building would comprise a two storey basement. A ground and two storey podium would sit above this rising to a height of 18m AOD. The tower itself would rise above the podium to a maximum of 63 storey (242m AOD).
- 4.8 The uses within the building are vertically stacked. The podium provides retail space and a double height publicly accessible pavilion / winter garden. The office use occupies the low rise section of the tower, then the fitness and leisure centre in the mid-rise section. The hotel and serviced apartments occupy the high-rise zone. The top of the building is capped with penthouse hotel suits, a restaurant and a bar.
- 4.9 The basement provides parking and plant space. Various upper floors provide additional plant and 'back of house' space.
- 4.10 The ground floor pavilion/winter garden, high-level bar and restaurant would be accessible to the public.
- 4.11 The floorspace provided for each use given in the table below:-

Use	Gross External Floor Area (square metres)
Office (Use Class B1)	30, 871
Hotel (Use Class C1)	30, 081 (192 rooms)
Serviced Apartments (sui generis)	16, 693 (74 rooms)
Commercial (Use classes A1 – A5)	1, 468

Leisure (Use Class D2)	2, 731
Plant (above ground)	4, 877
Basement (excluding retail back of house)	6, 992
Winter Garden, Internal Public Circulation, Podium Core and Servicing	1, 246
Total	96, 433

- 4.12 The basement would contain 67 car-parking spaces. Of these 10% (7 spaces) will be designated as disabled spaces. Five of the spaces would be 'shared spaces' that could also be used for the parking of motorcycles

Site and Surroundings

- 4.13 The application site occupies an area of 0.36 hectares. The site is located off Hertsmere Road at the Western end of West India Dock North. The site is currently occupied by Hertsmere House, a 4-storey office building which was constructed in the late 1980s. The site is largely covered by the office building, with landscaping and mature trees around the perimeter.
- 4.14 Directly to North of the site are the Grade I Listed 'Gwilts' dock warehouses. These low-rise buildings are in commercial use on the ground floor with residential above. Further behind these is a cinema complex and a multi-storey car-park. Further along the dockside adjacent to the Listed warehouses is the modern 33 storey West India Quay Tower comprising hotel / residences.
- 4.15 To the East is West India Dock North itself, the dock walls of which are also Grade I Listed. To the South are the commercial high-rise buildings of the Canary Wharf Estate. These range from the 10 – 20 storey 'CSFB' buildings, directly to the South of the site, to One Canada Square the tallest at 245.75AODm metres high.
- 4.16 To the south-west of the site are the Cannon Street Workshops and Dockmasters House, which are Grade II Listed. There are residential dwellings, including some Grade II Listed properties along Garford Street and Hertsmere Road.
- 4.17 The site is located in an area with a PTAL of 5. The site is approximately 300 – 400m away from DLR stations are West India Quay and Canary Wharf. The Canary Wharf Jubilee line is 675m to the East. The closest bus stops are approximately 300m away. The site is located directly above confirmed alignment for future Crossrail tunnels.
- 4.18 In the adopted Tower Hamlets Unitary Development Plan the site falls within the Central Activities Zone, east-west Crossrail safeguarding and a designated Flood Protection Area.
- 4.19 A narrow strip of the northern frontage of the site falls just within the West India Dock Conservation Area.
- 4.20 West India Dock North forms part of the Blue Ribbon Network and is a site of Importance for Nature Conservation.
- 4.21 In the Isle of Dogs Area Action Plan the site is identified as Development Site 32, with a mixtures of Employment (B1) and Retail and Leisure (A1, A2, A3, A4 and A5) land uses preferred (this designation is a reflection of the grant of the previous planning permission).

4.22 In the Council's Interim Planning Guidance the site is located within a Major Town Centre.

Relevant Planning History

4.23 The following planning decisions are relevant to the application:

- PA/03/00475 Demolition of existing building and erection of a 63 storey tower for office (B1), hotel and serviced apartments (C1 and sui generis), retail (A1/A2/A3) and leisure (D2) uses, with basement car parking and servicing. Approved 2nd March 2005.
- PA/03/00878 Demolition of existing building to facilitate the redevelopment of site. [Conservation Area Consent] Approved 2nd March 2005.
- PA/08/02377 Request for Scoping Opinion as to the information to be contained within an Environmental Impact Assessment to be submitted in support of an application for demolition of existing building and erection of a 63 storey tower for office (B1), hotel and serviced apartments (C1 and sui generis), retail (A1/A2/A3) and leisure (D2) uses, with basement car parking and servicing. Scoping Opinion Issued 16th December 2008.
- PA/09/00309 Variation of conditions 2, 12, 13, 14, 18, 21, 22, 24 and 25 of planning permission dated 2nd March 2005, reference PA/03/475 in order to set back trigger for the submission of further details.
- PA/09/0488 Variation of Condition 2 pursuant to Conservation Area Consent dated 2nd March 2005, reference PA/03/878 in order to allow preliminary demolition works.

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

5.2 Unitary Development Plan 1998 (as saved September 2007)

Proposals:	Flood Protection Area Central Area Zone East-West Crossrail Adjacent to site of Nature Conservation Importance Adjacent to Water Protection Area
Policies:	ST1 Addressing needs of all residents ST12 Encourage range of cultural activities ST15 Facilitate expansion of local economy ST17 To promote high quality work environments ST28 Restrain unnecessary use of private cars ST30 To improve safety for all road users ST34 To support range of shopping ST35 To retain reasonable range local shops ST37 To improve physical appearance of parks and open-spaces ST41 To encourage new arts and entertainment facilities ST47 To support training initiatives DEV1 Design Requirements

DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV8	Protection of local views
DEV12	Provision of Landscaping in Development
DEV15	Retention of Mature Trees
DEV32	Buildings worthy of protection
DEV43	Protection of Archaeological Heritage
DEV46	Protection of Waterway Corridors
DEV48	Riverside Walkways
DEV50	Noise
DEV51	Soil Tests
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Sites of Nature Conservation
DEV69	Water Resources
CAZ1	Location of Central London Core Activities
T1	Improvements to rail services
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T26	Promoting of Waterways for Freight
U2	Consultation Within Areas at Risk of Flooding
U3	Flood Defences
S1	Shops in District Centres
S7	Special Uses
ART1	New facilities
ART7	Location Major Hotel Development

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:	Development site ID32 – Identifies preferred uses as Employment (B1) and Retail & Leisure (A1, A2, A3, A4, A5) Major Centre Flood Risk Area Isle of Dogs Area Action Plan Draft Crossrail Boundary Adjacent site of Importance for Nature Conservation Adjacent Public Open Space (Isle of Dogs wharves) Adjacent Blue Ribbon Network Adjacent Inland Water
Core Strategies:	IMP1 Planning Obligations CP1 Creating Sustainable Communities CP2 Equality of Opportunity CP3 Sustainable Environment CP4 Good Design CP5 Supporting Infrastructure CP7 Job Creation and Growth CP8 Global Financial and Business Centre CP11 Sites in Employment Use CP13 Hotels, Serviced Apartments and Conference Centres CP16 Vitality of Town Centres CP29 Improving Education and Skills

	CP31	Biodiversity
	CP33	Site of Importance for Nature Conservation
	CP36	The Water Environment and Waterside Walkways
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A sustainable transport network
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP44	Sustainable Freight Movement
	CP46	Accessible Environments
	CP48	Tall Buildings
	CP49	Historic Buildings
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Sustainable Drainage
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution
	DEV12	Management of Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV27	Tall Buildings
	EE2	Redevelopment /Change of Use of Employment Sites
	EE4	Serviced Apartments
	OSN3	Blue Ribbon Network and the Thames Policy Area
	CON1	Listed Buildings
	CON2	Conservation Areas
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
	IOD1	Spatial Strategy
	IOD2	Transport and movement
	IOD5	Public open space
	IOD7	Flooding
	IOD8	Infrastructure capacity
	IOD10	Infrastructure and services
	IOD13	Employment Uses in the Northern sub-area
	IOD16	Design and Built Form in the Northern sub-area
	IOD17	Site allocations in the Northern sub-area

5.4 Spatial Development Strategy for Greater London (London Plan)

2A.1	Sustainability Criteria
3B.1	Developing London's economy

3B.2	Office demand and supply
3B.3	Mixed use development
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.12	New Cross-London Links
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3C.25	Freight Strategy
3D.1	Supporting Town Centres
3D.7	Visitor Accommodation
3D.14	Biodiversity and Conservation
4A.2	Mitigating climate change
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.12	Flooding
4A.13	Flood risk management
4A.16	Water supply and resources
4A.18	Water and sewerage infrastructure
4A.19	Improving Air Quality
4A.20	Reducing noise and enhancing townscapes
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety and Security
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London’s Built Heritage
4B.12	Heritage Conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
4C.1	Blue Ribbon Network
4C.23	Docks
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London

5.5 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS9	Biodiversity and Conservation
PPG13	Transport
PPG15	Planning and the Historic Environment
PPS22	Renewable Energy
PPS25	Development and Flood Risk

5.6 Community Plan The following Community Plan objectives relate to the application:

- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

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

6.1 The following were consulted regarding the application:

6.2 **LBTH Air Quality**

- Satisfied with submitted Environmental Statement
- Detail of location and height of stack for boiler plant
- Verification of Nox concentrations required
- Conditions for air quality mitigation requested.

Officer comment:

Suitable conditons regarding the submission of this detail would be imposed on any permisison.

6.3 **LBTH Cultural Services**

The proposed development will increase the daytime population in the Canary Wharf area significantly. As such the development will impact on existing social infrastructure and open space provision. Contributions should be sought to mitigate for this impact to ensure there is sufficient capacity for both residents and resulting daytime population. This should include a contribution towards improving capacity of open spaces / sports pitches.

Officer Comment

Contributions have been sought towards education, training and employment initiatives for residents and improvements to the Mile End Park and other local leisure and recreational facilities.

6.4 **LBTH Energy Efficiency**

- The Applicant has followed Energy Hierarchy set out in London Plan
- A 240kW Fuel is proposed as part of CHP system to meet 20% on-site renewable energy requirement
- The fuel cell will provide CO2 savings of 23% initially when running from Natural Gas rising to 37% when switched to Hydrogen fuel.
- PV panels are also provided
- The combined Energy Strategy proposes to reduce development CO2 emissions by 17.6% through Energy Efficiency measures.
- The development could be connected to a future district heat system
- Development should be assessed against BREEAM ratings and should achieve a minimum 'excellent' rating.
- Conditions are recommended to ensure compliance with the proposed Energy Strategy

Officer Comment:

Suitable conditions would be imposed on any permission.

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

- Satisfied with submitted Ground Conditions Report. Conditions requested to carry out further investigation works

Officer comment:

Suitable conditions would be imposed on any permission.

6.6 LBTH Environmental Health (Noise and Vibration)

- Site will be affected by noise and vibration from future Crossrail network. Further survey work and mitigation would be required by condition.
- Development site is within noise exposure category A in relation to Road Traffic Noise. No objections.
- Further information required in relation to noise and ventilation of A3/A4 uses.
- Conditions required to limit hours of construction activity.

Officer comment:

Suitable conditions would be imposed on any permission to ensure future occupiers, and occupiers of neighbouring properties do not suffer from adverse noise or vibration.

6.7 LBTH Environmental Health (Daylight and Sunlight)

- VSC losses to Mary Jones House, Matthew House and Riverside House exceed 25%
- ADF losses at Garford Street, Mary Jones House, Matthew House and Riverside House excessive
- Daylight Distribution Contours (No Sky Line) acceptable
- Average Probable Sunlight Hours acceptable with the exception of Riverside House where there are significant failures.
- Developer should provide mitigation or amend scheme to improve the impact.

Officer comment:

This matter is discussed under the amenity section of the report.

6.8 LBTH Highways

- Site accessibility is very good with PTAL5
- Vehicle access via privately owned Hertsmere Road.
- Scheme has no significant impact on highways
- Applicant advised to convert some car-parking spaces to motorcycle spaces.
- Cycle parking adequate
- Contributions may be required to mitigate for impact on public transport

Officer Comment

These matters are discussed under the Transportation Section of this report, and are considered to be acceptable.

6.9 LBTH Primary Care Trust

- No objections, the application does not propose any permanent residential accommodation so no healthcare S106 contribution is required.

6.10 British Waterways (Statutory Consultee)

- Concerned scale of building may adversely affect the adjacent listed buildings and appear overbearing.
- Wind tunnel study needs to assess impact on Canon workshops.
- Freight by water should be investigated
- Maintenance service charge requested for additional impact of pedestrian footfall on dock.
- Feasibility of dock water for heating and cooling should be investigated.
- Conditions requested regarding Risk Assessment and Method Statement for works adjacent to water.

Officer Comment

- *The scale of the building is discussed under main issues. Additional wind-tunnel modelling would be carried out at the detailed design stage to ensure appropriate mitigation is provided to prevent adverse wind impacts. A condition would require the feasibility of moving freight by water to be considered. Officer's do not consider that the relatively limited additional pedestrian footfall from the development would justify any form of maintenance surcharge to British Waterways.*

6.11 Commission for Architecture and the Built Environment

- No objections to building of this height
- Proposal would be a distinctive and elegant addition to the skyline at Canary Wharf, and through the provision of viewing areas and public space it has potential to offer significant benefits to the public realm in the area.
- Generally well-considered design which is distinctive and attractive in terms of overall form and massing. Sleek and elegant design provides a pleasing contrast to block towers that dominate rest of Canary Wharf
- Pleased to note the mix of units proposed, the commitment to public access to various points in tower which make scheme unique in Canary Wharf cluster.
- Relates fairly convincingly to the existing cluster in most visualisations provided, particularly in longer views. Notes the relationship would become even stronger in the event that other proposed additions to sky-line are built.
- Impact on dwellings nearby should be considered particularly in relation to overshadowing.

Officer Comment:

Design is considered under main issues

6.12 City of London

- Proposal would have no detrimental impact on City of London

6.13 Civil Aviation Authority (Statutory Consultee)

- Potential impact on London City Airport. Comments should be sort from Airport licensee.
- Aviation warning lighting required

Officer Comment:

A suitable condition would be imposed on any permission

6.14 Crossrail (Statutory Consultee)

- Raised no objection to proposal providing that a condition is imposed requiring details of foundation construction methods, noise/vibration mitigation measures and provision of notice to Crossrail for commencement of works.

Officer Comment

The Applicant has undertaken detailed consultations with Crossrail's Engineers who are satisfied that the two developments are compatible. The proposed conditions would be imposed on any permission.

6.15 Environment Agency (Statutory Consultee)

- No objections on Flood Risk grounds subject to conditions requiring survey of dock

wall, scheme of improvements to dock wall, structural integrity of basement, assessment of potential groundwater contamination and mitigation, prevention of light-spill onto waterway.

Officer Comment:

Suitable conditions would be imposed on any permission.

6.17 English Heritage (Statutory Consultee)

- Re-iterated comments made previously in 2003. Specifically stating that:-
- Support Canary Wharf as location for tall buildings.
- No objection to proposals which add to cluster of high buildings within northern sector of Isle of Dogs.
- Proposal would have damaging impact on setting of grade I Listed West India Dock warehouse, Dockmasters House and the Cannon Workshops.
- Increased overshadowing of historic buildings and public spaces regrettable.
- Tower would affect character and appearance of West India Dock Conservation Area.
- Could not sustain objection given setting of Listed Buildings and Conservation Areas dominated by existing tall buildings.
- Podium building is over-burdened with dubious historical and architectural references.

Officer Comment

Design is discussed under main issues. It should be noted that the scheme was amended to improve the design of the podium and that no 'in principle' objection was made to the height or form of the building. English Heritage were re-consulted on the amended design and no further comments have been received.

6.18 English Heritage- Archaeological Division (Statutory Consultee)

- Site located in area with high potential for archaeological remains. Recommend condition to secure a programme of architectural work.

Officer Comment

A suitable condition would be imposed on any permission.

6.19 English Partnerships (Statutory Consultee)

- No comments received

6.20 Greater London Authority (Statutory Consultee)

Stage One response received. Issues raised:-

- Principle of new mixed-use building with office, hotel, serviced apartments, retail and leisure space is acceptable.
- Sculpted tower would be striking addition to London skyline and would blend into Canary Wharf cluster.
- Proposed building would be a slender addition that has modest and complementary impact on Strategic views.
- Insufficient detail on energy efficiency measures submitted, insufficient detail of climate change adaptation
- Financial contributions requested towards
 - o £1M off-site affordable housing
 - o £5M towards Crossrail
 - o £3M towards DLR
 - o £180K towards bus routes
- Scheme provides high level of car-parking and low provision of cycle parking spaces.

- Low provision of wheelchair accessible hotel rooms and serviced apartments.
- Further information required on size and location of blue badge parking.

Officer Comment

Additional information in relation to Accessibility and Energy has been submitted. These issues are discussed in more detail under main issues, and are considered to be satisfactory subject to appropriate conditions.

The requested financial contributions are discussed in more detail under the S106 section of the report.

6.21 London Borough of Greenwich (Statutory Consultee)

- Welcome further regeneration of Docklands and Job opportunities.
- Concern over excessive height and elevation treatment and the detrimental impact it would have on panoramic views from the General Wolfe Monument in Greenwich Park
- Existing skyline rises and falls from east to west and proposed development, by reason of its excessive height, would disturb the arrangement.
- Considered the views of English Heritage and the Mayor should be sought

Officer comment:

Design is discussed under main issues. It is noted that neither English Heritage nor the Mayor expressed any objection to the height of tower or the impact on views from Greenwich.

6.22 London City Airport (Statutory Consultee)

- No safeguarding objection
- Construction method and use of cranes to be agreed with airport

Officer comment:

A suitable informative would be imposed on any permission

6.23 London Fire and Civil Defence Authority (Statutory Consultee)

- Note that submitted documents indicate provision of water supply and Fire Brigade Access not likely to be problematic. Note that this issue will be addressed at Building Regulations stage.

6.24 London Borough of Southwark

- No objection raised, detailed comments made on building and views.

6.25 London Development Agency (Statutory Consultee)

- No comments received.

6.26 London Underground Ltd (Statutory Consultee)

- Responded to consultation stating no comments.

6.27 Thames Water (Statutory Consultee)

- Thames Water have identified an inability of the existing waste water and water supply infrastructures to accommodate the needs of the proposal.
- Conditions requested requiring the submission of impact study and a drainage strategy for approval prior to the commencement of any development. A number of informatives are also recommended.

Officer comment:

Suitable conditions and informatives would be imposed on any permission.

6.28 National Air Traffic Services (Statutory Consultee)

- No safeguarding objection

6.29 Natural England (Statutory Consultee)

- Concerns about adverse impacts of the Dockwater Cooling System on Millwall and West India Docks SBI
- Additional ecological enhancements should be secured.

Officer Comment:

The Dockwater Cooling system no longer forms part of the application. Additional ecological enhancements are also proposed including the provision of a green wall along the southern flank of the pavilion facing the CSFB building, bird and bat boxes within cladding system and moveable planters on terrace levels. The detail of these mitigation would be secured by condition on any permission.

6.30 Port of London Authority (Statutory Consultee)

- No objection. Suggest consideration should be given to the use of the river for transporting during construction.

Officer Comment

A condition would be imposed on any permission requiring the feasibility of utilising freight by water to be investigated.

6.31 Transport for London (Statutory Consultee)

- Circa £5M contribution requested for Crossrail
- £3M contribution required for introduction of 3 car operation on DLR
- Additional data on line capacity constraints required
- Transport Assessment flawed in relation to conclusion only 2 additional bus trips generated.
- Contribution of £180k towards increased bus capacity required
- More robust assessment of trip rates required.
- More data required on trip-rate assumptions in relation to leisure/fitness centre.
- Concerns about methodology of Transport Assessment, however trip generation not expected to have significant impact on Transport for London Road Network.
- Development, including serviced apartments, should be car-free. Retail leisure uses should not require parking.
- Car-club suggested
- Amount of motorcycle parking high
- Additional cycle parking requested
- Works to improve principle routes to public transport facilities should be implemented as part of travel plan.

Officer Comment

Additional information has been submitted in response to the above requests. The level of dedicated car-parking has also been reduced with the use of shared motorcycle / car-parking spaces. TfL were re-consulted and no further comments were received. The study is considered to be sufficiently detailed for the transport impact of the development to be properly assessed..

7. LOCAL REPRESENTATION

- 7.1 A total of 532 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site.

An additional round of consultation took place on 30th March 2009 after Regulation 19 information was submitted

A further round of consultation took place on 1st June 2009 after the submission of additional Regulation 19 information. Any additional representations received after the publication of this report will be updated to Members.

The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

- 7.2 No of individual responses: 10 Objecting:9 Supporting: 1

- 7.3 The following groups / organisations were also consulted regarding the proposals.

7.4 Museum of London: Docklands

- Construction may cause vibration which would damage building
- Water levels could be changed causing damage to historic quayside
- Rights of light and air diminished
- Outside terrace will be overshadowed
- Infrastructure required to support increased traffic and pedestrian flow required
- Construction impacts, noise and dirt etc will have an adverse impact on Museum's popularity.
- Boats belonging to museums floating collection moored in dock. Re-assurance required that these will not be affected.

Officer comment:

A condition would require the submission of a Construction Management Plan which would detail vibration and noise control measures. This would be sufficient to ensure that excessive noise and vibration does not occur. The small level of additionally displaced water from the basement excavations ensures that the development is unlikely to result in any significant changes in ground water in the vicinity of the site. The outside terrace area would not suffer from a permanent additional overshadowing. Transitory overshadowing will increase, however the terrace will still receive direct sunlight during work lunch hours (12pm to 2pm and after working hours (5pm onwards). Other matters are discussed in main issues section of report.

7.5 Canary Wharf Group

- No objection
- Suggest a contribution towards Crossrail is sought
- Note Applicant has not sought agreement for access across CWG land. Additional detail should be submitted.

- 7.6 The following issues were raised in the individual representations that are material to the determination of the application, and they are addressed in the next section of this report:

- Proposed building too large, will over dominate and is out of scale
- Does not respect Conservation Area or Listed Buildings
- Style of architecture inappropriate
- Overdevelopment
- Skyline dramatically altered
- Adverse impact on views
- Proposal will block sunshine and cast shadow
- Air conditioning plant will cause noise and disturbance
- Increased congestion
- Increase in traffic volume
- Flood compensation should be provided
- Overcrowding of local transport during rush hour
- TV and Radio Interference
- Loss of privacy
- Impact on Crossrail tunnels / development
- Too many flats in area
- Small extension to dwelling refused.
- Likely to increase risk of terrorism

7.7 One letter of support was received that stated the development was a 'stunning tower that will give a much needed boost visually to the current rather old fashioned dull blocks of the Canary Wharf estate'.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design, Scale, Impact on Listed Buildings and Conservation Area
3. Transport and Highways
4. Amenity
5. Other issues

Land Use

Hotel and Serviced Apartments

8.1 The application proposes to provide 192 hotel rooms and 74 serviced apartments.

8.2 Serviced apartments are a specialised form of accommodation that is akin to a hotel use, rather than permanent residential accommodation. The proposed apartments are self-contained and include kitchens and living areas. There are a mixture of 2, 3 and 4 bedroom units. They would provide a form of short-term accommodation (with the maximum duration of occupancy limited via legal agreement to 90 days). The apartments are intended to serve the business market, for instance to provide accommodation for workers on short-term project assignments.

8.3 On a strategic level, the Isle of Dogs is identified within the London Plan as an Opportunity Area within the North-East London sub region. Policy 5C.1 seeks to promote the sub-regions contribution to London's world city role, especially in relation to the Isle of Dogs.

8.4 Tourism is seen as a key growth industry for London. To accommodate this growth London Plan policy 3D.7 specifies a target of 40,000 net additional hotel bedrooms by 2026. The policy identifies Central Activities Zones (CAZ) and Opportunity Areas as priority locations for new hotel accommodation and seeks to maximise densities. Policy 3D.7 also supports a wide range of tourist accommodation, such as serviced apartments.

- 8.5 Policies ART7 and CAZ1 of the Unitary Development Plan (UDP) state the Council will normally give favourable consideration to major hotel developments within the Central Area Zone (CAZ). In addition to this, policy CP13 of the Interim Planning Guidance October 2007 (IPG) states that large scale hotel developments and serviced apartments will be supported in major centres such as Canary Wharf.
- 8.6 Supporting information to policy EE4 of the IPG, serviced apartments are able to provide short term accommodation for the international business sector which operates in the north of the Isle of Dogs and the CAZ. This form of accommodation supports business tourism. Policy makes it clear that serviced apartments should have similar impacts to hotels, which are more suited to employment areas.
- 8.7 Policy IOD15 of the Isle of Dogs Area Action Plan (IDAAP) states tourism uses, in particular the development of business tourism, will be promoted in and around Canary Wharf and the northern sub-area to take full advantage of opportunities arising out of the 2012 Olympic and Paralympic games.
- 8.8 The provision of hotel rooms and serviced apartments in this location is supported by the London Plan, local policy objectives promoting tourism, and would contribute to London's role as a World City. The proposed uses will all contribute towards the attractiveness of Canary Wharf as a business hub by developing it as a lively and animated place throughout the day and into the evenings. The hotel and serviced apartments will also increase activity during the weekends when office uses are less active.

Office use

- 8.9 The existing building on-site provides 6913 square metres (Gross External Area) of office space. The building is not considered to make particularly efficient use of the available land given the site's location. The redevelopment would make more efficient use of the site and as such accords with overarching sustainability objectives. The application proposes to create 30, 871 square metres of office space, giving a net increase of 23, 958 square metres of floorspace.
- 8.10 London Plan policies 3B.1 and 3B.2 recognise and support London's role as a world city and promote continued economic development by seeking the provision of a variety of type, size and cost of business premises to meet the needs of all business sectors. UDP policies DEV3 and EMP1 and Interim planning guidance policy CP8 are also relevant. The redevelopment of existing outdated office buildings on an underutilised site in Canary Wharf is in-line with the objectives of these policies.
- 8.11 London Plan policy 3B.3 also requires that where an increase in office floorspace is proposed within the northern section of the Isle of Dogs, a mix of uses should be provided. It specifies that this mix should include housing.
- 8.12 Policy 5G.3 identifies Canary Wharf as an exception to this rule, as a mixed use development would compromise the importance of sustaining clusters of business activities. Paragraph 5.178 states:

“As a general principle, mixed use development in CAZ and the north of the Isle of Dogs Opportunity Area will be required on-site or nearby within these areas to create mixed-use neighbourhoods. Exceptions to this will only be permitted where mixed-uses might compromise broader objectives, such as sustaining important clusters of business activities, for example in much of the City and Canary Wharf, or where greater housing provision, especially of affordable

family housing, can be secured beyond this area. In such circumstances, off-site provision of housing elsewhere will be required as part of a planning agreement”

- 8.13 At the time of the previous application a sum of £1M was agreed with the developer towards the provision of off-site affordable housing. To ensure compliance with policy 5G.3 the Mayor has again requested a contribution towards the provision of off-site affordable housing.
- 8.14 A pro-rata increase of the previous contribution of £1.155M has been agreed with the Applicant, and this is considered acceptable.
- 8.15 Policy IOD1 (1.c) of the Isle of Dogs Area Action Plan seeks to secure off-site small employment space from large-scale office developments in the Isle of Dogs Major Centre. The scheme does not make a contribution towards off-site employment space as a greater priority has been placed on securing an affordable housing contribution. It should be noted that the scheme would provide £332, 756 towards local employment and training initiatives, which would assist local communities in benefiting from the development.

Retail, Restaurant and Leisure.

- 8.16 The application seeks to provide 1,468 square metres of retail commercial space in the three storey podium. A leisure facility, primarily aimed at the users of the office space and hotel, would provide 2731 square metres of floorspace over floors 24 and 25.
- 8.17 London Plan policies 3D.1 and 3D.3 seek to encourage retail and related uses in town centres and to maintain and improve retail facilities. UDP policy ST34 seeks to support and encourage improved provision in the range and quality of shopping in the Borough. UDP policy S7 relates to the provision of ‘Special’ Uses including restaurants and pubs. Policy DEV3 seeks to encourage mixed-use developments.
- 8.18 The A1 to A5 uses are acceptable in principle as they will support and improve provision in the range of shopping in the Major Centre, provide for the needs of the development and also present employment opportunities in a suitable location. The provision of the retail and restaurant spaces at the ground floor level will also introduce an active frontage along West India Dock and Hertsmere Road.
- 8.19 Conditions would limit hours of future operation and require the submission of detail of extract flues and ventilation equipment. With this safeguard the amenity impacts of the uses would be acceptable and in accordance with London Plan and Council policies.

Design

Height, Mass, Scale and Appearance

- 8.20 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to ‘Principles and specifics of design for a compact city’ and specifies a number of policies aimed at promoting the principles of high quality design. These principles are also reflected in saved policies DEV1 and DEV3 of the UDP.
- 8.21 Policy 4B.9 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London’s character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.

- 8.22 Policies CP1, CP48, DEV2 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a list of specified criteria. This includes considerations of design, siting, the character of the locality, views, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. The document 'Guidance on Tall Buildings' produced by English Heritage / CABI is also relevant.
- 8.23 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.24 Policy IOD16 of the Isle of Dogs AAP (IPG, 2007) states that the Northern sub-area will continue to be a location for tall buildings, and that new tall buildings should help to consolidate this cluster and provide new landmarks consistent with the national and international role and function of the area. It also goes on to state that building heights will respect and complement the dominance of One Canada Square and heights should progressively reduce from this central landmark through to the periphery of the Northern sub-area.

Impact on Conservation Areas and Listed Buildings

- 8.25 UDP policies DEV27, DEV28 and IPG policy CON2 relate to development that affects Conservation Areas. London Plan policy 4B.11 and 4B.12 seeks to improve the contribution built heritage makes to quality of life and gives it protection from adverse development. Advice in PPG15 Planning and the Historic Environment is also relevant. The Council is required to pay 'special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.26 The West India Quay Conservation Area extends around the north-west corner of the former West India Dock. The remaining North Quay warehouses and the historic buildings located around the main dock entrance contribute to the character of this area. As designated, the Conservation Area includes a narrow strip along the North boundary of the application site.
- 8.27 The Council has prepared a Conservation Area appraisal which notes that the current office building on the site does not make a positive contribution to the area. Management guidelines for the area also state that any new development on this site should 'respect the historic and architectural significance of the dock warehouses and include detailed proposals for high-quality public realm at ground level'.
- 8.28 The proposed development will also be visible in longer views from other Conservation Areas including the Narrow Street, St Matthias Church Poplar, All Saints, St Annes and Lansbury Conservation Areas.
- 8.29 Interim Planning Policy CON1 states that development will not be permitted where it adversely affects the setting of a Listed Building. When assessing a proposal that affects the setting of a Listed Building the Council must have 'special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses'.
- 8.30 There are a number of historic buildings in close proximity to the site. Of these, the most significant impact would be on the Grade I Listed North Quay warehouses, directly to the north-east of the site, and the Grade II Listed Cannon Street Workshops – located to the West. It should also be noted that there are other Listed buildings located further from the

site within the West India Dock Conservation Area. These include the West India Dock Former Guard House, cottages on Garford Street and various railings and gate-piers.

Impact on Blue Ribbon Network

- 8.31 West India Dock falls just to east of the site and forms part of the Blue Ribbon Network. Policies 4C.11 and 4C.23 of the London Plan, DEV48 of the UDP and OSN3 of the IPG seek to protect and promote the vitality, attractiveness and historic interest of the docks, and to ensure that the design of waterside developments integrate successfully with the water space.

Protected Views

- 8.32 London Plan policies 4B.16 and 4B.18 provide a policy framework for the management of strategically important views. IPG policies CON3 and CON5 also require development to protect important views, including those from World Heritage Sites. UDP policy DEV8 seeks the protection of view of local importance.
- 8.33 The proposed building falls within the strategically important panoramic view from Greenwich Park (LVMF 5A.1), it would also be visible in the panoramic view from Primrose Hill (LVMF 4A.1) and the river prospect from Waterloo Bridge (LVMF 15B.1). Local views from nearby Conservation Areas and from Wren's Landing are also of importance.

Assessment

- 8.34 The existing building on-site has no particular merit and the demolition and replacement with a suitable alternative would improve the character and appearance of the Conservation Area. A condition would be imposed on the Conservation Area Consent to tie the demolition to the redevelopment of the site, to prevent an undeveloped site blighting the Conservation Area. In terms of the proposed redevelopment, in terms of height it is well established that Canary Wharf is an appropriate location for tall buildings. When assessed against relevant tall building and design policy it is considered that:-
- 8.35
- The slim and elegant proportions of the building ensure that it is acceptable in terms of height and mass. The aerofoil profile and overall design would result in an attractive appearance that achieves the very highest standards of architectural quality required for a building of this prominence.
 - The slender form of the building ensures that it does not detract from the overall hierarchy of building heights in the cluster. When viewed from the North, East and South the building would sit comfortably within the existing cluster of tall buildings and would be acceptable in appearance.
 - When viewed from the West the building will appear more separated from the main cluster. However, it is likely that in time, future development will 'fill-in' the space between the main cluster and the proposed building. Even if this does not happen the overall impact on the skyline remains acceptable.
 - The building achieves an acceptable relationship with the adjacent Grade I Listed warehouses by the incorporation of the 2/3 storey podium level. This is approximately 18m high, which is similar to the height of the upper story / roofline of the warehouse buildings behind. When viewed from Wren's Landing or the dockside area this podium ensures the building respects the historic scale, height and massing of the Listed buildings, and as such is considered to respect their setting. More generally the setting of Listed Buildings in this area is already seen in the context of the modern backdrop of Canary Wharf, and this setting would not be significantly altered by the proposal. In the wider context the development would not have any adverse impacts on World Heritage

sites.

- The building has a sculptured point which helps to differentiate it from other buildings in the Canary Wharf Cluster, and it would be a striking addition to the London skyline. The overall quality of the building ensures that the impact on strategic and local views, from all angles and at night-time, is acceptable.
- The existing building relates poorly to the dockside, presenting an unattractive blank facade that does not encourage public access or activity. The proposed building entrances and ground floor retail uses would add activity and animation to this part of the dockside, and as such would allow greater enjoyment of the Blue Ribbon Network.
- The scheme allows public access to the ground floor pavilion floor and the high-level restaurant / bar areas.
- The development would improve safety and security in the area by improving natural surveillance at ground floor level. The building would incorporate controlled entry points to ensure security for future occupiers. Objectors have stated that the building could be a target for terrorism, however it is not considered that one additional tower would significantly increase any potential risk to the area.
- The impact of the development on microclimate (including wind-tunnel modelling) has been assessed, and any potential adverse impacts can be mitigated against during the detailed design phase. This would be secured by condition and is acceptable.
- The impact of the development on the amenity of neighbouring occupiers is considered in detail under the 'Amenity' section of the report, and is acceptable.
- The development includes a good mix of uses and would contribute to social and economic activity in the area by supporting the business roll of the Canary Wharf Centre.
- The site is located in an area with good public transport accessibility and the scheme provides adequate mitigation for additional impacts on transport infrastructure. Links to and from the site are also considered acceptable.
- The scheme complies with the safeguarding requirements of London City Airport and, with the imposition of conditions, complies with Civil Aviation Authority requirements.
- The development would not cause unacceptable interference to telecommunication and radio transmission networks (subject to appropriate monitoring and mitigation as required under the S106 agreement).

Accessibility and Inclusive Design

- 8.36 Policy 3D.7 of the London Plan identifies that the Council should support an increase and the quality of fully wheelchair accessible accommodation. Policy CP13 of the IPG states that there is a shortage of accessible hotel accommodation in London. It identifies the English Tourist Council's National Accessible Standard as best practice to make hotel accommodation more accessible. All new hotel developments are required to meet the National Accessible Standard.
- 8.37 Under the Building Regulations Part M requirements, a minimum of 5% of the hotel rooms and serviced apartments are required to be wheelchair accessible. There is no direct planning policy on the minimum provision of wheelchair accessible units for hotel and serviced apartments. The applicant was originally seeking to comply with the minimum

building regulations, however the GLA raised concern regarding the shortage of wheelchair accessible hotel rooms in London. In response to these concerns the Applicant has submitted a more detailed Access Statement; however the number of wheelchair accessible rooms remains the same. In the absence of any specific policies requiring a certain amount of wheelchair accessible rooms the development is acceptable.

Transport and Highways

- 8.38 The site falls in an area with very good access to public transport (PTAL 5). It is within easy walking distance of Westferry, Canary Wharf and Heron Quay DLR Stations, Canary Wharf Jubilee and local bus services. Vehicles access the site via Hertsmere Road.
- 8.39 National guidance on transport provision is given in PPG13: Transport. London Plan policies 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23; and IPG policies CP1, CP41, DEV16, DEV17, DEV18 and DEV19 in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport. Saved UDP policy T16 requires that consideration is given to the traffic impact of operational requirements of a proposed use and T18 seeks to ensure priority is given to the safety and convenience of pedestrians. Policy ST28 seeks to restrain the unnecessary use of private cars.
- 8.40 The application has been accompanied by a detailed Transport Assessment and Interim Travel Plan produced by Steer Davies Gleave. The report details the policy context and baseline conditions in respect of the local area's public transportation and road network. The report then considers the likely impact of additional trip generation. The study includes an assessment of the development during the construction phase and the cumulative impact with other consented developments.

Access, servicing and vehicle trip generation

- 8.41 Vehicle access to the site would be provided from Hertsmere Road. Service vehicles and cars will travel via a ramp to the loading and parking areas in the basement. A taxi and drop-off area would be provided at ground floor level on Hertsmere Road. This lay-by would also be large enough to allow coach drop-offs without obstruction to the highway. The majority of vehicles are likely to approach the site from the North and would travel via Westferry Circus Lower Level.
- 8.42 The submitted Transport Assessment estimates the development would generate approximately 684 vehicle movements a day. Of these 67 would be in the morning peak and 59 during the evening peak. This level of operational trip generation (including when assessed in combination with the cumulative impact of other consented schemes) would not have a significant impact on the Highway network and is acceptable. Additional traffic would be generated during the construction phase and the impacts of this would be minimised through the Construction Management Plan.
- 8.43 The comments made by objectors regarding increased traffic congestion have been noted. However given that the Council's Highway Section and Transport for London are satisfied that the additional vehicle movements can safely be absorbed into the road network the development is considered to be acceptable.

Vehicle Parking

- 8.44 The proposed development would provide 67 basement car-parking spaces. In accordance with Interim Planning Guidance parking standards, 10% of this parking provision (7 spaces) will be designated as disabled spaces. Five of the spaces would be 'shared spaces' that could also be used for the parking of motorcycles.

- 8.45 The level of car-parking proposed exceeds that permitted under Interim Planning Guidance car parking standards. However, it is noted that the level is the same as the previously consented application, and is also slightly less than in the existing situation. Interim Planning guidance welcomes the substitution of car-parking spaces with motorcycle spaces, and in this respect the development is acceptable as it further reduces the number of dedicated car-parking spaces. On balance, with the submission of a Travel Plan to promote sustainable forms of transport, it is not considered that a further reduction in car-parking spaces is necessary to make the development acceptable
- 8.46 TfL have requested that the serviced apartments be 'car-free'. However, officers consider that some car-parking may be justified for future disabled occupiers. A condition would be imposed on any permission requiring the submission of a scheme detailing how the car-parking spaces would be allocated between the different uses. The condition would also prevent the provision of additional car-parking spaces. With these conditions the overall level of vehicle car-parking is acceptable.

Cycle Parking

- 8.47 The application proposes 158 cycle parking spaces. Of these 144 would be in the basement and 14 at ground level for visitors. The submitted plans also detail the provision of shower and changing facilities in the basement adjacent to the secure cycle stands, which will encourage this mode of transport. Transport for London have noted that the scheme does not make provision of cycle parking for occupiers of the serviced apartments. It is considered that given the short term nature of this accommodation there is unlikely to be a significant cycle parking demand. Nevertheless a condition would require the submission of a scheme detailing how cycle parking would be provided for these users. In overall terms level of provision accords with London Plan policy 3C.22 and IPG policy CP40 and is acceptable.

Impact on public transport infrastructure

- 8.48 The submitted Transport Assessment considers how many additional trips are likely to be generated on the public transport system. The development is estimated to generate 1,765 one-way trips on the Jubilee Line, 1,390 trips on the DLR and 270 trips on bus services.
- 8.49 The assessment concludes that in 2013 the combined 'planning standard' capacity of the Jubilee Line and DLR in the AM peak is likely to be exceeded. Transport for London have contested some of the methodology employed in the assessment of bus route trip generation, and have stated that bus routes in the area are likely to be over-subscribed.
- 8.50 Additional transport capacity in the area is planned with the delivery of Crossrail in 2017, and in the longer term this would provide sufficient additional public transport capacity for the development.
- 8.51 The additional transport pressure will require mitigation in the form of a financial contribution to Transport for London. A sum of £3,581,553 has been agreed with the developer, and this is discussed in more depth under the S106 section of the report. As the transport provider, ultimately it is for TfL to consider how this contribution should be distributed around differing modes of transport to best increase available capacity. The overall level of the contribution is acceptable and it would provide adequate mitigation for the impact of the development on public transport infrastructure.

Amenity

Sunlight, Daylight and Overshadowing

- 8.52 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing. Saved policy DEV2 of the UDP and policies DEV1 and DEV27 of the IPG October 2007 states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.53 The main issue is the impact of the development on nearby residential properties and the potential overshadowing of public open-space.
- 8.54 The submitted Environmental Statement includes a consideration of the impact of the proposal on Daylight, Sunlight and Overshadowing of neighbouring properties. The assessment considers the impact of the proposal on the 'worst-case' properties closest to the application site. This includes the following residential properties: -
- 1 – 19 Garford Street
 - 10 – 18 Garford Street
 - Flynn Court
 - Grieg House
 - Mary Jones House
 - Matthew House
 - Port East Buildings
 - Riverside House
- 8.55 Dockmasters House, Cannon Workshops and the offices to the south within the Canary Wharf Estate have not been subjected to detailed assessment as these buildings are in commercial use, and as such would not be significantly affected by loss of daylight or sunlight. Other residential properties are further away from the site than the assessed buildings, and as such would receive a lesser impact.
- 8.56 An assessment is also carried out on the potential overshadowing of West India Dock and the dockside area.

Impact on residential properties

- 8.57 1 – 19 Garford Street.
These properties are some distance from the application site and resultant VSC and NSC levels comply with BRE guidelines. The impact on available sunlight also meets BRE guidelines, and is acceptable.
- 8.58 10 – 18 Garford Street
The results show that 16 of the 19 windows (84%) assessed achieve the levels of VSC recommended by the BRE guidelines. The 3 windows that do not achieve this level are located at 10 and 12 Garford Street. The windows experience losses of 20.92 – 23.56% (against the BRE standard of 20%), which is considered a marginal breach of the recommended levels.
- 8.59 The Annual Probable Sunlight Hours (APSH) results show that 16 of the 17 (94%) windows meet BRE guidelines, with one window have a marginal fail (22%) of total available sunlight. This impact is not considered significant.

Mary Jones House

- 8.60 The results show that 40 of the 58 windows (69%) assessed achieve BRE VSC levels. It should be noted that in the current situation none of the windows achieve the

recommended 27% base-line due to the design of the building, which includes balconies. The majority of the windows affected have reductions of between 20.0% and 28.0%. The largest reduction is 4.72%. Using the ADF analysis 88% of the rooms reach the recommended minimums. The NSC measure demonstrates that 98% of the rooms meet recommended levels.

- 8.61 If room use is taken into account 57 of the 58 windows (98%) assessed comply with BRE APSH guidelines, which is considered acceptable.

Matthew House

- 8.62 The results show that only 22 (44%) of the 50 windows meet BRE VSC guidelines. However, again it is noted that many windows do not meet recommended levels in the existing situation. The ADF results show that 18 of the 20 rooms meet recommended levels (90%). The windows which fail the ADF target are bedrooms. The resultant ADF levels are 0.92% and 0.94%, which is only marginally below the 1% target.

Riverside House

- 8.63 THE results show that that 50 (62%) of the 81 windows assessed meet BRE VSC guidelines. If the ADF measure is used 100% of the rooms meet the BRE guidelines. APSH results show that all principle living rooms also meet BRE guidance.

Flynn Court, Grieg House, Port East Building

- 8.64 The results shown compliance with BRE VSC targets levels and APSH, which is acceptable.

Conclusion

- 8.65 In overall terms the results shown that in terms of day lighting there will be failures against BRE VSC standards. In some cases, particularly Matthew House, Riverside and Mary Jones House, the impact would affect a large proportion of the windows assessed and the effect of this is likely to be noticeable to the occupiers of these properties. However, it is also noted that the majority of these failures occur in the 20 – 30% range (against the recommended limit of 20%).

- 8.66 There will also be some significant impacts in terms of loss of sunlight, with occupiers of Riverside House being the most significantly affected.

- 8.67 It is noted that the Council's Environmental Health Officer has raised concerns about the impact of the development in terms of loss of daylight and sunlight to neighbouring properties. However, in the role of local planning authority Members must consider whether the severity of the impact is so significant that a refusal could be substantiated.

- 8.68 In making the Officer recommendation, careful consideration has been given to the context of the application site. It is well recognised that BRE standards must be applied flexibly, as the legitimate expectation of light-levels in a low rise suburban town would have to differ from those in a densely built-up area. The site is undoubtedly located in an area where large-scale development is expected, and encouraged, by policy. It is inevitable that in many cases such buildings will have an impact on neighbouring amenity. The resulting light-levels to the properties affected are not untypical in an urban environment. On balance the impact on the amenity of the occupiers is not considered so significant as to warrant the refusal of the application and is acceptable.

Overshadowing of amenity spaces

- 8.69 The Environmental Statement has considered whether the development is likely to have a significant overshadowing impact on West India Dock North, the pedestrian area to the east of the site or on gardens serving 10 – 18 Garfield Street.

8.70 BRE guidelines state that no more than 40% (minimum level), and preferably no more than 25% (recommended) of any space should be left in permanent shadow.

8.71 The table below shows the amount of existing and proposed permanent overshadowing.

	Existing	Proposed
Dock	23.66%	23.66%
Pedestrian Area	0.75%	10.87%
Garden 1	32.42%	32.64%
Garden 2	19.74%	19.74%
Garden 3	21.00%	21.21%

8.72 The table shows that, with the exception of the pedestrian area, there will be relatively little additional permanent overshadowing and the resultant levels are acceptable in terms of BRE guidance.

8.73 The proposed building will also have an impact in terms of transitory overshadowing as the sun moves through the day. In this case the relatively slim profile of the tower means that the shadow cast will pass quickly. The gardens to the north will not be overshadowed for more than an additional 1.5 hours each day on any one point throughout the year.

8.74 The objection raised by the Museum of London in relation to overshadowing of the dockside area has been noted. It is recognised that the dockside will suffer increased overshadowing in the late afternoon. However, the level of permanent overshadowing is not excessive in relation to BRE guidelines and is considered acceptable.

Privacy

8.75 The development is far enough away from neighbouring properties for there to be no significant impacts in terms of potential overlooking or loss of privacy.

Solar Glare

8.76 This has been assessed and is acceptable.

Noise and Vibration

8.77 PPG24 provides national planning guidance regarding the impact of noise, which is identified as a material consideration in the determination of planning applications. It advises that wherever practicable, noise sensitive developments should be separated from major sources of noise. When separation is not possible, local planning authorities should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through conditions.

8.78 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments. Policy DEV2 seeks to preserve the amenity of neighbouring occupiers.

8.79 The submitted Environmental Statement includes a consideration of the potential impact of noise and disturbance on future and neighbouring occupiers. Subject to the imposition of conditions covering noise from future air conditioning plant, hours of opening of commercial (A1-A5) units, details of plant and fume extraction equipment, Construction Management Plan and details of mitigation for ground bourn noise and vibration, the development would

be acceptable.

Microclimate

- 8.80 In respect of saved UDP policy DEV2 and IPG policy CP1, CP3 and DEV5 the application is supported by a microclimate assessment. The report considers whether the proposed development is likely to produce unacceptably high wind flows within or around the proposed building. The assessment concludes that any increased wind flow is unlikely to be significant and can be mitigated for during the detailed design stage. Officers are satisfied that this matter can be suitably addressed during the discharge of landscaping conditions.

Other Planning Issues

Air Quality

- 8.81 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work. The submitted Environmental Statement includes an assessment of the impact of the development on Air Quality.
- 8.82 The study concludes that during the construction phases the development may have some adverse impacts in terms of the generation of dust emissions. It is considered that this matter can be controlled via an appropriate construction management plan. This would be required by condition. Once completed the development is unlikely to generate any significant emissions. The Council's Air Quality Officer reviewed the submitted information and is satisfied that, subject to conditions, the development is acceptable.

S106 Agreement

- 8.83 Planning obligations have been agreed with the developer to mitigate for the impacts of the development on local infrastructure. The contributions include a payment to provide off-site affordable housing, transport mitigation, open-space mitigation and employment and training initiatives.
- 8.84 Policy 6A.4 of the London Plan states that affordable housing and transport should be given the highest priority in planning obligations.
- 8.85 The Mayor has published Proposed London Plan Alterations. Policy 3C.12A of this documents seeks planning obligations Crossrail in view of it's strategic importance to London's economic development. Draft supplementary planning guidance has also been published which states that contributions should be sought in respect of office development in the northern part of the Isle of Dogs. The Mayor has indicated that a contribution of circa £5M should be made for Crossrail
- 8.86 A contribution pro-rata increase of the previous £3M towards the 3-car running upgrade of the DLR is also requested. As is a further £180k towards bus-route capacity improvements.
- 8.87 Officer's do not consider that a contribution towards the DLR upgrade can be justified given that these works are nearing completion.
- 8.88 An overall transportation contribution of £3, 581, 553 has been agreed with with the Developer. Given the weight that can be given to affordable to emerging policy, and the fact that policy 6A.4 recognises that affordable housing is a planning obligation priority, Officer's consider that this is the maximum level of contribution that can be justified in this

instance. Consideration is also given to the fact that there is only a marginal increase in floorspace from the previous approval, which remains extant as a fall-back position for the developer.

In overall terms Officer's consider that the level of agreed financial contributions is appropriate and that they adequately mitigate for the impacts of the development.

Environmental Statement

- 8.89 The application was accompanied by a detailed Environmental Statement. The Council's independent consultants are satisfied that all environmental impacts, with the exception of air quality, have been satisfactorily assessed. The Council's Air Quality Officer has reviewed the submitted information in relation to Air Quality, and is satisfied that the development is acceptable.

Renewable Energy and Energy Efficiency

- 8.90 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. IPG policies CP28, DEV5 and DEV6 have similar aims to London Plan policy.

- 8.91 The application has been accompanied by an Energy Statement prepared by DSA Engineering. This details that the development would utilise a 240kW Fuel Cell to reduce the development's annual carbon emissions by 23%. The fuel cell would initially run on Natural Gas. If in the future the infrastructure to deliver Hydrogen fuel is available, the fuel cell could be switched over to increase the carbon saving to 37%. The submitted strategy also details that 17.6% of carbon dioxide emissions would be saved through further energy efficiency measures. Solar heating and PV panels are also proposed around the crown of the building to further enhance on-site energy generation.

- 8.92 The proposed Energy Strategy accords with London Plan policy targets and as such is acceptable.

Biodiversity

- 8.93 Saved UDP policies DEV57 and DEV63 require development to retain and enhance the Borough's wildlife and natural resources. Policy DEV12 seeks the provision of landscaping in new development, policy DEV15 seeks the retention of mature trees in development proposals. London Plan policy 3D.14 also requires the Borough to take a proactive approach to promotion of biodiversity.

- 8.94 The existing site is largely hard-standing with some small planting beds around the boundary. There are mature Elm, Beech and Plane trees around the perimeter of the site. The proposal will include the removal of the shrub beds and six London Planes located between the development and West India Dock. These trees are not covered by Tree Preservation Orders.

- 8.95 There is limited opportunity to introduce replacement landscaping on the site, however the scheme does include the provision of a Green Wall and planters on high-level roof terraces. Bat and Bird boxes would also be introduced into the building cladding system. The agreed financial contribution towards local open-spaces would also allow the provision of additional habitat, which would improve biodiversity.

- 8.96 The development would not have any significant impacts on the Millwall and West India Dock 'Site of Borough Interest'. Conditions would be imposed on any permission to prevent

damage to trees during construction and to prevent light-spill onto the dock water.

Crossrail Tunnels

- 8.97 Tunnels required for the Crossrail route to Canary Wharf will pass directly under the application site, and are subject to safeguarding directions. The Applicant has held detailed discussions with Crossrail to ensure the building is compatible with the tunnels running underneath.
- 8.98 Crossrail have confirmed they have no objection to the development subject to a condition requiring the submission of additional detail on the type of foundations employed. Crossrail have also requested a condition to prevent certain construction works (primarily the foundation piling) taking place when the construction of Crossrail tunnels is underway. It is clearly advantageous to ensure that the development of the site and Crossrail do not take place at the same time. Suitable conditions would be imposed on any permission and these would ensure the development is acceptable in terms of policy to promote transport improvements.
- 8.99 Crossrail works in the vicinity of the site are scheduled for late spring/summer of 2012 and will take 2 – 3 weeks. To allow additional time for the proposed development and Crossrail to be properly coordinated the length of time to implement this permission would be extended from the normal 3 years to 5 years.

Flood Risk

- 8.100 Policy U3 of the UDP and policy DEV21 of the IPG state that the Council will seek appropriate flood protection where the redevelopment of existing developed area is permitted in areas at risk of flooding. Advice given in PPS25 is also relevant.
- 8.101 The site is located in an area with a high flood probability (Flood Risk Zone 3). The application was accompanied by a detailed Flood Risk Assessment. The local planning authority has carried out a sequential test to demonstrate that alternative site less at risk of flooding are not available.
- 8.102 The sequential test and Flood Risk Assessment have been reviewed by the Environment Agency. The Environment Agency are satisfied that, subject to the imposition of conditions requiring survey work of the dock wall and structural integrity of the basement, the development is acceptable in terms of flood risk. The proposed conditions would be imposed on any permission and with this safeguard the development would be acceptable in terms of relevant policy.

Archaeology

- 8.103 The application was accompanied by a desk-top assessment that considered the potential of the site to house archaeological remains. English Heritage have considered the study and concluded that the site is located in an area with a high potential for archaeological remains. A condition requesting further site works was requested, and with this safeguard the Council is satisfied the proposal accords with the requirements of saved UDP policies DEV42, DEV43 and DEV44, which seek to ensure that development proposals do not have an adverse impact on archaeological remains.

Site Contamination

- 8.104 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of Ground Conditions to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officers who have concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and the mitigation. This would be secured by condition.


Conclusions

- 8.105 All other relevant policies and considerations have been taken into account. Planning permission and Conservation Area Consent should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

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Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568

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